



**ADOPTED MINUTES
CITY COUNCIL MEETING
November 15th, 2022 at 6:01 p.m.
40 South Main Street
Spanish Fork, UT 84660**

Councilmembers Present:

Mike Mendenhall, Mayor
Chad Argyle, Councilmember
Stacy Beck, Councilmember

Brandon Gordon, Councilmember
Kevin Oyler, Councilmember

Councilmembers Absent:

Shane Marshall, Councilmember

Staff Members Present:

Dave Anderson, Community Development Director
Jordan Hales, Finance Director
Matt Johnson, Police Chief
Tara Silver, City Recorder
Tyler Jacobson, Assistant City Manager

Bryan Perry, SFCN/IT Director
Eddie Hales, Fire & EMS Chief
Vaughn Pickell, City Attorney
Chris Thompson, Public Works Director
Seth Perrins, City Manager
Nick Porter, Public Information Officer

Staff Members Absent:

Dale Robinson Parks and Recreation director

Visitors Present:

Kathleen Leavitt
Nicole Reagan
James Reagan

Laurel Struthers
Kent Gibson
Mike Clayson

Jackie Larson
Jesse Cardon
John Mendenhall
Craig Jorgensen
Janice Ottesen

Lillian Kump
Clint Garner
Heidi Rowbury
Edes Hill
Emily Peterson

5:15 p.m. WORK SESSION - No formal actions were taken in the work session.

- a. Central Utah Water Conservancy District (CUWCD) Landscaping Standards Request

6:00 p.m. CALL TO ORDER, PLEDGE, OPENING CEREMONY:

Mayor Mendenhall called the meeting to order at 6:01 p.m.

Councilwoman Beck invited Lillian Kump to give a motivational message and prayer.

Lillian Kump read a quote: "Always pray to have eyes that see the best in people, a heart that forgives the words, a mind that forgets the bad, and a soul that never loses faith in God."

Lillian Kump offered the prayer.

Councilman Argyle invited us to repeat the pledge.

Mayor Mendenhall let us know Councilman Marshall had other duties related to his profession, so he excused him.

FOLLOW UP ON PREVIOUS COMMENTS:

There were none.

EMPLOYEE OF THE QUARTER:

A. Cindy Stone

Jordan Hales pointed out that Cindy had the largest cheering, fan club, section he had seen and how it showed how loved she was. He highlighted how Cindy's workload has steadily increased, and she never complained as they worked through net metering and the addition of shared solar. He told us that as the Utility Billing Manager, she worked with the meters for power, water, pressurized irrigation, and solar. Jordan told us she was pretty quiet but one of the sweetest people, with an amazing sense of humor, that doesn't quite understand how amazing she is. He explained she has a difficult job as she is in charge of billing over 15,000 customers a month, and bills over 40 million dollars worth of bills each year, and 35,000 meters she was getting reads from a month, which makes for some difficult conversations with customers but she always treats them with respect.

Cindy Stone was touched to be recognized and thanked her fan club. She expressed her gratitude for her job and how, for the past few years, it had given her purpose to her day by allowing her to see how she was contributing in positive ways. She told us she couldn't do it without all the other departments and especially the girls in her office.

Mayor Mendenhall enjoyed the heartfelt message and thanked her for the good she does.

SPANISH FORK UNIVERSITY GRADUATING CLASS:

Nick Porter showed a slideshow of pictures of the 3rd graduating class and invited the graduates to come to the front. He let us know it was the largest group, with 18 graduates participating each Wednesday night for 10 weeks, visiting and engaging with city departments. Nick recognized this class gave a more in-depth understanding of the city and how it works. He hoped this was carried on and had many more graduates in the future.

Mayor Mendenhall expressed his support for the program and invited residents to participate in the next class in the spring, and reminded us there were only so many spots available. He thanked Nick Porter and all the departments for giving their time to a good cause.

PUBLIC COMMENTS:

Lillian Kump announced that to help the community for the holidays, Tabitha's Way was giving away Thanksgiving baskets, but she was here tonight to extend a special invitation for the mayor and city council members to help give away Christmas baskets to families.

John Mendenhall let us know he was a longtime resident and thanked the mayor, city council, and staff for their kindness and support for his family in the past few weeks. He went on to highlight the first responders who were there to help when he had an emergency with his wife. He explained that they were called out the first time with an ambulance, an EMT truck, the fire chief, and a policeman, who responded in six and a half minutes. He attributed the response to the new fire station being built.

John Mendenhall let us know how professional and kind they were by serving them when they explained how they wanted to handle the situation. He explained that after the vital signs were taken, the family and EMS personnel surmised she would be fine. They helped her to the family room, and she was able to talk and walk on her own. John indicated they would take her to her doctor's appointment in an hour. He told us an hour later she was on the floor again, and they called the ambulance again. He expressed that the EMS crews were kind and conscientious as they transported her.

He championed how proud he was of the Spanish Fork first responders and Chief Hales' concern and kindness. He went on to point out that we don't usually like getting pulled over and it was something most of us wouldn't want to do, but when we need first responders they are the best.

Emily Peterson believed she deserved a public apology for what was said about the referendum sponsors. She explained that while it was stated that the sponsors did not read

the packet they were given, she stated that they were confused when one time a different email was sent. She referred to a time the Mayor let those in the council chambers know that no clapping would be permitted to make sure every citizen wasn't afraid to speak at the City Council meeting. She felt the sponsors were not given the same consideration during the public process.

COUNCIL COMMENTS:

Councilman Oyler

Councilman Oyler invited Kathleen Leavitt from the Chamber of Commerce to give a calendar of events.

Kathleen Leavitt explained the events that would take place in the community.

1. November 26th would be the Winter Light Parade, with the same route as last year, starting at Cal Ranch and ending at the City Library. She pointed out that the City lights would be turned on by Santa at city hall. She reminded businesses and individuals that they could register for the parade on the website spanishforkchamber.com.
2. The Precision Vision Event for Members would take place on November 30th, with qualifying individuals receiving a free eye exam and glasses. For those interested, they could contact the chamber of commerce.

Councilman Oyler stated one of the favorite things he does was to meet with youth groups from school and organizations. He told of a group of girls from his neighborhood that he took for a tour of city hall and explained what the different departments do. He let us know they had lots of questions. He also talked about going to Diamond Fork Middle School 7th graders. He shared a question one of the girls had: Is the mayor nice? Councilman Oyler mused that he lied and said he was, and then on a more serious note let us know, of course he was nice. He thought it was a fantastic opportunity to see these groups involved, and that the school provided them with this insight into the community. He let us know the 7th graders were headed to the capital on a field trip next.

Councilwoman Beck

Councilwoman Beck reported on the ground-breaking ceremony of the new Spanish Fork Community Network building down by the police center with Hogan Construction. She indicated it should be done early in 2024.

She let us know the Fiesta Day committee extended an invitation to Wayne and Melanie Anderson to be the Grand Marshals in 2023. She highlighted the fact that the Grand Marshals were people who had served the community for many years.

She shared what she learned at the Public Works annual banquet of having the 3rd lowest utility bill in Utah County and new traffic signals coming to 8th North and 4th East, and 630 West and Center Street. She highlighted something they started this year of recognizing innovators of the year who made a difference by implementing ideas they had. She let us know some of the innovators saved the city \$5 million dollars by getting grants.

Councilman Gordon

Councilman Gordon highlighted one gentleman who was shocked he received an innovator award for having the idea of hooking up the sprinklers to the irrigation system.

He let us know he missed the SFCN ribbon cutting because he was at the New Era garbage meeting. He reported that they passed a \$5 million budget for 2023. He told us the shared Bayview landfill project and the shared project of gas to energy were going well. He added that they share a safety officer between the Springville transfer station, the Bayview landfill, and the North Point transfer station in Lindon to keep them OSHA compliant. He told us they appointed new officers for that, and he found out he would be the chairman at the North Point transfer station as a new County Commissioner on the New Era board.

Mayor Mendenhall stated you can take the garbage out of the guy but you can't take the guy out of the garbage.

Councilman Gordon gave us an update with photos of the construction of a new push wall to push all the garbage against so it could be put in a compactor. He indicated not all transfer stations use this system, but at the Springville transfer station, it had proved to work well to get it on the trains and out to the landfill. He mentioned that it was nice to see the new construction as the Springville transfer station was at the end of its use.

Councilman Gordon acknowledged it was not easy to send his letter of resignation last week to the Mayor. In the letter he stated his last day would be the December City Council meeting. He mentioned that the staff would let people know the process for filling his City Council seat. He gave out his cell phone number (801-369-5001) and invited any citizen who would like to talk to him about issues they have within our city to call him, as he wants to be available to the public.

Councilman Argyle

He expressed his gratitude for the several years of Mr. Evans, from Diamond Fork Middle school, inviting them to talk to the 6th and 7th graders about local government. He was impressed by how much they already knew and how they paid attention to what stores were coming into the city. He shared how the class started out with a video about the sacrifice of veterans, and he was impressed this was being taught in our community. He was glad to be a part of this. had one question he couldn't answer. She wanted someone to fix Alexa because she only plays IHeartRadio.

Councilman Argyle thanked all those who worked the polls on election day and those who exercised their right to vote. He asked that when we find out whether our representatives won or lost, we be gracious and know that we can all be proud to be an American.

Mayor Mendenhall expressed how important it was to have a relationship with our representatives, Stephen Whyte and General Burton. He announced a town hall that Stephen Whyte was putting on to talk about future projects in Spanish Fork and state funding on

November 16th at 7 p.m. in the Spanish Fork council chambers. He let us know he would be holding town halls in Springville and Mapleton as well, plus he does a legislative update in the spring.

Mayor Mendenhall showed a picture of Councilwoman Beck, stating she was a smart politician, conducting the Spanish Fork Community Network (SFCN) groundbreaking on a cold day.

Councilwoman Beck joked that they asked her to conduct because it was cold and she would be fast.

Mayor Mendenhall praised Councilwoman Beck for her role in the (SFCN) building and for taking the lead. He acknowledged that she was a great communicator and an asset to the community and council.

Mayor Mendenhall stated that the County was lucky to have Brandon Gordon, and we were too. He indicated Seth would spell out the timeline for the vacancy. Seth asked Tara Silver, the city recorder, to give the timeline. He read Brandon's resignation letter.

Dear Mayor Mendenhall,

Please accept this letter as formal notification that I am resigning from my position as City Councilman for Spanish Fork City. My last meeting will be December 13th, 2022. Thank you so much for the support from the other elected officials and staff, as I take on the new role as Utah County Commissioner. I've kept it no secret that some of my favorite responsibilities have been involved with the garbage district. I think this is because we are regionally joined with our neighboring cities. As our city borders fall down in this effort, we help each other to take care of an important utility in south Utah County. My love for what public safety does to keep us safe and show up on our worst days has also been one of my interests. I will take what I have learned as a city councilman throughout my personal work career and as a County Commissioner where the experiences will no doubt make me better prepared for what's to come.

During my last month, I'll do everything possible to wrap up my duties as councilman and train any others on the boards I have served on or my current responsibilities. It is so important to me to see the progress of this great city continue. I have every bit of confidence in staff, the existing council, and of course, you as Mayor, that you will continue guiding the ship, making Spanish Fork the greatest city in the world.

Thank you for the experiences, the laughs, and most importantly the friendships. I'll sign off here like signing Spanish Fork yearbooks in the 80's. Stay cool, see you at the ballpark this summer and remember the more you weigh, the harder you are to kidnap. Stay safe, eat cake.

Gordo

(signed) Brandon B Gordon

Mayor Mendenhall stated that it was just like Brandon to give a heartfelt message with humor in the end. He told us he would be missed.

Mayor Mendenhall let us know his formal end date would be the December 13, 2022, city council meeting, and they would talk more about Brandon then. He acknowledged that he knew it was tough to write and noted that it was tough for him to accept. He told us it wasn't easy to have Councilman Scoubes leave, but they got Councilman Marshall when he did. He pointed out he would leave his mark in Spanish Fork.

Tara Silver gave the timeline and process for applying for the mid-term vacancy. She informed the public that the vacancy notice would be published the following day. The time to apply would be Dec. 1 through the 7 during business hours (8 to 5 p.m.), to the City Recorder in this building, room 130, where she would timestamp the application and watch them sign to make it official. She indicated they could also bring a one-page statement of their experience when they came to apply.

Tara Silver let us know that to be able to apply, they must attend a December 14th special meeting at 3:30 p.m. where the candidates would be interviewed and voted on by the Councilmembers to decide who would fill the vacancy. She let the public know if there was a tie on the last vote, state code had some ways to decide who was chosen, and Spanish Fork City had decided to use an unopened deck of cards to make the final decision.

Councilwoman Beck asked if the mayor gets to vote.

Tara Silver stated he would.

Vaughn clarified that if there was a tie on the first vote, the mayor would vote.

Seth Perrins mentioned there were state requirements to be a council member, and you could find those on the Spanish Fork website.

Mayor Mendenhall added the vacancy applicant would be finishing the rest of Councilman Gordon's term and could run for re-election in 2023.

Mayor Mendenhall was grateful for the US Studies teachers Mr. Chandler and Mr. Evans invitation to the Council to speak at the elementary and Diamond Fork Middle School. Councilmen Oyler, Argyle, and the Mayor were able to attend. He considered visiting schools one of the best parts of being mayor.

Mayor Mendenhall mentioned the politics nationally that failed to be respectful during the voting season. He addressed Emily Peterson's comment about how she felt less important as a resident and said he was truly sorry if he made her feel this way. He indicated he wanted everyone to feel the love of this city and community and that their opinions were valued and needed. He went on to encourage residents to come forward and respectfully debate because we would get a better product that way.

Mayor Mendenhall expressed that he was sorry if anyone felt marginalized and invited them to come and talk to him about it. He indicated we are a community of friends, family, and neighbors, and this is a place to express those opinions. He pointed out that he was excited to have an even bigger place that would hold more people in the future and allow them to be involved.

SPANISH FORK 101

A. Festival of Lights

Emily Harryman highlighted how they were celebrating the 30th year of the festival of lights with a new billboard and branding for the event. She let us know they had increased the cost to \$10 for a car, \$25 for a van or trailer, and \$50 for buses. She indicated most cities won't allow buses, but Spanish Fork built the event to accommodate buses. She told us that it would be open the day after Thanksgiving to New Years from 6 -10 p.m. Emily reminded us that if you wanted to drive through a second time, that would be available after Christmas as the event is too busy before that time.

Emily Harryman explained punch passes could be bought at the city offices and at parks and recreation. She pointed out the traffic pattern would change this year to US 6 turning at the Neighborhood Walmart grocery store - left on Canyon Road - right to 3400 East - left on River Bottoms - ending at Powerhouse road. She explained that the new route was needed because of the new US 6 intersection turning the shoulder into a turning lane at Powerhouse Road.

Emily Harryman pointed out the change would make it so there was no parking on the southside of Canyon Road but indicated residents from those subdivisions would still be able to park on the northside of Canyon Road. She asked that residents be patient as they get the word out and with people from out of town who may not know the new route, and cut in.

Councilwoman Beck felt like this change may cause some road rage.

Mayor Mendenhall expressed that this was a product of our own success. He indicated that if residents don't want to wait, they could go along Canyon Crest Drive and see them from afar.

Emily Harryman pointed out that if they take that route they wouldn't be able to see the two new features for the 30th year celebration.

Mayor Mendenhall thanked the electric department and Janice Ottesen, who every year stands in the cold to collect money.

Seth Perrins gave some statistics about the growth the event had seen. He told us that in 2019, they had 16,000 to 17,000 vehicles that went through, in 2020, there were 22,000, and in 2021, it went down a little to 20,300. He informed the residents that it would only back up to Canyon Road on busy nights. He stated that there would also be people out to help direct the new route.

Mayor Mendenhall clarified that the road on Canyon Road would be open going east; it would be the shoulder of the road that would hold the waiting traffic for the Festival of Lights.

Janice Ottesen stated that they had timed the traffic and that if people had their money ready, their lights turned off, and the radio station turned on, they could do five cars in a minute. She let us know that Emily Harryman was great at having signs up to tell you what to do.

Nick Porter added that the new rate change would make it so there was less change to give and could make traffic move faster.

CONSENT ITEMS:

A. Minutes Spanish Fork City Council Meeting 11-01-2022

Councilman Gordon made a **Motion** to approve **Consent Items A-H**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

PUBLIC HEARING:

A. Ordinance TITLE 15 AMENDMENTS. The proposal involves various amendments to Municipal Code regarding Title 15 Land Use.

Dave Anderson stated he had a handful of proposed amendments and gave an overview of some of the situations they had run into, so they were asking for more explicit guidance for properties that were presenting new uses, like a gas station to an office building. He gave the example of the Fritz building, being industrial, and turning into a new development. He wanted to make sure our industry standards and regulations protected anyone from previous uses. He wanted to make sure it would be clear and defensible for environmental concerns. He let us know Lance Hess was an expert they have used many times, and they would use his document to help staff refine and add language to the code.

Councilman Gordon wanted to know how much of it would come from the state level versus Lance writing it, and how similar it would be to Springville and Provo cities.

Dave Anderson stated they wanted to use successful models from other communities and often will. He mentioned he would be happy to ask Lance how much of it comes from the state level. He told us they would format it to fit in with the rest of our ordinance and add clear intentions for the different levels.

Dave Anderson let us know there was a clarification to the Annexation/process to update the language we require today. For example, changing it to be digitally submitted and not a hard copy, adding it could be done not only by petition but by resolution as well, and would open the door to allow people to keep their existing address.

Dave Anderson outlined the strengthening of the idea that approval was up to the city council when it was a master plan development. He added they would take out private streets as they no longer were allowed.

He let us know these changes were recommended by the Development Review Committee and the Planning Commission.

Councilman Argyle **Moved** to go **into a Public Hearing**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 7:08 p.m.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

Mayor Mendenhall asked for public comment.

There was none

Councilman Oyler **Moved** to go **out of Public Hearing**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:08 p.m.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

Mayor Mendenhall asked if there were any questions.

There were no questions.

Mayor Mendenhall expressed his appreciation for the Planning Commission debate as he read the minutes and felt like these were solid changes that needed to be made.

Councilman Argyle **Moved** to **Ordinance TITLE 15 AMENDMENTS. The proposal involves various amendments to Municipal Code regarding Title 15 Land Use.**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 7:09 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

NEW BUSINESS:

A. Modera Master Planned Development Request to Amend Approval

Dave Anderson stated this was a straightforward ask of the large developer to change the conditions of how many units in the project needed to be owner occupied when it was originally approved. They wanted the condition of 144 units to be owner occupied lifted so they could have all the units rented out. He mentioned the recommendation of the Development Review Committee and the Planning Commission was to deny the request.

Councilman Argyle wanted to know if they gave a reason.

Applicant Clint Garner was invited to speak.

Councilman Argyle wanted to know the reason they wanted it to completely go away.

Clint Garner told us he appreciated all the Mayor and Council do as he watches his sister-in-law act in her role as Lieutenant Governor. He indicated that when they started the project, the economy was different, and now the price of \$300,000 would have a payment of around \$2,500 (with a Federal Housing Administration (FHA) loan and 3% down), which makes it no longer affordable. He surmised the rental option was more affordable because the owner of the unit would need to put 25% down so they could ask for a lower payment for rent.

Clint went on to say it was more difficult for people to own homes in this market and that financial institutions wouldn't provide funding if their project had owner-occupy restrictions. He went on to say that at a Planning Commission meeting, it was stated that the city would not be able to enforce the 50% owner occupancy rule without the HOA or Covenants, Conditions, and Restrictions (CC&Rs). He wanted the option to rent it out if they couldn't sell a unit. He also indicated there was already a condition if they used a FHA loan that it be 50% owner-occupied, so there was no need for another condition and they would be required to maintain FHA standards.

Councilman Gordon mentioned the conversation they had, which was that if an owner owned the home, it would be a better project when families engage and live in the community—not that renters aren't those people—but that was the purpose when they approved the project originally with that condition. He acknowledged the pickle they were in

but he was not inclined to go against the Development Review Committee and the Planning Commission for this development.

Councilman Oyler wanted to know if there would be one rental company managing all the units or if they would be managed individually.

Applicant Clint Garner told us they would be managed individually. He stated that because of the high interest rate, it would give owners an option if they had to move. He was concerned it could hold owners hostage or force them to sell if the rental unit limit was reached.

Councilwoman Beck brought up there had been a lot of heated debate and that was why the condition was included. She wanted to know if the city had the power over the Homeowners Association (HOA) to do something if the rental threshold wasn't kept.

Seth Perrins voiced his limited experience that homeowners expressed they were grateful for the rental restriction as it created continuity and more of a neighborhood. He also put forward that once a home was rented, it likely wouldn't return to be owner-occupied. He stated HOAs are governed by the majority, or if the developer manages them they would have the decision to enforce the condition.

Mayor Mendenhall felt making it 50% owner occupied would allow residents to make equity for their next home or keep it as an investment property as a way to help people move on to more homes.

Seth Perrins recounted the history of the last 25 years, where we had a handful of downturns with the worst being 2007-2008. He believed that, even though it was a difficult time, we should take the long view and recognize that the rate would change. He said it was a new project for us as a higher-density development, and the purpose behind it was to have affordable housing.

Councilman Oyler wanted to know if CC&Rs could be changed later.

Vaughn Pickell stated that CC&Rs could be changed if a certain percentage of residents agreed.

Councilman Oyler wanted to know if it would come back to the city council if the homeowners decided to change it.

Vaughn Pickell informed us the HOA would have a development agreement with Spanish Fork City, but they would monitor it.

Councilman Oyler clarified that their members could change it.

Vaughn Pickell conveyed that they could, but it would put them in breach of contract.

Councilman Argyle specified that the financing struggle bothered him. He didn't understand the reasoning behind that. He concluded that the rental was not affordable housing. He agreed with Councilman Gordon that we needed to hold to our decision.

Mayor Mendenhall offered that this could be a case study at the legislative session and maybe they could work with the state to help them out.

Councilman Oyler **Moved to Deny the proposed amendment to the Preliminary Plat approval for the Master Planned Development based on the following findings:**

1. That owner occupancy adds an important element when creating a new neighborhood.

2. That opportunities for owner occupancy are very scarce.

3. That the condition is reasonable, only a small percentage of the homes in the development are required to be owner occupied.

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:28 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

B. Hearing and Resolution Authorizing Eminent Domain for Volunteer Drive (not a public hearing) Main street to 100 south

Vaughn Pickell noted as part of the roads master plan the city wanted to extend Volunteer Drive to collector and arterial roads for growth. He informed us they tried to acquire the south part of the Perry property and the remainder that is owned by Two Pesos, but although it is friendly, they hadn't been able to come to an agreement on the value. He added that they are not opposed to being acquired, and they would sign the right of access; the only element that was in debate was the value. He indicated they would appraise the value with the title company.

Vaughn Pickell cited state code that says we must hold a hearing for the property owner with the City Council. He outlined the next steps, if approved, the resolution would take it to the next step. He showed the exhibit with this item and pointed out why the property was needed for the road extension.

Councilman Argyle asked about a small fragment left on the piece.

Vaughn Pickell expressed that the small fragment was cut off and they had addressed it.

Councilman Gordon asked if it was like what we had done with the Cinemark property.

Seth Perrins reported that the example of eminent domain with Cinemark was because they received a tax advantage for it, while with this item there was a dispute on the value.

Vaughn Pickell summarized it as a 1033 exchange to delay a capital gains tax.

Councilman Gordon asked if it was here.

Vaughn Pickell responded no it was not here. He reiterated that this hearing would fulfill one of the requirements. He told us he had sent the proper notices and disclosures according to state law, and this resolution would take them to the next step.

Mayor Mendenhall asked if we knew the timeline.

Vaughn Pickell stated he was unsure, but they were putting up the money to acquire the property, and if they were still at an impasse, it would be 15 days, plus time to do a funds deposit transfer, so the court could appraise the value.

Councilman Oyler determined that it was an important road to have access to and that it would be safer.

Mayor Mendenhall asked what the speed limit was on the road.

Matt Johnson identified it as 30 miles per hour.

Councilwoman Beck **Moved to Approve** the **resolution authorizing the purchase or the initiation and filing of a complaint to exercise the power of eminent domain for the acquisition of property for the extension of Volunteer Drive East of Main StreetHearing and Resolution Authorizing Eminent Domain for Volunteer Drive (not a public hearing)**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 7:36 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

C. Senior Center Advisory Board Appointment of Marla Kilkelly to replace Maurine Rindslibacher

Councilman Argyle **Moved to Approve** the **Senior Center Advisory Board Appointment of Marla Kilkelly to replace Maurine Rindslibacher**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:37 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes

Chad Argyle	Yes
Shane Marshall	Absent

Mayor Mendenhall thanked Maurine for her service.

D. All West TiVo Transport Agreement with Spanish Fork City - Channel Sharing Agreement

Bryan Perry stated this was a project to make some changes to the cable system to fall in line with how people like to stream content, being able to watch it on their laptop, phone, or television with a good internet connection. He outlined the best way to provide this service affordably, was to partner with an IPTV streaming system called TiVo. He indicated that to make this happen, they would need a dedicated connection to the TiVo line.

Bryan Perry went on to tell us the local fees would not increase and the equipment people may be using to record content would now be cloud based so it could be accessed on all their devices. He did ascertain that to be able to get the local channels coded to use them on the streaming platform, there would have an annual maintenance fee and additional coder equipment needed. He went on to say the local cable networks, Allwest, Strata, Beehive, and CentraCom, have banded together to share those costs. He proposed that SFCN opt in to the channel sharing agreement to share 1/5 the expense every year.

Councilman Argyle wanted to know what our amount would be annually.

Bryan Perry pointed out the fee schedule on the last page of the agreement, stating there would be a one time encoder fee of \$6,640, \$1,337.95 a month for transport fees, and \$83 a month to help maintain the encoders and replace them if needed.

Councilman Oyler wanted it pointed out that it would be five times as much if we were to do it on our own.

Councilman Argyle asked if it was the cost to use our SFCN service.

Bryan Perry explained to get in with Strata, Centracom, Allwest, and Beehive who had already built the system and partnered with TiVo they would need to pay for the transfer connection to get to the platform.

Councilman Argyle wanted to know how they would cover the cost.

Bryan Perry indicated it would be part of our cable fees.

Councilman Gordon wanted clarification on how someone would change from their streaming app to ours. He wanted to know if we would have our own app or if it would be the TiVo app.

Bryan Perry stated we would have our own branded SFCNTv app and he noted they would have it built and be testing it by Dec 6th. He told us where it would be available to find and download once it was available.

Mayor Mendenhall wanted to know when it was rolled out if they could go to the SFCNTV app and scroll through to see what channels were included.

Byran Perry affirmed that was true and that the preferred app would be the Amazon Fire TV Stick 4K because it performed the best when tested. He informed us that they would have those available for purchase or that they could add it to your account. He pointed out that if you already had a smart television that could run the app, no additional hardware was needed. He added that they were available to buy at Lowes as well.

Councilman Oyler asked if they had tested it on the shield.

Bryan Perry let us know the shield was a supported device, but they had not tested it yet, so he would look into it.

Seth Perrins expanded on where the revenue would come from to pay for it. He indicated that a year ago they stopped putting coax cable into new developments, so they have saved money there. This proposed agreement would make it so they would be able to access our cable.

Bryan Perry mentioned that the coax will fail from time to time. It was great in its time, but is now 20 years old, and this will provide a strong fiber signal.

Councilman Oyler **Moved to Approve** the **All West TiVo Transport Agreement with Spanish Fork City - Channel Sharing Agreement**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:49 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Absent

Councilman Gordon pointed out that the Spanish Fork Dowdle puzzle would be on sale from November 24 through December 2 for \$15 instead of the regular \$25.

Councilman Gordon made a **Motion** to move to **Closed Session for Reasonably Imminent Litigation and Land Transaction**

Councilman Argyle **Seconded** the motion and it **Passed** all in favor at 7:50 p.m. with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes

Chad Argyle	Yes
Shane Marshall	Absent

Attest: November 15, 2022

I, Tara Silver, City Recorder of Spanish Fork City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on November 15, 2022. This document constitutes the official minutes of the City Council meeting.

A handwritten signature in black ink that reads "Tara Silver". The signature is written in a cursive, flowing style.

TARA SILVER, CITY RECORDER