

**Adopted Minutes
Spanish Fork City Council Meeting
December 16, 2008**

Elected Officials Present: Mayor Joe L Thomas, Councilmember's Rod Dart, Richard M. Davis, G. Wayne Andersen, Jens P. Nielson, Steven Leifson

Staff Present: Dave Oyler, City Manager; Chris Thompson, Assistant City Engineer; Richard Heap, Public Works Director; Junior Baker, City Attorney; John Bowcut, IS Director; Dee Rosenbaum, Public Safety Director; Dale Robinson, Parks and Recreation Director; Seth Perrins, Assistant City Manager; Kimberly Robinson, City Recorder

Citizens Present: Jason Chisholm, Burke Staker, Ron Mortimer, Kelly Ash, Lana Creer Harris, Jen Allen

CALL TO ORDER, PLEDGE:

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

Mr. Thompson lead in the pledge of allegiance.

PUBLIC COMMENTS:

Mr. Rosenbaum stated this item is not on the agenda but they have a new program which is prevalent throughout the country under the DEA. The program helps people to get rid of prescription drugs they have around the home. One of the reasons these programs have been implemented is people dispose of them through the wastewater and it contaminates the environment. Secondly as people keep them around they build up and they have a lot of them in their homes, they become targets for those that are addicted. If you have any prescription drugs you want to get rid of just bring them down to the police department. They will be putting additional information on the City website and the January newsletter.

COUNCIL COMMENTS:

Councilman Davis thanked the senior citizens for inviting them to the Christmas party. He hopes that neighbors help each other out with the snow removal. He complimented the staff for the snow removal. He also wished the City of Spanish Fork a Merry Christmas.

Councilman Leifson reminded the Festival of Lights is still going on and invited all out to attend. He also wants to wish the City a great Holiday and a Merry Christmas he asked that they look out for each other at this time.

Councilman Dart thanked the seniors, they had a great time, he also asked everyone to be aware of the needs of your neighbors. He attended a Christmas program at the Spanish Fork High School and it was a great program. The library is still having their Christmas movies until the 18th, and he wished everyone a very Merry Christmas.

Mayor Pro Tem Andersen reported on the PRCA convention the rodeo committee attends every year. Our committee is involved in some of the policy making and are actively engaged. They also have a display floor where specialty acts set up booths and give you a pitch on why they should be invited to come to your rodeo. They spent a lot of time getting things prepared. The state of Utah was well represented and Utah county. We have a tremendous reputation among that group. They have secured some really great performances for the coming year and 2010.

PUBLIC HEARINGS:

Councilman Dart made a **Motion** to open the Public Hearing at 6:07 p.m. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Transportation Element of the General Plan

Mr. Anderson introduced this item and stated Horrock's Engineering is in attendance to present this master plan.

Ron Mortimer and Kelly Ash explained the objectives and what the needs of the city will be. They also presented the transportation master plan.

Councilman Leifson stated he likes what has been done and that it helps look down the road and be able to plan the future.

There was no public comment at this time.

Councilman Davis stated he has studied this pretty good and it is exactly what the city needs. He feels it is something the city should have had a long time ago and it will help the Council understand what they are doing.

Councilman Davis made a **Motion** to accept the transportation element of the general plan. Councilman Leifson **Seconded** and the motion **Passed** all in favor by roll call vote.

Councilman Davis made a **Motion** to move out of public hearing. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:37 p.m.

Proposed Changes to the Requirements for Master Planned Developments

Mr. Anderson explained the proposed changes. He clarified that this rule will only apply for homes built in master planned developments.

This item was opened for public comment.

Burke Staker

Mr. Staker is with Fieldstone Homes, building in Spanish fields. They have a large subdivision and are master planned, they modeled four homes that are the best sellers but do not fit the requirement with the main floor square footage. They have a problem with the new changes required to do masonry, but they already have the homes built and it puts a problem to the building. It is difficult to sell a home that they are not modeling. They wanted that brought to the Council's attention.

Mr. Anderson stated they have the option to use the new requirement. They have recognized as staff that some of their home plans do not meet these requirements. He stated given the ordinance on the books they do not meet the requirements.

Councilman Nielson asked what the value is to change it now.

Mr. Anderson stated the value is the city following the law.

Mayor Pro Tem Andersen clarified that tonight the Council needs to adopt the changes and not worry about a particular problem.

Councilman Nielson stated his view is he knows the subdivision and his view would be to allow them to finish building the project's last 40 units.

Jason Chisholm

Mr. Chisholm is the operations manager for Fieldstone, he stated the builder or the staff was missed and not followed. By adding stucco to this product the cost goes up and they plan to sell through this. He also feels there could be some leniency so they can finish. He has a concern with vinyl not being acceptable for building in this community.

Mr. Anderson stated they were granted additional density because of the upgrade in building. He is concerned that they do not lower the bar for homes that are built in master planned developments.

Jason Chisholm

Mr. Chisholm thought the square footage issue was what they want dealt with first and then they can deal with the exterior façade.

Mr. Anderson stated right now the only way it will be addressed is they will have to propose a new set of criteria to be adopted.

Mr. Chisholm is all for the new requirements he just wants to be able to continue to sell the lots and finish up the project.

Mr. Anderson stated he is not in a position to address that until they have an opportunity to see it in more detail. He feels they should continue this item until they can get some more information.

Mr. Staker would like a clarification on their particular subdivision.

Lana Creer Harris

Ms. Harris would like clarification on what kinds of houses this precluded.

Mr. Chisholm stated it precluded the smaller vinyl two story homes.

Councilman Dart made a **Motion** to close the public hearing. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Councilman Davis stated he is for improving the standards and not lowering them. He does not understand how it went for so long.

Mr. Anderson stated that he assumed the building department was checking these issues and they reviewed home plans and that was not the case.

Mr. Baker explained the Council would approve this and then look at another amendment to master plans that would address the standards.

Councilman Leifson feels they should address what was here on the agenda and they need to address their issue separately.

Councilman Leifson made a **Motion** to approve the proposed changes to the master planned development ordinance as presented adding that for any building the living space is from the ground level up and does not include the basement.

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

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – December 2, 2008 Dairy Barn Lease Agreement

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

NEW BUSINESS:

Board Appointments

Mayor Pro Tem Andersen explained Mayor Thomas presented for appointment at the last meeting Jennifer Groberg and Melody Barber to the Library Board.

Councilman Dart made a **Motion** to appoint Jennifer Groberg and Melody Barber to the Library Board. Councilman Davis **Seconded** and the motion **Passed** all in favor.

SFCN Cost Increase Due to New Changes from Air Channels

Mr. Bowcut stated they need to discuss the local channels, those channels were free and they were paid for by the ads. He stated the retransmission consent channels will no longer be free, and require a contract for us to broadcast. They now want to start charging the cable companies for the retransmission consent, so SFCN faces a new cost that we have never had before. Because of the FCC laws there are no ways for us to offer a local tier or try to get a better deal for the channels in another state. They are working with the local consortium for cable companies in Utah. He stated that KSL had the best offer. He is not asking for a rate increase for now he just wants to make the Council and public aware. He also discussed the digital transition that will occur in February.

Councilman Dart asked how they are doing with the HD channels.

Mr. Bowcut stated they have added a bunch of new channels and it will be explained at a future date. He stated SFCN is the only provider in Spanish Fork that offers a pure

HD, and not compressed. He then explained where the public can get the presentation information from tonight.

Resolution Accepting Private Streets in Fairway Meadows

Mr. Baker explained this is a follow up discussion they have had. The staff has notified certain home owners associations that meet our road standards and offered them to be able to be owned by the City. The resolution is to accept Fairway Lane and Fairway Circle.

Councilman Davis made a **Motion** to adopt Resolution 08-16 accepting the Fairway Meadows private streets subdivision.

Councilman Dart **Seconded** and the motion **Passed** by roll call vote all in favor.

ADJOURN:

Councilman Dart made a **Motion** to adjourn. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:48 p.m.

ADOPTED: January 20, 2009

Kimberly Robinson, City Recorder