

**Approved Minutes
Spanish Fork City Council Meeting
December 6, 2005**

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Kara Sloan.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Matthew D. Barber, Paul M. Christensen, Everett Kelepolo and Seth V. Sorensen.

Councilmember Chris C. Wadsworth was excused.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard Heap, Engineering/Public Works Director; Kent R. Clark, Finance Director/Recorder; Seth J. Perrins, Assistant City Manager; Dee Rosenbaum, Public Safety Director; Mark Byers, Animal Control Officer; Pam Jackson, Library Director and Marlo Smith, Engineering Secretary.

Citizens: Wayne Andersen, Pat Parkinson, Spencer Plene, Jonathan Woodbrey, Taylor Rowley, Taylor Jensen, Luke Krum, Dylan Kamuoha, Rick Ivie, Bryson Black, Jared Paxton, Adam Thompson, Jason Hutchings, Kara Sloan, Cameron Urry, Shawn Olson, Lynne Elliott, Rick Elliott, Grant Jackson, Pam Jackson, Steve Leifson, Chris Banks, Angela Calonge, Jared Grotegut, Nathan Simpson, Joe Thomas, Jared Jensen, Elizabeth Prisbrey, Larry Prisbrey, Morgan Nielsen, Connor Clayton, Clyde Jones, Scott Peterson, Bonnie Peterson, M. Frost Boyer, Legrand Woolstenhulme, Russell Olsen, Jeremy Sorensen, and Lisa Olsen.

Minutes

Councilmember Sorensen made a **motion** to approve the November 1, 2005 minutes of City Council meeting as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a motion to approve the November 21, 2005 minutes of City Council meeting as presented. Councilmember Sorensen seconded, and the motion passed with a unanimous vote.

Agenda Request - Street Parking Ordinance

The applicant was not present at this point. This item was passed until later in the meeting.

Agenda Request - Wasatch Wind

Mr. Baker said the applicant lives in Heber and due to the bad weather he will not be attending this meeting. Mr. Baker will present for the applicant.

Mr. Baker said Wasatch Wind entered into a lease agreement last year with the City to install an

83-meter wind tower on city property. The lease expired at the beginning of December. Wasatch Wind would like to ask the council to extend the lease for another year.

Discussion took place regarding why Wasatch Wind didn't petition to extend the lease before it had expired.

Councilmember Kelepolo said he would like to an update and indication from Wasatch Wind on their intent.

Councilmember Kelepolo made a **motion** to table the Wasatch Wind Agenda Request until the December 20, 2005, council meeting. Councilmember Barber **second** and the motion **passed** with a unanimous vote.

Agenda Request - Scott Peterson - Variance Request - Appeal Authority

Mr. Pierson said Mr. Peterson is not here at this time and said Mr. Dave Adams could represent Mr. Peterson.

Mr. Adams said he would like to speak on behalf of the Peterson's. He worked for Hubble Homes when the process happened. When Hubble Homes was under contract to purchase the Spanish Oaks Subdivision from HE Davis, it was realized that the lot in the cul-de-sac would be unable to build a normal home. Hubble Homes approached HE Davis to modify the rear property line. HE Davis said it was for Hubble Homes to deal with. As Hubble Homes worked with the City they were able to move the rear property line since the bottom lot had a very deep lot. A survey was done to obtain a legal description to move the property line back 12 feet and then both deeds were recorded through a title company. Hubble Homes did what we thought was right to change the property lines. When the home was sold on lot 58 to Mr. Prsbrey, the title company continued with the incorrect legal description. The error wasn't discovered until the Peterson Home was built and Mr. Peterson went to close on the home. Hubble Homes has tried to purchase the 12 feet from Mr. Prsbrey and to also move the fence and the landscaping. Hubble Homes was not successful in doing so, Hubble Homes then tried to buy the home back from Mr. Prsbrey and still has not been successful. The variance is the best way to make things right with Mr. Peterson. Mr. Adams asked the council to allow the variance due to the hardship the zoning has caused. He said if the variance is not approved, Mr. Peterson, in trying to sell his home will be required to disclose to any potential buyer that it does not conform to zoning. The home is attractive and the distances are in harmony with other homes in the area.

Mayor Barney asked Mr. Adams what responsibility the title company may have.

Mr. Adams said at this point it is up to the Court's to decide. He doesn't believe Mr. Prsbrey will be forced to give up property, but there may be some monetary outcomes.

Councilmember Sorensen asked Mr. Pierson is it meets all five findings.

Mr. Pierson said it is up to the City Council as the Appeal Authority to make that decision.

Councilmember Sorensen said he feels it does meet the five findings.

Discussion took place that this home is non-conforming and therefore depreciates the value that Mr. Peterson thought he had bought.

Councilmember Sorensen made a **motion** to approve the Scott Peterson Variance Request at 2738 East 1720 South with the following five findings:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

Finding

The general purposed of the R-1-12 zone is to encourage low-density single family residences. The home has been constructed and meets the intent of the General Plan and Zoning Ordinance which is to encourage single family homes.

In this case, literal enforcement of the zoning ordinance would cause an unreasonable hardship. The property owner would have to remove the existing home that has been constructed or at least remove 12-feet of the home on this corner to meet the ordinance. He bought the home with the understanding that it did meet the 25-foot rear setback and assumed that Hubble Homes had recorded the quick claim deed adjusting the property line.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

Finding

There are special circumstances attached to this property and to this particular home. In this case, the home already is constructed. It is an irregular size and shape make it difficult to put a home on it in the first place. The city does have an ordinance allowing for homes on an irregular lot to go as close as 15 feet but must have the average rear yard setback of 25-feet. When the City reviewed the permit it met the requirements. The home was constructed under the premise that it did meet the setbacks and it was found out later that it did not meet the required setbacks because a lot line adjustment had not been recorded.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Finding

In this case, the applicant is trying to come into conformance with this aspect of the zoning ordinance by getting a variance for a rear yard setback. If denied he will not be able to enjoy the same privileges as the adjacent property owners in this neighborhood because the home would need to be demolished and would need to be rebuilt to meeting the setbacks. After reviewing the building envelope it would be difficult to construct any home on this lot there is 75-foot depth in the middle of the lot if you subtract the 25-foot front and rear setback you are only left with a 25-foot width home while homes in this neighborhood have homes at least 36 feet in depth.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

Finding

The variance will not substantially affect the general plan and not be contrary to the public interest. It does blend in with the other neighboring units and been in place for a number of year.

5. The spirit of the zoning ordinance is observed and substantial justice done.

Finding

The spirit of the Zoning Ordinance would be observed in this case. The zoning ordinance requires that homeowners have a 25-foot setback to the rear of the home. The home was built with the understanding that it met the ordinance and that the lot lines were actually in a different location. The Spanish Oaks subdivision was a Master Planned Development and does have a variety of lot sizes and if requested could have had a different rear yard setback.

Councilmember Kelepolo **seconded** and the motion **passed** unanimously.

Agenda Request - Street Parking Ordinance

Mr. Rosenbaum said Mr. M. Frost Boyer is requesting that the City Council look at changing the ordinance that requires a vehicle that is for sale to be moved every three hours.

Councilmember Kelepolo reminded the council and residents why this ordinance was approved, due to the safety of cars driving down Main Street when others are trying to read the For Sale information, Main Street looked like a used car lot, etc.

Mr. Rosenbaum said cars would double park on Main Street to read and write the information down. These safety issues were out of control and he feels this ordinance is a good ordinance and would like to see it stay in place. He stated Mr. Boyer is concerned about the safety issue by moving the vehicle to the other side of the street. The ordinance doesn't require the vehicle to be moved after three hours to the opposite side of the street, jut to be moved from the location after three hours. He reminded everyone that there are better ways to advertise a vehicle for sale such as newspapers.

Mr. Boyer said he feels that the requirement to move the vehicle every three hours across the street is a danger to oneself and a danger to one's job. He asks that the Council change the ordinance.

Councilmember Kelepolo said the reasons this ordinance is in place has already been discussed and reminded Mr. Boyer that the vehicle can stay on the same side of the street.

Mr. Rosenbaum concurred.

A roll call vote was taken to indicate the City Council agrees to leave the ordinance as is. The roll call vote confirmed a unanimous decision.

Public Hearing - Whispering Willow Amended Preliminary Plat

Mayor Barney reviewed the procedures and rules of conduct for a public hearing.

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

Mr. Pierson said the developer Legrand Woolstenhulme is requesting to amend the Whispering Willows Preliminary Plat in order to remove the 12-plexes that were to be constructed north of Ridgefield Road and to replace them with townhomes that will be similar to the townhomes in the Canyon Glen development. The applicant has purchased the property and is requesting to build 72 units in six 12-plex buildings and another 100 units as townhomes on the north side of the road. This request went before the Planning Commission and recommended approval subject to the four following conditions.

1. Meet all of the Construction and Development Standards,
2. Construct the development as shown on the amended preliminary plat,
3. Submit a new landscape plan prior to the plans coming before the City Council,
4. Submit playground plans prior to the plans coming before the City Council.

Since that time the landscaping and playground plans have been included in the council packets and staff recommends approval with the remaining two conditions.

Mayor Barney opened the meeting for any public comment.

M. Frost Boyer

Mr. Boyer said he has considered building home a home in the Riverbottoms.

Mayor Barney said only conversation for this project will be taken at this time.

Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Councilmember Kelepolo said he likes the townhomes instead of the 12-plexes.

Councilmember Sorensen concurred, it becomes a nicer project.

Councilmember Christensen made a **motion** to approve the Whispering Willows Amended Preliminary Plat located at Ridgefield Road and Highway 51 subject to the following conditions:

1. Meet all of the Construction and Development Standards,
2. Construct the development as shown on the amended preliminary plat.

Councilmember Barber **seconded**, and the motion **passed** unanimously. A roll call vote confirmed the unanimous vote.

Nebo School District Annexation

Councilmember Sorensen and Councilmember Kelepolo disclosed that they are employees of Nebo School District.

Mr. Pierson said the applicant, Nebo School District is requesting to annex approximately 21.55 acres into Spanish Fork City from Utah County. The City Boundary is to the east and south of the properties. This is where the future high school will be located. The properties are within Spanish Fork City's policy declaration boundary but outside of the current growth boundary. The General Plan currently shows the parcels as Residential 2.5 to 3.5. If annexed all utilities will need to be looped from 2550 East to 400 North. The Development Review Committee and Planning Commission recommend approval subject to the three conditions listed in the packet.

Mayor Barney asked for any public input.

M. Frost Boyer

Mr. Boyer asked why the annexation hasn't taken place before.

Mr. Pierson said the school has recently purchased the property and there has been no request prior too now.

Nathan Simpson

Mr. Simpson said he is a developer that owns property in the area. He is in favor of the annexation. The Maple Mountain High School will be a great asset to the area as well as future plans he has in the area. His company has close to 100 acres either purchased or under contract. Again, he is in favor of the annexation and lifting the utility restriction.

Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Discussion took place regarding the future transportation plans for this area and also the utilities that will be looped from 2550 East to 400 North.

Discussion took place regarding the growth boundaries.

Councilmember Barber asked Mr. Pierson if the annexation isn't approved, if the school could still build.

Mr. Pierson concurred, the school district is a state entity and can develop anyway. The school district is requesting to annex at this time so they are not tied to other conditions that may be imposed on future annexations and developments in this area. Also, to prevent an island in the future.

Councilmember Christensen made a **motion** to approve the Nebo School District Annexation at 20 North 2000 East subject to the following conditions:

1. Nebo School District dedicates a 66-foot right-of-way for the future 200 North road.
2. That the property is zoned R-R, Rural Residential.

Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote of 3 in favor and 1 against.

Mayor Barney asked for a roll call vote.

Councilmember Barber was opposed to the motion.

Councilmembers Christensen, Kelepolo and Sorensen voted in favor of the motion.

Donation Request - Spanish Fork Theater

Mr. Clark said when an applicant petitions a donation from the City, Mr. Clark then takes the petition to the Finance Committee to review against the donation policy and then makes a recommendation to the City Council.

Mr. Clark said the City has received a petition from the Community Theater Board who is wanting to present the Beauty and the Beast production during the Fiesta Days celebration. The rights of production are expensive and therefore have requested a donation from the City. The Finance Committee has recommended a donation be approved in the amount of \$750.00 which will be cosponsored with Fiesta Days Advertising.

Councilmember Barber asked if this is a one time donation.

Mr. Clark concurred and said if it was to continue it would become part of the budget.

Mayor Barney opened the hearing for public comment. No public comments were given. Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Councilmember Kelepolo said the production is not part of Fiesta Days or the Arts Council, but the Community Theater has always had a production in conjunction with Fiesta Days.

Councilmember Christensen said the Community Theater is a good group who provides a good service to the community and could be part of Arts Council by next year. He is in favor of the donation.

Councilmember Kelepolo made a **motion** to approve the donation request to the Community Theater in the amount of \$750. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

FY06 Budget Revision #1

Mr. Oyler said the process of the budget is to budget in June and then make adjustments throughout the year. This is the first revision of the FY06 Budget. The department directors will review the major changes.

Mr. Oyler said the changes Mr. Clark will review are not in the document and if approved will need to be added as an adjustment.

Mr. Clark reviewed the general fund revenues and the general government department.

Mr. Robinson reviewed the budget revisions relating to the Senior Citizens, Sports Park, Oaks Campground, Parks Department, Golf Course, Swimming Pool, and Fairgrounds. Mr. Robinson also reviewed the data processing purchase to allow for online registration service.

Mr. Heap reviewed the budget revisions relating to the Building Inspection Department, Water Department, Electric Department, Wastewater Treatment Plant, and Public Utility Department.

Chief Rosenbaum reviewed the budget revisions relating to the Public Safety Department, Fire Department, and Ambulance Department.

Mayor Barney opened the hearing for public comment. No public comments were given. Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Discussion took place regarding a rate study. It was decided that the new council can decide if a rate study should be budgeted for in the future.

Councilmember Barber asked Mr. Heap for more information on the water meter replacement.

Mr. Heap said the water meters are replaced when the meters go bad, they are replaced with new radio read meters that are farther along with the broadband. The new meters are also being installed with new homes that are being built. The meters for these homes are paid for with the building permits.

Discussion took place regarding the bridge widening. Mr. Heap said the repairs need to be done now due to erosion that is taking the soil away. The bridge widening will not take place for approximately three to four years.

Councilmember Kelepolo said he hopes the public understands the budget process starts in January and is planned for the next five months. Then in June comes before the City Council for final adoption. There are revisions that take place throughout the year.

Councilmember Sorensen said he has met with Mr. Oyler and is comfortable with the budget revisions.

Councilmember Kelepolo made a **motion** to approve the FY2006 Budget Revision #1 with the added adjustments that weren't added in the document. Councilmember Sorensen **seconded** and the motion **passed** with a majority vote of 3 in favor and 1 against.

Mayor Barney asked for a roll call vote.

Councilmember Barber was opposed to the motion.

Councilmembers Christensen, Kelepolo and Sorensen voted in favor of the motion.

Councilmember Kelepolo made a **motion** to take a 5 minute recess. Councilmember Sorensen seconded and the motion passed unanimously.

7:38 p.m. - Break

7:45 p.m. - Reconvene

General Plan

Mr. Pierson said the City Council held a public hearing on the General Plan on November 1, 2005 and the council tabled until the December 6, 2005 meeting so more time could be spent in reviewing the document. He said he received recommendations from council members to look at North Main in the Industrial area and make grammar changes.

Mayor Barney said he feels this document has been out for review for a long time and he personally feels an obligation to do business with this one, then if the new council wants to make other changes they may.

Councilmember Kelepolo said he appreciates the time and effort that Staff, Planning Commission and the Adhoc Committee for their outstanding work on this document. He feels this is a working document and changes can be made at any time.

Councilmember Barber said he agrees with Councilmember Kelepolo with respect to the time spent on the document, but would like to see the newly elected officials review this before a motion is made.

Mayor Barney said this document is a working document if there are changes to be made they can look at making those changes.

Councilmember Kelepolo made a **motion** to approve the 2005 General Plan Amendments as shown. Councilmember Christensen **seconded** and the motion **passed** with a majority vote of 3 in favor and 1 against.

Mayor Barney asked for a roll call vote.

Councilmember Barber was opposed to the motion because of the reasons he mentioned.

Councilmembers Christensen, Kelepolo and Sorensen voted in favor of the motion.

Lifting Utility Restriction

Mr. Pierson said in May 2004, the City Council placed a sewer (utility) restriction on accepting any new preliminary plats and issuing additional building permits other than what was approved. Staff asked the City Council for their direction on the Utility Restriction at that time four options were presented to the Council.

1. Lifting the Utility Restriction immediately.
2. Lifting the Utility Restriction when upgrades are designed and more accurate cost estimates are available. (Late Fall 2005)
3. Lifting the Utility Restriction when the project is bid (Winter 2005-06)
4. Lifting the Utility Restriction when the upgrade to the plant is completed. (Winter 2006-07)

Many questions have been fielded from developers as to when the Restriction will be lifted, Mapleton has lifted their restriction and are now accepting new plats. Therefore, staff is requesting directions as to when will the utility restriction be lifted.

Discussion took place that most of the proposed subdivisions are outside the growth boundaries and will be required to be annexed. The minimum time frame an annexation takes is 3-4 months. After the annexation, the preliminary plat process would then take place.

Mayor Barney said even if the council lifts the utility restriction, it could be six months to a year before homes are being built on the new subdivisions.

Discussion took place regarding when a subdivision is vested.

Mr. Baker said the subdivision is vested when the application has been submitted and the fees have been paid.

Discussion took place on the legal recourse that could take place.

Councilmember Sorensen said he would prefer to have the sewer treatment center expansion be bid out before the utility restriction is lifted.

Discussion took place regarding the estimate of the wastewater treatment center cost estimate.

Councilmember Sorensen made a motion to table the Lifting of the Utility Restriction until the actual bids for the expansion are in.

The motion died for a lack of a second.

Discussion took place regarding when the expansion takes place the utility restriction will be lifted so what is the reason to wait until it is bid out

Nathan Simpson

Mr. Simpson asked that the council lift the utility restriction and allow for the annexations to be submitted, so the process can be started.

Mike McCormick

Mr. McCormick said his project is on hold due to utility restriction, If the City doesn't get bids back until March it is costing the developers to be delayed in the approval process.

He feels it is a no-brainer that regardless of what the bids present the expansion will take place and therefore should not delay the developers from the approval process due to the costs in

developing that continue to escalate.

David Grotegut

Mr. Grotegut said if the bond for the sewer plant expansion is paid through impact fees it makes sense to allow building permits to get the impact fees to pay for the bond.

Discussion took place regarding a way to compromise without delaying anyone.

Councilmember Barber made a **motion** to approve the Lifting of the Utility Restriction with the following condition:

1. A subdivision waiver or preliminary plat cannot be presented to City Council until the bid has been awarded for the wastewater treatment expansion.

Councilmember Christensen **seconded**, and the motion **passed** with a majority vote of 3 in favor and 1 against.

Mayor Barney asked for a roll call vote.

Councilmember Sorensen was opposed to the motion.

Councilmembers Christensen, Kelepolo and Barber voted in favor of the motion.

Purchasing Ordinance Amendment

Mr. Clark said staff received direction from the council changes to the purchasing system last January. The changes were made in practice, but the ordinance was never officially changed. This ordinance amendment will ratify what has been practiced over the past year.

Mr. Clark reviewed the changes to the Purchasing Ordinance.

Councilmember Barber made a **motion** to approve the Purchasing Ordinance Amendment as presented. Councilmember Sorensen **seconded** and the motion **passed** with a unanimous vote.

Ratification of Capital Improvement Contracts

Mr. Clark reviewed the list of capital improvements that were awarded and acted upon council direction prior to the purchase ordinance amendments.

Councilmember Kelepolo made a **motion** to approve the Ratification of Capital Improvement Contracts. Councilmember Christensen **seconded** and the motion **passed** with a unanimous vote.

FY 2005 Financial Audit

Mr. Clark said the audit went out to bid this past year and was awarded to Larson & Company to prepare an independent audit report. Russell Olsen is the lead audit manager and will present the

Financial Statements for FY2005.

Mr. Olsen reviewed the contents and highlights of the financial statements presented.

Mr. Olsen then turned the time over to Mr. Clyde Jones to discuss the independent auditor's report.

Mr. Jones reviewed the contents and highlights of the independent auditor's report presented.

Mr. Jones said there were very few findings and the City and Staff should be credited for their work.

Councilmember Kelepolo said he appreciates the auditors coming in to address the council. He also would like to compliment the staff and thanked Mr. Oyler and Mr. Clark for the good financial standing.

Councilmember Kelepolo made a **motion** to accept the FY 2005 Financial Audit as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

South Utah Valley Animal Services District Interlocal Agreement

Mr. Rosenbaum said this agreement has evolved because of the member cities dissatisfaction of the animal shelter ran by Utah County. The costs escalated at the animal shelter and as a result, this district was created. This district will be very advantageous to the City and recommends approval.

Mr. Rosenbaum reviewed the agreement.

Mr. Rosenbaum said Mr. Byers has been selected as one of the Board of Directors. Mr. Byers had to leave the council meeting tonight, but feels comfortable with this agreement.

Councilmember Kelepolo asked if the animal control officer knows who the animal's owner if the owner can be charged the fees.

Mr. Baker concurred.

Councilmember Kelepolo made a **motion** to approve the Interlocal Agreement between South Utah Valley Animal Services Special Service District and Spanish Fork City for Animal Shelter Services. Councilmember Barber **seconded** and the motion **passed** with a unanimous vote.

South Utah Valley Municipal Water Association - Amended Interlocal Agreement

Mr. Heap said the South Utah Valley Municipal Water Association (SUVMWA) was created more than 10 years ago. Many water issues have been resolved and continues to be a good resource and beneficial to all cities involved. SUVMWA has also been involved with the feasibility study for the regional sewer treatment plant. The member cities have agreed that

since this board is already in existence it is only reasonable to let them be involved in all water related issues for South Utah County rather than to establish a new organization. This amendment would allow SUVVWA to be involved in water resources, development of a regional sewage and wastewater treatment plant, and issues relating to storm drainage to service the member cities.

Councilmember Sorensen made a **motion** to accept the South Utah Valley Municipal Water Association Amended Interlocal Agreement as presented. Councilmember Christensen **seconded** and the motion **passed** with a unanimous vote.

2005 Sports Park Center 4-Plex Project - Fencing Change Order #1

Mr. Heap said this is a request for a change order on the Fencing Bid at the Sports Park to allow for an addition 328 feet of 8 foot fence with a 18-inch concrete mow strip for the amount of \$5,559.60. The second part of this change order will allow for 8 additional posts to facilitate future slide gates in the amount of \$440.00.

Councilmember Kelepolo made a **motion** to approve the 2005 Sports Park Center 4-Plex Project - Fencing Change Order #1 in the amount of \$5,999.60. Councilmember Sorensen **seconded** and the motion **passed** with a unanimous vote.

Other Business

Councilmember Christensen said the Art Council has had a very successful year, with a lot of momentum, they are hoping for an art center and are looking for volunteers with a lot of enthusiasm and good common sense.

Councilmember Barber said there was a meeting this past week with the developers of Pine Meadows Subdivision. The developers agreed that a few homes weren't up to quality they are used to building. The developer will be required at his recommendation to stamp elevations prior to Mr. Pierson approving the building permits. Each plan will have more than 50% brick or stone on the front of the home. The homes on the exterior lots will have more than 75% brick or stone on the fronts of homes.

Adjournment to Executive Session

Councilmember Barber made a **motion** to move into an executive session to discuss property sales. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 9:23 p.m.

Marlo Smith, Engineering Secretary

Approved: January 17, 2006