

**Adopted Minutes
Spanish Fork City Council Meeting
April 17, 2012**

Elected Officials Present: Mayor Pro-Tem Steve Leifson; Councilmembers Rod Dart, Keir A. Scoubes, Richard Davis. Absent: Mayor G. Wayne Andersen, Councilmember Brandon Gordon.

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Shelley Hendrickson, Community Development Secretary; Bill Bushman, Building & Grounds Supervisor.

Citizens Present: Tom Felt, Damien Hubert, Randall Jeffs, Richard A. Evans, Terry Holker, Sarah Ratliff, Devin Dutson.

CALL TO ORDER, PLEDGE, RECOGNITION:

Mayor Pro-Tem Leifson called the meeting to order at 6:02 p.m.

Councilman Dart led in the pledge of allegiance.

PUBLIC COMMENTS:

Cary Hanks, Director of Spanish Fork Salem Area Chamber of Commerce, invited everyone to participate in the annual golf tournament on May 3rd and also to the Junior Livestock Show.

Devin Dutson invited everyone to attend the annual EMS open house on May 5th from 10 am to 12 noon.

Steve Money, Spanish Fork City's Special Events Coordinator informed the public and City Council that rodeo tickets would be going on sale on April 18th.

COUNCIL COMMENTS:

Councilman Davis reported that he had attended the Utah League of Cities and Towns conference. He said that he had learned a lot and had an opportunity to listen to people running for senate seats. He commended the City and Bill Bushman for the beautiful flowers.

Mayor Pro-tem Leifson reported that the City had participated in the mock earthquake.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – April 3, 2012
- b. Spanish Highlands Ward Development Agreement
- c. CenturyLink Phone Service and Long Distance Agreement – State Purchasing Contract
- d. MOU Between Spanish Fork City and the Utah Division of Forestry, Fire, and State Lands

Councilman Dart made a **Motion** to **approve** the consent items.
Councilman Davis **Seconded** and the motion **Passed** all in favor.

Councilman Davis made a **Motion** to move into Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:11 p.m.

PUBLIC HEARING:

Ordinance #04-12 Amendment to Modify the City's Requirements for Residential Treatment Centers

Mr. Anderson explained that the proposal was to change the size requirement for residential treatment centers in residential zones. The Municipal Code limits the size of the facility based on the square footage of the average of the twenty nearest residential homes. He further explained that this ordinance had been crafted to fit the old Reese elementary school on 400 north so as to permit it to be used a residential treatment facility; provided that all other criteria in the code are met. City staff had concerns about the actual ability that someone could convert the Reese building into a residential and educational component under the same roof. The applicant has obtained a professional engineer. The City's Chief Building Official has looked at that report and is satisfied that with the current codes being met it can be used. If the City Council chooses to approve this ordinance the applicant would still need to apply for a conditional use permit.

Myrna Dalton introduced herself along with Terry Hoaker and Randy Jeffs, all as representing the Haven Home for Girls.

Terry Hoaker gave a presentation on what the Haven Home for Girls is all about.

Councilman Dart asked the applicant about the neighborhood meeting that was held and if anyone had any concerns.

Myrna Dalton said that the meeting went well. A few citizens had some concerns but that the concerns were satisfied.

Councilman Dart asked how many girls the program would have.

Ms. Dalton said that they fall under Medicaid regulations and cannot have more than 16 girls.

Councilman Dart asked what they had planned to do with the playground equipment.

Ms. Dalton said that they were planning on removing the playground equipment and installing a ropes course.

Councilman Scoubes expressed he had concerns about the safety of the building. His concerns were: that the ceilings have no fire break, tying ceiling and roof into the walls, the foundation is adobe and sandstone and asbestos. He asked if these concerns had been addressed in the engineer's report.

Tom Felt said that he is the owner of the building. He explained that the sub terrain portion of the building is concrete and steel. He said that there were a lot of reasons that the Nebo School District chose to move to a more modern structure but that's what drew him to purchase the building is because of its structural stability.

Mr. Jeffs explained that the asbestos had been addressed in the engineer's report.

Councilman Scoubes said that he had talked to the Nebo School District and explained that they have records with regard to the amount of asbestos. He expressed he was very concerned about the safety of anyone that goes into the building.

Mr. Jeffs explained the engineer's report relative to the asbestos.

Councilman Davis expressed that he felt the applicant had done their due diligence and feels that it will be a great facility if it is made safe.

Councilman Dart asked how many other buildings there were in town that the ordinance would affect.

Mr. Anderson said 3 or 4 that he could think of.

The question was raised as to whether or not the proposed change would apply to a new residential treatment facility should the Reese School be torn down.

Mr. Baker explained that the ordinance only pertains to vacant buildings and not to new construction of a residential treatment center.

Councilman Scoubes asked if by allowing the residential treatment center if it could become a drug treatment center.

Mr. Baker said that our definitions would not allow that, plus Federal Law prohibits violent people in the residential zone so the answer was no.

Councilman Scoubes made a **Motion** to move out of Public Hearing.
Councilman Dart **Seconded** and the motion **Passed** all in favor at 6:43 p.m.

Councilman Dart made a **Motion** to **approve** Ordinance #04-12 Amendment to Modify the City's Requirements for Residential Treatment Centers.
Councilman Davis **Seconded** and the motion **Passed** all in favor with a roll call vote.

Councilman Davis made a **Motion** to move into Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:44 p.m.

Ordinance #05-12 Modify the City's Requirements for the Keeping of Non-Domestic Animals

Mr. Anderson explained we have a provision in our ordinance that requires people who keep horses and cattle, on their properties, to be kept a certain distance from neighboring dwellings. He expressed that in his view this is unique in that what one property owner can do is impacted by what the adjacent property owner does. City staff is comfortable eliminating this requirement because when an animal is free to roam on an entire half of an acre there is not a concern with how far the animal is from any dwelling and the impact of having an animal that is kept in a concentrated area such as a pen or corral could be mitigated under the nuisance section of the Municipal code.

Rick Evans supports the proposal and explained the reasons that he felt this was an issue and gave numerous examples from his neighborhood.

Diana Butler expressed that she supports the proposal.

Councilman Dart asked what the steps would be should there be a nuisance problem.

Mr. Baker explained that the animal control officer would go out and determine whether or not there was a nuisance. He would then talk to the property owner to get them to clean it up and if they chose not to comply he would issue them a citation and they would go to court over it.

Councilman Scoubes said he believes in property rights and the proposal makes sense to him.

Councilman Davis explained that nuisance issues could happen with a dog or cat. He supports the proposal.

Councilman Dart made a **Motion** to move out of Public Hearing.
Councilman Davis **Seconded** and the motion **Passed** all in favor at 7:00 p.m.

Councilman Scoubes made a **Motion** to **approve** Ordinance #05-12 Modify the City's Requirements for the Keeping of Non-Domestic Animals; without the buffer.
Councilman Davis **Seconded** and the motion **Passed** all in favor with a roll call vote.

NEW BUSINESS:

Stone Subdivision: Proposed Preliminary Plat to Subdivide 5 Acres Located at 2600 East Canyon Road into Two Lots

Mr. Anderson explained the proposal was to subdivide five acres into two lots in order for the City to properly align 2600 East.

Councilman Dart made a **Motion** to **approve** Stone Subdivision: Proposed Preliminary Plat to Subdivide 5 Acres Located at 2600 East Canyon Road into Two Lots.
Councilman Davis **Seconded** and the motion **Passed** all in favor.

Resolution #12-02 Proclaiming Arbor Day

Bill Bushman, Spanish Fork City's Building Maintenance Supervisor explained that the City grows its own flowers for the "Adopt a Planter Program" on Main Street and invited anyone who would like to participate to come out on May 12th and May 19th. He said that there would be two acres of planter space to fill with annuals and perennials. He then explained that Spanish Fork City had been participating in the National Arbor Day Foundation for 13 years.

Councilman Dart explained that one of the four requirements for receiving the Tree City USA award is that the City must have one day set aside in observance which is the impetus for the resolution.

Councilman Davis made a **Motion** to **approve** Resolution #12-02 Proclaiming Arbor Day.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor with a roll call vote.

ADJOURN:

Councilman Dart made a **Motion** to **adjourn**.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:10 p.m.

ADOPTED:

Shelley Hendrickson, Planning Secretary