

**Adopted Minutes
Spanish Fork City Council Meeting
November 5, 2013**

Elected Officials Present: Mayor G. Wayne Andersen, Councilmembers Steve Leifson, Rod Dart, Keir A. Scoubes, Richard Davis, 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; Dale Robinson, Parks & Recreation Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Daria Healey, Rachellene Talbot, Gabe Oldham, Gavon Oldham, Parker Smith, Andres Cerna, Cara Cerna, Ashley Mitchell, Joseph Mitchell, Nancy Wilson, Weston Murch, Ralph Jex, Jeannie Jex, Carrie Bringham, Melissa Oldham, Bryn Clark, Kendell Clark, Brooke Clark, Theresa Johnson, Jasmine Johnson, Chantelle Harris, Jennifer Parcell, Jennifer Brower, Allie Parcell, Ashley Parcell, Aubrie Brower, Makayla Wilson, Katie Manwill, Sheila Manwill, Kooper Barton, Randi Barton, unknown, Josh Anderson, Diana Anderson, Jens Nielson, Carl Johnston, Mike Mendenhall, Brad Tanner, Cary Hanks, Sarah Stern, Lena Stern, Courtney Frost, Heather Russell, Jana Russell, Keri Meservey, Tina Magley, Rachel Meservey, Briggs Anderson, Caleb Money, Ben Crockett, Davy Crockett, Nick Dart, Sarah Rasmussen, Debbie Brandon, Kris Robison, Brittan Robison, Chelsi Crockett, Ryan Crockett, Jaxsyn Crockett, Ashlynn Crockett, Corinne Ivie, Summer Ivie, Aubrey Yoachum, Paul Yoachum, Ally Yoachum, Lacie Gardner, Sissy Hansen, Natalie Knotts, Amy Shumway, Segi Worthen, Naomi Phillips, Krystal Nielsen, Kinsley Nielsen, Brooke Burnham, Jamie Burnham, Taylor Baum, Mylie Baum, Jamie Baum, Valerie Fisher, Heather Van Ausdal, Cynthia Keeno, Michell Hew-Len, Reny Hew-Len, David Orton, Jessica Orton, Erik Andersson, Kennedy Andersson, Braxton, Smithson, Andrew Knophus, Julia Knaphus, Emily Ruth Averett, Alyssa Hall, Daniel Hall, Rick Brandon, Israel Anderson.

CALL TO ORDER, PLEDGE, RECOGNITION:

Mayor Andersen called the meeting to order at 6:00 p.m.

Chief Adams led in the pledge of allegiance.

PUBLIC COMMENTS:

Cary Hanks Director Spanish Fork Area Chamber of Commerce encouraged citizens to get out and vote tonight. Ms. Hanks thanked all those that came to the Main Street Trick or Treat and also thanked the police department for helping the children cross the streets. Ms. Hanks announced the winners of the scarecrow contest: Dirty Jo Punster's, South Utah Valley Animal Shelter, and Maple Mountain High School FFA. Ms. Hanks thanked all those that participated.

COUNCIL COMMENTS:

Councilman Gordon thanked Cary Hanks and the Chamber of Commerce for a successful year at the Farmers Market.

Councilman Leifson reminded the citizens to get out and vote. Councilman Leifson also thanked the Chamber of Commerce for Main Street Trick or Treat.

Councilman Dart read a letter from an Olive Annie J. Bowman donating \$2,000 to the library to purchase educational books for children's department. Councilman Dart presented the check to Pam Jackson the Library Director. Councilman Dart also reminded the citizens that November is foods for fines month at the Library.

Pam Jackson, Library Director expressed her thanks for the donation.

Councilman Scoubes recognized that a Spanish Fork teacher was honored for her debate class. Councilman Scoubes said the Post 68 Legion visits elementary schools each year for Veterans Day and thanked them for that service.

Mayor Andersen announced that on November 12th the Capital Christmas tree that will be displayed at the Capital in Washington DC will be traveling through Spanish Fork and will make a stop at City Park with a small program at 7:00pm.

SPANISH FORK 101: Storm Drain Presentation –Chris Thompson

CONSENT ITEMS:

Department Directors gave a brief summary of their item(s) below:

- a. Minutes of Spanish Fork City Council Meeting – October 15, 2013
- b. Tractor Trade Agreement with M&R Equipment
- c. River Bottoms 300 East Property Strawberry Water Dedication Agreement
- d. Miscellaneous Concrete Site 1, 300 West Project Change Order 1
- e. Woodhouse Substation Expansion 2013 Project Change Order 1
- f. Master Agreement for Professional Services with Project Engineering Consultants, Ltd(PEC)
- g. Spanish Fork River Trail MAG Grant, Contract Modification 1 for Engineering & Environmental Work
- h. UDOT Enhancement Agreement for Improvements at US 6 Chappel Drive

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

NEW BUSINESS:

Alan Bird Easement Agreement for Butler Springs Pond

This item was removed from the agenda.

UTA License Agreement for the Industrial Substation to Leland Distribution Line

Chris Thompson said this agreement is for the west distribution line to be able to go under the UTA Railroad track. It will help create redundancy in the electric system. Staff recommends approval at the cost of \$1,140.44.

Councilman Dart made a **Motion** to **approve** the UTA License Agreement for the Industrial Substation to Leland Distribution Line.

Councilman Davis **Seconded** and the motion **Passed** all in favor.

Proposed Amendment to the City's Home Occupation Requirements Re: Dance Studios

Dave Anderson expressed that staff has struggled to find a solution for this applicant. Over the course of a couple months we have discussed ways the City might make changes to assist in the applicant's position. Staff has not been able to come to a comfortable solution and staff recommends the City Council not allow this property to be used as a dance studio.

Mr. Anderson explained that the proposal would need to increase the number of patrons at a home occupation from 2 patrons up to 20 patrons at one time, and also to allow employees who are not members of the household.

Mr. Anderson said that many of Home Occupations that currently exist in the City can be conducted without being noticed. Given the amount of activity that the applicant is proposing it would seem that the Home Occupation would become the main use of the property.

Mr. Anderson said the applicant submitted a permit for an accessory building, describing it as a detached garage. The building was inspected as that and is up to code for that use. If the building is going to be used for a dance studio, it is not up to code. Staff has informed the applicant of the other requirements that would need to be done for the building to be used as a dance studio.

Mr. Anderson reviewed the options if the City Council were to allow a dance studio at the location.

1. *Approve the proposal as presented.*
2. *Approve a modified version of the applicant's proposal.*
3. *Deny the applicant's proposal.*
4. *Permit the Dance Studio by making Dance Studios an allowed use in the R-1-8 zone.*
5. *Permit the Dance Studio by changing the zoning of the subject property to C-2 or C-1.*
6. *Develop an agreement to allow and amortize Dance Studio so as to allow the applicant an opportunity to recoup some of their investment before terminating its use.*

With several of these options UDOT and Building Code issues still need to be addressed.

Jens Nielsen, attorney for the applicant, explained that he is helping the Anderson's with this issue. They have met with staff and would like to propose changing the definition to allow dance studios. Mr. Nielsen explained that the property is unique & quite large. It also has Canyon Road on one side and Sterling Drive on the other, with a total of 3 driveways.

Diana Anderson explained that her business, Devotion Dance Company started in 2011. Ms. Anderson said it was their dream to have a dance studio at home. Ms. Anderson pointed out on the map the location and layout of her residential property. Ms. Anderson's property fronts Sterling Drive and the back of the lot, where the accessory building was constructed, is adjacent to Canyon Road. On September 3, 2013 the City sent a letter to us addressing the requirements for Home Occupations and that the business would not meet the requirements. The dance classes would be taught starting approximately one hour after school is dismissed and go to about 9:00pm. Ms. Anderson spoke of the ways that their dance company gives back to the community. Ms. Anderson researched other cities and what they allow for their communities regarding dance studios.

Councilman Dart expressed that there are some neighbors that are not in favor of this dance studio.

Councilman Davis asked what was put on the permit when the applicant applied.

Dave Anderson said the applicant applied for the residential accessory building and it said detached garage. Based on occupancy for a dance studio, it goes from a residential to assembly occupancy. As the building was applied for it meets the requirements, if it is going to be used as a dance studio there are more requirements under the building code. Mr. Anderson has spoken with UDOT because they will need an access permit from UDOT for Canyon Road.

Councilman Davis asked when the City found out that the building was going to be a dance studio.

Dave Anderson said when the City electrician was inspecting the building and asked what the building was being used for; he was told that it would be a dance studio. That is when the city's letter was sent to the applicant.

Councilman Leifson said the problem is that it was not addressed on the building permit that it was going to be a dance studio. And when we approve a unique situation like this then it creates precedence for others.

Councilman Davis asked Ms. Anderson why she did not address it as a dance studio at the first.

Ms. Anderson said she knows that there are other dance studios that run their businesses out of their homes and just didn't know what she was getting into. Ms. Anderson thought that with their unique property and being located on Canyon Road, that it would be fine.

Councilman Davis suggested having a public hearing to hear what the public wants and that might also help find some solutions.

Councilman Dart asked if they would be using the Sterling Drive driveway.

Ms. Anderson said they would not like to, that they would use the two driveways on Canyon Road.

Mayor Andersen said Ms. Anderson first needs to contact UDOT to see if they can even get a permit to use Canyon Road as an access. Also, with wanting 20 patrons it doesn't seem to have enough room for parking.

Mayor Andersen expressed to Ms. Anderson that this whole issue could have been avoided if it would have been presented at the very first what the use of the building would be. Mayor Andersen said that it is not fair to move forward without doing your homework. It's just too bad that it has gotten this far and we are not sure what the outcome will be.

Councilman Gordon asked what happens if UDOT denies Ms. Anderson.

Mayor Andersen said if they deny the access permit then the City's hands might be tied.

Jens Nielsen clarified that the Council is asking Ms. Anderson to contact UDOT for an access permit and then have a public hearing for a zone change. Mr. Nielsen asked again for clarification for what was proposed tonight.

Councilman Scoubes addressed that the proposal on the agenda is to approve or deny a text amendment and to allow dance studios. Councilman Scoubes expressed his concern about the traffic that it would bring.

Dave Anderson stressed that the UDOT permit needs to be addressed first to see if things can move forward.

ADJOURN:

Councilman Dart made a **Motion** to **adjourn** to Closed Session to discuss Land Purchase & Litigation. Councilman Davis **Seconded** and the motion **Passed** all in favor at 7:54p.m.

ADOPTED: November 19, 2013

Angie Warner, Deputy Recorder