

**Adopted Minutes  
Spanish Fork City Council Meeting  
December 17, 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; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Diane L. Christensen, Rick Brandon, Diana Anderson, Ethan Powell, Jakob Zimmerle, Randi Barton, Nikolas Zimmerle, John-Michael Zimmerle, Spencer Powell, Logan Smith, Andrew Radford, Josh Musick, Amy Rasmussen, Remington Rasmussen, Milan R. Malkovich, Richard Broadbent, Brent Gordon, Kaleb Anderson, Neil Anderson, Chelsi Crockett, Adrienne Nielsen, Richard A. Evans, Sharla Thomas, M. Jay Thomas, Dave Cebrowski, Mike Mendenhall, Cary Hanks, Randi Kaufman, Jerold Seely, Trudy Seely, Unknown, Scott Dunn, Josh Jensen, Tom West, Nathan Dunn, Corbin Harrison, Logan Huhtala, Kyler M., Luke Fossat, Seth Henderson, Justin Caplin, Carrie Bringham, Jenna Gubler, Josh Gubler, Darla Healey, Rachellene Talbot, Unknown, Juleen Whitney, Travis Whitney, Tammy Anderson, John Anderson, Jon Haderlie.

**CALL TO ORDER, PLEDGE, RECOGNITION:**

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

Boy Scout Andrew Radford led in the pledge of allegiance.

Mayor Andersen recognized City Manager David Oyler. In November Mr. Oyler was the recipient of the 2013 N. Dale Wright Distinguished Alumni Award from the Romney Institute at Brigham Young University. Mayor Andersen congratulated Mr. Oyler and thanked him for his many years of service to the City.

**PUBLIC COMMENTS:**

Cary Hanks Director of the Spanish Fork Salem Area Chamber of Commerce announced that the Chamber Board awarded Spanish Fork City the Business of the Month award for December. Ms. Hanks thanked Mayor Andersen for everything he has done for the City. Ms. Hanks wished everyone Merry Christmas & a Happy New Year.

**COUNCIL COMMENTS:**

Councilman Davis announced that the SUVMWA board will have a meeting in January where they will present the recharge study. Councilman Davis invited the public to the candle light vigil at the cemetery that will be on December 24<sup>th</sup>. Councilman Davis wished all a Merry Christmas & a Happy New Year.

Councilman Leifson wished all a Merry Christmas & a Happy New Year and also reminded the citizens to drive safe in the winter weather.

Councilman Dart reminded the citizens that the fire alarm from the fire station will be tested on New Years Day at noon. Councilman Dart wished all a Merry Christmas & a Happy New Year.

Councilman Scoubes thanked the public safety department for responding to accidents.

Mayor Andersen said the rodeo committee attended the convention in Las Vegas where they signed contracts for the rodeo personnel that work for the Fiesta Days Rodeo as well as the Champions Challenge.

Mayor Andersen addressed that there are some items on the agenda tonight which have generated some interest and clarified that there is not a public hearing on these items. Mayor Andersen said he will allow for one person to speak in favor for the item(s) and one person to speak against the item(s) and he invited them to meet in the lobby to discuss their items at this time.

**SPANISH FORK 101:** Parlant –Seth Perrins

Mr. Perrins also spoke about a new app available for residents to make requests.

**CONSENT ITEMS:**

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

- a. **Minutes of Spanish Fork City Council Meeting – January 11& 12, 2013; November 19, 2013**
- b. **200 East Miscellaneous Concrete Change Order #2**
- c. **National Guard North Substation Lease Agreement Renewal**
- d. **Cold Springs Front Collection System and Butler Springs Pond Bid Award**

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

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

**NEW BUSINESS:**

**Ordinance #19-13 Amending the Home Occupation Requirements**

Junior Baker said at a recent meeting there was discussion about changing the home occupation requirements. Mr. Baker pointed out on the draft ordinance the areas where the City Council can change or leave it as is.

Jens Nielsen said they appreciate the council's consideration of this item. The discussion is addressing how much square footage and how many patrons are allowed for a home occupation. The square footage of the main floor of the Anderson's building is approximately 1200 square feet. If it were allowed to have a dance studio the number of patrons would vary with the coming and going of students.

Trudy Seely expressed that they had a frustrating experience of a neighbor having a business that had more than 2 patrons. Ms. Seely would like the ordinance to stay the same to protect the neighbors. Ms. Seely feels that increasing the number of patrons would open the flood gates.

Jordan Harris recently purchased property in Spanish Fork. Mr. Harris runs a photography business and would like the square footage and patrons changed so he could have families come to his home business.

Councilman Davis has met with both sides of this item. Councilman Davis reviewed some

comments and concerns. The ordinance currently states 300 square feet and 2 patrons with one instructor.

Councilman Davis read some letters he received. Councilman Davis feels bad for the situation the Anderson's are in but they are in a residential zone.

Councilman Dart expressed that this is a hard decision. It will affect not only that area but all other residential areas as well.

Councilman Scoubes asked Mr. Baker to clarify a definition in the ordinance. Councilman Scoubes commented that by the current the ordinance, for Mr. Harris, he could not have a family of five come to his studio for pictures.

Councilman Leifson said that they have taken a long time on this issue because if the City Council makes a change, it will affect the whole city. Councilman Leifson feels the ordinance should be left as is.

Councilman Davis asked how the City would address the issues when it starts to affect neighboring properties and if the Council changes the ordinance, it's hard to get it back.

Jens Nielsen asked why we can't address in the ordinance the number of cars per hour or stagger the class times.

Councilman Davis asked how the City would monitor that.

Jens Nielsen said he has believed from the beginning that the ordinance could be tailored to accommodate this request.

Mayor Andersen said there were two options: the zone change or the ordinance change.

Councilman Scoubes asked Ms. Seely's opinion if the 2 patrons were increased to 5 patrons.

Ms. Seely said it would increase the traffic; it would be 10 cars, 5 coming and 5 going.

Councilman Scoubes reviewed the square footage for an accessory building.

Councilman Scoubes made a **Motion** to **approve** the Ordinance #19-13 Amending the Home Occupation Requirements with the amount of 400 square feet with no more than 5 patrons and cars.

The **motion** died for lack of second.

Councilman Davis made a **Motion** to leave the ordinance as is.  
Councilman Leifson **Seconded** and the motion **Passed** 4-1 with a roll call vote.

Councilman Gordon - Aye  
Councilman Davis - Aye  
Councilman Leifson - Aye  
Councilman Dart - Aye  
Councilman Scoubes - Nay

## **Reagan Settlement Agreement**

This item

### **Ordinance #20-13 Amending Title 5 Chapter 28 of the Spanish Fork Municipal Code Concerning Sexually Oriented Businesses**

Junior Baker said that some years ago we dealt with this issue and feel we should adjust it. Mr. Baker reviewed the following changes to the ordinance:

#### **5.28.040 Definitions.**

“**Sexual device shop**” means a commercial establishment that, as its principal purpose, sells or otherwise provides sexual devices. For purposes of this definition, “principal purpose” means:

1. At least 15% of the commercial establishment’s displayed merchandise consists of such items;
2. At least 15% of the wholesale or retail value of the commercial establishment’s displayed merchandise consists of such items;
3. The commercial establishment derives at least 15% of its revenues from the sale or rental, for any form of consideration, of such items;
4. The commercial establishment maintains at least 15% of its interior business space for the sale or rental of such items;
5. The display of such items is visible from any location outside the store.

#### **II.**

Spanish Fork Municipal Code, 5.28.220 is hereby amended to read as follows:

#### **Section 5.28.220 Regulations and Unlawful Activities**

It is unlawful for any sexually oriented business or sexually oriented business employee to:

A ~ K [no change]

L. Sexual devices displayed for sale cannot be displayed where they would be visible from any location outside the store.

Mayor Andersen welcomed any public comment.

Chelsea Crockett complained about the new business next to McDonald’s.

Councilman Dart made a **Motion** to **approve** the Ordinance #20-13 Amending Title 5 Chapter 28 of the Spanish Fork Municipal Code Concerning Sexually Oriented Businesses.

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

### **Skyhawk Condominiums Preliminary Plat –This proposal would permit an existing commercial building at 300 North Main Street to be subdivided into individual units**

Dave Anderson explained that the owner of the building located at 300 North Main Street would like to subdivide it into 10 units and sell them as separate units. The Development Review Committee & Planning Commission recommends approval with the following conditions:

1. That the applicant provide plans prepared by a licensed architect that identify the modifications that need to be made to the building for it to meet the Building Code requirements for condominiums.
2. That the applicant make the needed modifications to the building as identified by a licensed architect and approved by the City’s Building Official.
3. That the applicant revise the cross access and parking agreement to include the HOA.
4. That the applicant meet the City’s Construction Standards.

Councilman Gordon made a **Motion** to **approve** the Skyhawk Condominiums Preliminary Plat permitting an existing commercial building at 300 North Main Street to be subdivided into individual units with the 4 conditions.

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

**Elsie S. Thomas Annexation Acceptance –It is proposed that the City Council accept this Annexation for further study**

Dave Anderson explained that when someone applies for annexation it is first presented to City council to seek approval for further study and it will go through a process and come back later for final approval.

Councilman Dart asked what it will be zoned.

Dave Anderson said right now they are looking at R-1-8.

Councilman Dart asked about the future interchange that is possibly being planned.

Dave Anderson said they will discuss that during the study.

Councilman Leifson made a **Motion** to **approve** the Elsie S. Thomas Annexation for further study. Councilman Davis **Seconded** and the motion **Passed** all in favor.

**FY 2013 Independent Audit**

Kent Clark presented and reviewed the audit report to the council.

Jon Haderlie from Larson & Company stated the independent auditing firm gives the city the highest audit opinion. Their independent opinion is an 'unqualified opinion'. He also reviewed the Management Letter with the City Council. There were no findings.

Councilman Davis made a **Motion** to **approve** the FY 2013 Independent Audit. Councilman Gordon **Seconded** and the motion **Passed** all in favor.

**Request to continue proposed Zone Change for Park View Townhome Development located at 200 West Volunteer Drive.**

Dave Anderson said this item was tabled for 60 days and that time is almost up. The applicant is requesting an additional 60 days.

Councilman Davis made a **Motion** to continue this matter indefinitely.

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

**ADJOURN:**

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

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 8:04p.m.

ADOPTED: January 7, 2014

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Angie Warner, Deputy Recorder