

**Adopted Minutes
Spanish Fork City Council Meeting
October 1, 2013**

Elected Officials Present: Mayor G. Wayne Andersen, Councilmembers Steve Leifson, Rod Dart, Keir A. Scoubes, Richard Davis, Brandon Gordon.

Staff Present: Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; John Bowcut, IS Director; Angie Warner, Deputy Recorder.

Citizens Present: Josh Henderson, Chris Chadwick, Kaden Chacon, Ian Nielsen, Matthew Chadwick, Joey Olague, Todd Flake, Darin Bartholomew, Ethan Hansbrow, Brian Hansbrow, Cole Williams, Weston Spannheimer, Lance Jensen, Terri Jensen, Carlos Packard, Trent Packard, Cary Hanks, Mike Mendenhall, Chad Argyle, Caden Blair, Carter Blair, Chip Blair, Josh Millward, Kaleb Lott, Mike Barks, Drew Barks, Matt Money, Cole Christensen, Joshua Judkins, Matt Baugh, Julien Baugh, Carter Allen, Austin Wilson, Weston Thompson, Brandon Johnson, Alex Cook, Austin Cook, Dana Whitehead, Tom Bankhead, Julie Smith.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Lance Jensen led in the pledge of allegiance.

PUBLIC COMMENTS:

Tom Bankhead said he is in the process of developing some property and would like to request from the City Council to have the water requirements changed so the smaller lots do not have to provide as much as the larger lots. Mr. Bankhead turned the time over to his partner.

Julie Smith said they have spoken with City Staff and water engineers. Ms. Smith read her request for the City to change to a scale to determine the amount of surface water required for developments.

Chris Thompson clarified that the requirement for the City is 1 acre foot per lot. The City uses the Dunford Decree to figure out how much water rights produce depending on river flows.

Mayor Andersen said we can discuss this request to see which way is best.

Cary Hanks, Executive Director of the Spanish Fork Salem Area Chamber of Commerce said the Harvest Moon Hoorah had a great turnout. Ms. Hanks said the Scarecrow Contest has started and the Trick or Treat on Main Street will be Saturday October 26th.

Bryce Walker announced "Ancient America", a free event, will be October 7th at 6:30pm at Maple Mountain High School.

COUNCIL COMMENTS:

Councilman Davis said the Fiesta Days committee has picked John & Lenna Mendenhall as the Vice Chair Members. Councilman Davis said they are also looking at adding the soapbox derby as an event for Fiesta Days.

Councilman Scoubes thanked all those involved with the Harvest Moon Hoorah. It was a great turnout and next year will be the 10th year.

SPANISH FORK 101: SFCN vs. iProvo & UTOPIA – John Bowcut

CONSENT ITEMS:

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

- a. **Minutes of Spanish Fork City Council Meeting – September 17, 2013**
- b. **Miscellaneous Concrete Sites 4 & 5, Change Order 1**

Councilman Gordon made a **Motion** to **approve** the consent items.

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

PUBLIC HEARING:

FY 2014 Budget Revision #1

Kent Clark said this budget was finalized in August and there are projects that did not get completed in the FY2013 budget. Mr. Clark said this revision shows those projects carried over, plus a few additional changes. The budget will go from approximately \$62 million to \$70 million. Mr. Clark reviewed the proposed changes to the budget.

Councilman Dart made a **Motion** to move into Public Hearing.

Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:01p.m.

Mayor Andersen welcomed public comment.

There was none.

Councilman Davis made a **Motion** to move out of Public Hearing.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:01p.m.

Councilman Scoubes made a **Motion** to **approve** the FY2014 Budget Revision #1.

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

NEW BUSINESS:

Ordinance #18-13 Amending the Spanish Fork Municipal Code to Prohibit the Possession or Consumption of Beer in Parks

Junior Baker said the City follows state code, which used to ban beer in parks, but now it does not allow liquor in public parks, but their definition of liquor does not include beer. Mr. Baker presented and reviewed the details of the proposed Ordinance #18-13 below.

Spanish Fork Municipal Code §9.04.030 is hereby amended as follows:

9.04.030 Alcohol Regulations

A. *The criminal provisions of Title 32B of Utah Code Annotated, as it may be amended from time to time, are hereby adopted by reference and are made a part of the ordinances of Spanish Fork City as fully as if set out in the body of the Municipal Code and shall take effect and be controlling within the limits of the City.*

B. *For purposes of unlawful consumption of liquor as set forth in U.C.A. §32B-4-421, the following definitions shall apply:*

1. *A public building shall have that meaning set forth in U.C.A. §32B-1-102(82);*

2. *Park shall mean publicly owned property dedicated to relaxation and/or recreational activities, including any parking lots or parking areas associated with such park. Park shall include areas designated as a park by the City, public fairgrounds, ball fields or other recreational fields, publicly owned gun clubs or related facilities, publicly owned "green spaces," and public trails, including jogging paths, bicycle, and horse trails. Parks shall also include any buildings, pavilions, or other structures located in such areas. Parks shall not include golf courses or designated over-night camping areas;*

3. *Stadium means a structure with tiers of seats for spectators.*

II.

Spanish Fork Municipal Code Title 9, Chapter 48 entitled "Beer Regulations" is hereby enacted as follows:

Chapter 9.48 Beer Regulations

9.48.010 Restrictions on the Sale, Possession, and Consumption of Beer

- A. It is unlawful for any person to sell beer, light beer, malt liquor, malted beverage, or other alcoholic beverages through a drive up window.
- B. It is unlawful for any person to possess or consume beer in any public building, public park or public stadium. Public building, park and stadium shall have the meanings defined in §9.04.030.
- C. It is a Class B Misdemeanor to violate any provision of this Chapter.

Councilman Dart made a **Motion to approve** the Ordinance #18-13 Amending the Spanish Fork Municipal Code to Prohibit the Possession or Consumption of Beer in Parks.

Councilman Gordon **Seconded** and the motion **Passed** all in favor with a roll call vote.

DISCUSSION:

Cell Tower Lease Extension

Junior Baker said that American Towers currently has a lease with the City for a cell tower up the canyon. They are requesting to have an extension for 40 years. Since that is far longer than we have approved, Mr. Baker would like direction from the City Council to provide a number of years that the City Council agrees on.

Mayor Andersen asked what increases this contract has.

Mr. Baker said the original lease has a 4% increase per year.

Seth Perrins commented that if the City agrees with the 40 years and something came up, the City would probably have to buy out the contract.

Councilman Leifson did not agree with the 40 years but would be more comfortably with 10-15 years.

Mayor Andersen agreed with Councilman Leifson on the 10-15 years.

Councilman Dart agreed with 15 years.

Junior Baker will convey 15 years back to the tenant.

ADJOURN:

Councilman Dart made a **Motion to adjourn**.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:19 p.m.

ADOPTED:

Angie Warner, Deputy Recorder