

**Adopted Minutes  
Spanish Fork City Council Meeting  
October 15, 2002**

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

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

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Kent Clark, Finance Director/Recorder; Dale Robinson, Parks and Recreation Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Roger Hardy, *Deseret News*, Christy Shepherd, Mike Roberts, Laurie Roberts, Russell Hillman, Jessica Leippe, Casey Foole, Amy Foole, and Cris Child.

**Airport Report - Cris Childs**

Mr. Childs was not present. This agenda item was passed.

**Public Hearing - Spanish Fork City - Reservoir Area Annexation**

Councilmember Kelepolo made a **motion** to move into the public hearing portion of the meeting. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedure for a public hearing.

Mr. Pierson said this is a request by Spanish Fork City to annex approximately 123 acres. The annexation request consists of 3 parcels located southeast of Spanish Fork Gun Club. A portion of the property will be used for the pressurized irrigation reservoir. The area is within the policy declaration boundary and outside the growth boundary. The annexation request has been before the Development Review Committee and Planning Commission and both recommend approval with the area being zoned A-E, exclusive agricultural.

Councilmember Kelepolo asked what portion will contain the reservoir.

Mr. Pierson identified the reservoir area and said all three parcels are owned by Spanish Fork City.

Mayor Barney opening the meeting for public input. None was given. Mayor Barney closed the

public input portion of the meeting and opened the meeting for city council discussion.

Councilmember Huff asked if there are any other parcels owned by Spanish Fork City in the area, which have not been annexed.

Mr. Pierson said there are none.

Councilmember Kelepolo made a **motion** to approve the Spanish Fork City Reservoir area annexation by ordinance, on the condition the area is zoned A-E, exclusive agricultural.

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

### **Public Hearing - Zoning Test Amendment Request - Vernal Shepherd**

Mayor Barney reviewed the procedure for a public hearing

Mr. Pierson reviewed the request by Vernal and Christy Shepherd to amend the zoning ordinance to allow awnings in the side yard setback and to the side property line. Mr. Pierson reviewed the conclusions of the Development Review Committee, Planning Commission, and Awning Commission meetings held to discuss the request.

Mayor Barney opened the meeting for public input.

Christy Shepherd addressed council. She said her husband has been called to active duty for one year. If she is required to remove the awning she requested to be given time until her husband returns home.

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

Councilmember Kelepolo asked Mr. Pierson to review the current ordinance. A discussion followed.

Councilmember Johns said Provo City's ordinance requires an 18 inch separation between two adjacent awnings to prevent fires from spreading. Our Building inspector said a fire wall would need to be constructed to insure a fire would not spread to a neighboring awning.

Councilmember Huff said he would have a difficult time changing an ordinance that would have such a big impact on the community. He said if hardships exist, time should be given to allow property owners to comply.

Councilmember Johns said a substantial amount of time has been spent addressing this issue.

Councilmember James said this is a problem we cannot solve without creating many more problems. He said we should remain with the existing ordinance.

Councilmember Johns said the amended ordinance would help people and would not be creating new problems.

Mayor Barney suggested citizens appear before the Board of Adjustments to request a variance based on individual circumstances. Mayor Barney allowed a citizen to speak even though the public input portion of the meeting has been closed.

Mike Roberts said he removed an awning similar to Mr. Shepherd's. Mr. Roberts was told by Mr. Pierson the Board of Adjustments would not approve a variance based on Mr. Roberts circumstances.

Mayor Barney said the Board of Adjustments is required to abide by the law.

Councilmember James said the Board of Adjustments have five criteria which need to be met in order to grant a variance. A discussion followed.

Councilmember Johns said several years ago he installed an awning without a building permit. He was required to pay the fees to obtain a permit, it was found he had met the ordinance requirements, and he was allowed keep the awning. He would have been required to remove the awning if he had not met the ordinance requirements. The ordinance was enforced then and will continue to be enforced.

Councilmember Huff made a **motion** to deny the zoning text amendment request and to allow the Shepherds adequate time to comply, due to the fact Mr. Shepherd has been called away to active duty. Councilmember James **seconded**, and the motion **passed** by majority vote. Councilmember Johns was **opposed** to the motion.

Councilmember Huff made a **motion** to close the public hearing portion of the meeting. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

### **Main Street Parking and Signs**

Mr. Pierson said the city council, for the past several years, have noticed vehicles for sale and vehicles with signs advertising garage sales, parked on Main Street. The city council referred the matter to the Planning Commission. The Planning Commission discussed the issue with the Chamber of Commerce. The Commission believed people should be allowed to advertise vehicles for sale. As far as parking cars on Main Street to advertise garage sales, it was recommended citizens be allowed to use channel 17 to advertise, or the city could provide signs at the ends of town. Another option would be to limit parking time on Main Street.

Mayor Barney said if a new ordinance is adopted it will need to be enforced.

Councilmember James asked how advertising cars for sale differs from businesses advertising merchandise for sale.

Mr. Baker said vehicles are intended to be on the roadways.

Councilmember Huff asked if a car with a yard sale sign is parked on Main Street, are they currently in violation of the sign ordinance.

Mr. Baker said a yard sale sign on a car parked on Main Street would be in violation of the ordinance, however first amendment rights cannot be violated. A discussion followed. Restricting parking would be one of the ways to address the problem.

Councilmember Huff said if parking on Main Street is restricted, residence will park vehicles on side streets.

Chief Rosenbaum said the police department has been enforcing after hours parking on Main Street for 7 to 8 years.

Councilmember Huff said we should follow the recommendations of the Planning Commission. A discussion followed.

Councilmember James made a **motion** to adopt the recommendations of the Planning Commission, with an additional item added to limit parking on Main Street to three hours. Councilmember Johns **seconded**.

Councilmember Huff said restricting parking on Main Street will put a lot of burden on the public safety department and he is opposed to the restricted parking portion of the motion.

Councilmember James moved to add, "subject to the approve of Utah Department of Transportation", to the motion.

Councilmember Huff said he has church to attend at the Main Street chapel. Where will residence park when the church parking lot is full.

Councilmembers Johns and James voted in **favor** of the motion. Councilmembers Huff and Kelepolo voted in **opposition** of the motion, causing a tie in the vote.

Mayor Barney voted to **approve** the motion subject to the approval of Utah Department of Transportation. The motion **passed** with a majority vote.

### **Airport Report - Cris Childs**

Mr. Childs said communication and organization at the airport have improved considerably since a secretary was hired. The secretary will provide Spanish Fork City and Springville City with a quarterly report and airport board minutes on a regular basis.

Councilmember James said he is pleased with the report and the information provided.

Mr. Childs said if a pending personal jet is approved by the FAA, smaller airports like ours will become a more important aspect of travel.

Mayor Barney said at that point safety should be a major concern.

Mr. Childs said many safety precautions have recently been enforced. A discussion followed.

Councilmember Kelepolo complimented Mr. Childs for the progress made at the airport and improvements made towards communication between Spanish Fork City, Springville City, and the airport.

Mr. Childs will appear before council to report concerning the airport on a yearly basis.

### **Change Order - Spanish Fork Transmission Line - Gilson Engineering**

Councilmember Johns made a **motion** to table the transmission line change orders. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Other Business**

None

### **Adjournment**

Councilmember Kelepolo made a **motion** to adjourn. Councilmember James **seconded**, and the motion **passed** with a unanimous vote. The meeting was adjourned at 8:25 pm.

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Connie Swain, Deputy Recorder

Approved: November 5, 2002