



**CALL TO ORDER**  
**APPROVAL OF THE MEETING'S AGENDA**  
**MAYOR'S COMMENTS**

**PUBLIC COMMENT**

*Audience members may bring any item not on the agenda to the Mayor and Council's attention. Please complete and submit a "Request to Speak" form. Comments will be limited to two or three minutes, at the discretion of the Mayor. State Law prohibits the Council from acting on items that do not appear on the agenda.*

**CONSENT AGENDA**

*The Consent Agenda consists of items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Council. The Agenda provides an opportunity for public comment. If after the public comment the Council removes an item from the consent agenda for discussion, the item will keep its agenda number and will be added to the regular agenda for discussion, unless placed otherwise by the Council.*

1. Approval of minutes for the October 08, November 12 and 19, 2019 Work Study meetings and for the November 19, 2019 Regular meeting.
2. Approval of the Mayors re-appointment of Lisa Willey to the Springville Library Board - Dan Mickelson
3. Approval of a Resolution Supporting a Pediatric Trauma Care Unit in Utah County - Mayor Richard J. Child

**REGULAR AGENDA**

4. Consideration of an Ordinance amending Title 11, Chapter 5 of the Springville City Code, adopting regulations for a Materials, Processing and Storage Overlay District - Josh Yost, Community Development Director
5. Consideration of an Ordinance adopting Title 7 Chapter 9 of the Springville City Code establishing Materials Processing and Storage Business Licensing Regulations - Josh Yost, Community Development Director

**DISCUSSIONS/PRESENTATIONS**

6. Easement regarding the Bowman Property - John Penrod, Assistant City Administrator/City Attorney
7. Park Reservation Cancellation fees - Bradley Neel, Building and Grounds Director

**MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

**CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION**

8. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.*

**ADJOURNMENT**

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CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE- POSTED 12/05/2019

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

Meetings of the Springville City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to Springville City Municipal Code 2-4-102(4) regarding electronic meetings. s/s - Kim Crane, CMC, City Recorder



2 MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY  
3 COUNCIL HELD ON TUESDAY, OCTOBER 08, 2019 AT 5:30 P.M. AT THE CIVIC  
4 CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

5  
6 Mayor Richard J. Child presided. In addition to Mayor Child, the following were  
7 present: Councilmember Christopher Creer, Councilmember Craig Jensen,  
8 Councilmember Brett Nelson, Councilmember Jason Miller, Councilmember Michael  
9 Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney  
10 John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, and Deputy  
11 City Recorder Jennifer Grigg.

12 Also present were: Public Safety Director Craig Martinez, Power Director Leon  
13 Fredrickson, Public Works Director Brad Stapley, Building and Grounds Director Brad  
14 Neel, Library Director Dan Mickelson, Operations Manager Rod Oldroyd, Golf Pro Craig  
15 Norman Recreation Director Corey Meredith and Community Development Director Josh  
16 Yost.

17 Excused: Recorder Kim Crane, and Museum of Art Director Rita Wright

18 **CALL TO ORDER- 5:30 P.M.**

19  
20 **COUNCIL BUSINESS**

21 **1. Calendar**

- 22 • Oct 15 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- 23 • Oct 31 - City Main Street Safe Halloween Event 3:00 p.m. (Thursday)
- 24 • Nov 3 - Daylight Savings Ends
- 25 • Nov 5 - Municipal General Election Day
- 26 • Nov 5 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

27 Mayor Child added the Chamber of Commerce *Meet the Candidates* night  
28 tomorrow night in the Council Chambers.

29  
30 **2. DISCUSSION AND PRESENTATIONS**

31 **a) UTA Briefing, Current Transit Developments - Kent Millington**

32 Mr. Millington started his presentation by introducing the UTA board of trustees  
33 and explaining the governance change put in place by the state legislature last year. Now  
34 there are three full time board members appointed by the governor; Carlton Christensen  
35 representing Salt Lake County, Mr. Millington, representing Tooele and Utah County and  
36 Beth Holbrook, the immediate past president of ULCT (Utah League of Cities and Towns)  
37 representing Weber, Davis and Box Elder counties. The UTA board hired a Californian,  
38 Carolyn Gonot, as UTA executive director. He reported that UVX has 10,000 riders a day.  
39 Councilmember Nelson asked if that met the projected ridership when the project was  
40 proposed. Mr. Millington answered that even in the summer, ridership exceeded

42 expectations. Both colleges sold fewer parking permits this year. 18,000 people rode  
43 Frontrunner to the Utah/BYU game in Provo. Because of these projects, there is a  
44 decrease in cars on the road, pollution and aggravation. Councilmember Nelson asked  
45 when UTA would break even. Mr. Millington answered no transportation authority in the  
46 United States breaks even. Tokyo has 25 million people in an area from Ogden to Provo  
47 so they move 10 million people a day and cannot break even. Utah population is projected  
48 to be 5 million in 25 years. UTA does not anticipate ever being wholly reliant on the fare  
49 box revenue to cover expenses. UTA operating expenses are \$300 million per year. The  
50 proposed budget for operating expenses for all UTA services for 2020 is \$319 million.  
51 Fare box revenue is about one sixth of the budget at \$54 million.

52 Councilmember Miller asked how much the UVX project cost. Mr. Millington  
53 answered it cost about \$120 million to build. Because of a federal grant UVX is free for  
54 three years. UVU and BYU pay UTA a \$1 million a year each. Councilmember Nelson  
55 asked about the fare when the grant is over. Mr. Millington answered ridership will be \$1-  
56 2 per ride after the grant expires, but UTA is trying to continue to make UVX free with  
57 CMAQ (Congestion Mitigation and Air Quality Improvement) funds, from federal grants or  
58 Utah County. Councilmember Jensen explained that the \$2 million from the universities  
59 almost covers current fare box/ridership from the students travelling to the universities.  
60 He complimented the university solution because it gets people used to riding the bus.

61 Mr. Millington moved on to discussing a new bus connecting the Frontrunner  
62 station to businesses near Thanksgiving Point. In addition Ogden has a streetcar  
63 eliminating traffic. Taylorsville near SLCC (Salt Lake Community College) and Murray will  
64 get expanded service. Expanded service to Payson and West Valley City are being  
65 considered. UTA already owns the right of way to Payson. Mr. Millington asked the  
66 Council to identify a place for a station with a transit oriented development. Mayor Child  
67 added that is already included in our general plan.

68 Councilmember Creer asked about what needs to happen for UTA to move forward  
69 with the extension of Frontrunner to Payson. Mr. Millington listed an environmental study  
70 as well as an engineering study. The existing track needs improvements and UTA is  
71 looking into double-tracking. UTA prefers double-track from Brigham City to Payson. After  
72 the studies, UTA needs to come up with the funding. Councilmember Jensen asked why  
73 delay single-track construction waiting on double-tracking. Mr. Millington agreed and  
74 explained that because of recent commuter rail accidents all trains are federally mandated  
75 to have PTC (Positive Train Control) which detects problems and automatically stops the  
76 train. PTC makes reliability hard with one track. Councilmember Snelson asked if UTA  
77 will double-track to Brigham City before Utah County gets a single track. Mr. Millington  
78 answered no, because UTA already owns single-track right of way in Utah County.  
79 Currently they are buying right of way from Ogden to Brigham City. Administrator  
80 Fitzgerald interjected that UTA does not own double-track right of way in Springville. Mr.



80 Millington agreed and added that MATC (Mountainland Technical College) and UVU  
(Utah Valley University) are building campuses in Payson.

82 Councilmember Creer asked if Utah County must meet a population number or  
build the MATC campus in Payson before UTA starts the environmental study. Mr.  
84 Millington answered the project will start when UTA finds the \$2-\$3 million to start the  
environmental and environmental studies. He said the process will be underway within  
86 the next eight years. After the study, UTA will not implement a Frontrunner project in Utah  
County until there is a guaranteed amount of ridership. He said there is an example  
88 between Ogden and Pleasant View where Frontrunner ridership was two or three people.  
That route was terminated. Councilmember Nelson added that in terms of population,  
90 south of Salt Lake City is becoming the population center of the state, not north.

Mr. Millington said population and funding are part of the consideration.  
92 Councilmember Nelson said the projections for Utah County population increase are  
astounding. Administrator Fitzgerald said Springville City is frustrated because the  
94 amount of revenue generated for UTA from Springville sales tax would easily pay for both  
studies and the two bus routes UTA has allowed in Springville. For years and years UTA  
96 has allotted a smaller and smaller amount to service in Springville. Mayor Child said UTA  
even removed a bus line and Springville is not getting the attention it deserves from UTA.  
98 Mr. Millington said that is the kind of criticism he is looking for. He suggested there could  
be additional bus service from Springville and Payson headed north. Councilmember  
100 Jensen asked if UTA knows the large number of Springville residents that are driving from  
here to Provo Frontrunner. He continued by stating the bus routes are not reliable and  
102 take too long. Councilmember Nelson agreed with Administrator Fitzgerald. He said  
Springville is already financing more than enough UTA services and has the population  
104 projection UTA needs to get started on expanding Frontrunner south to Payson.

Administrator Fitzgerald said there was a meeting with UTA where Springville City  
106 agreed to participate in both studies. Everything Mr. Millington is saying is old news, at  
least five to seven years old. UTA already paid for a preliminary study of the location of  
108 the proposed transit station in Springville as well as a plan for transit oriented development  
around that future station. UTA also offered to purchase property to build an express bus  
110 stop in that planned location to get residents trained to use the future Frontrunner location.  
All of that happened years ago and nothing happened. Springville City is frustrated at the  
112 idea of starting over again with UTA when it has all been done before and nothing  
happened last time. Mr. Millington said he understands that Springville City wants to see  
114 results, not hear about future plans. Councilmember Nelson said you have our support.  
Mr. Millington said he mentioned this meeting to Mary Delamare Schaeffer (Timpanogos  
116 Regional General Manager at Utah Transit Authority.)

Administrator Fitzgerald said the urgency we are trying to convey is the location of  
118 the Frontrunner station is the hole in the donut and development is closing in on that



120 property. Springville City planned for transit oriented development and wants to be  
122 prepared and be part of that solution. Suburban homes line the existing single line  
124 easement where a double-line should have been planned. Staff asked UTA years ago for  
126 details on the space needed for double-lines and never got an answer. Because of that  
128 lack of follow up by UTA, there are homes that should not have happened. Mr. Millington  
130 promised to relay that information. Councilmember Nelson asked for a follow-up process  
on the answer to the double-track question. Attorney Penrod said there are rumors that  
UTA plans to skip Springville and build a station in Spanish Fork. Mr. Millington answered  
not as long as I am on the board. Councilmember Jensen said he asked Mary Delamare  
Schaeffer the same question and she agreed. Administrator Fitzgerald said the forecasts  
show Springville Frontrunner ridership near term projections would be 5,500 daily riders,  
100 times more than Spanish Fork.

Councilmember Miller said he is a daily rider. He agreed with Councilmember  
132 Creer's suggestion of a UTA advisory group for southern Utah County seeking input from  
the community. Mr. Millington agreed and said he wants to duplicate the advisory group  
134 in Thanksgiving Point which has proved to be successful. Councilmember Miller  
continued by asking for solutions to the bottlenecks on the mainline to increase ridership.  
136 He said the service is so unreliable and daily riders pay \$200 a month to ride Frontrunner  
while subsidizing the UVX project. Every day there is a mechanical or PTC delay or a  
138 bottleneck because of single-track.

Councilmember Miller said Provo is four times bigger than Springville so where is  
140 Springville's \$10 million project. Mr. Millington answered the double-track will help with  
the bottlenecks and is well underway between Vineyard & American Fork, South Jordan  
142 & Draper, and Clearfield & Roy. The Vineyard & American Fork double-track should be  
done by next November. UTA is waiting for a modest grant from the federal government.  
144 Councilmember Miller said it is a great route from Provo to the Airport, but a delay means  
a missed flight. Councilmember Jensen interjected that the problems cause ridership to  
146 go down. Councilmember Miller agreed and added the conductors never acknowledge  
the problems on the trains and there is no up to date information on the platforms. Mr.  
148 Millington concluded by saying UTA is aware of the delays and bottlenecks due to PTC  
and single-track and he really appreciated the information and will follow up on the double-  
150 track question by Friday.

### 152 3. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

#### 154 b) Discussion with Department Directors

Director Yost stated he is still catching a breath and busy and excited to get going.

156 Director Meredith reported soccer is over; inside sports are beginning; high school  
swim teams are starting. Mayor Child asked about the field house. Director Meredith said  
it is booked from November to February from 4:00 p.m. to 9:00 p.m. and most Saturdays.

158 Director Fredrickson thanked Director Meredith for painting the field house and



complimented how nice it looked. Councilmember Jensen suggested getting new windows donated.

Director Mickelson reported a fun program and thanked Shannon Acor and *Ceñtro Español*. There were about 200 people in attendance. Friday is *Star Wars Reads* day and invited everyone to cosplay.

Director Neel reported Bartholomew Family Park parking fee collection is closed from September 30, 2019 until May 1, 2020. Staff will start installing Christmas lights along Main Street by the end of October. Mayor Child asked if parks are getting winterized. Director Neel answered yes and pressurized irrigation turns off soon.

Director Fredrickson reported Power Week was very successful with over 750 5<sup>th</sup> grade students, adults and parents seeing what they own in the Springville electrical systems. The UAMPS Payson Nebo project is refunding their bond to save \$80,000 on debt service which means there are only 5.5 years left. 2026 we will have saved \$1.3 million savings debt service which should give us the opportunity to expand our resource portfolio. Councilmember Nelson said Director Fredrickson is a new father-in-law with a successful wedding recently.

Director Stapley reported the Center Street project is on schedule and paving is scheduled for next spring after the trenches settle. Councilmember Snelson said the trenches are nice. Director Stapley continued by saying the paving project in the spring will include milling down 1.5 inches east of 400 East to the lip of the gutter removing up to four inches of asphalt to improve the profile. Staff will be working through November to get Center Street water services done. The Mayor just signed a \$2.2 million contract for the new Bartholomew tank. The old tank will come down in the winter and analysis shows the city will have enough water to be supplied through the penstock.

Deputy Recorder Grigg reminded that the director's meeting packets are now quarterly.

Chief Martinez invited everyone to the party at the Fire Department on Wednesday. Administrator Fitzgerald said the quarterly city employee lunch is returning and designed for all employees to get to know what other departments do.

- c) Commission, Board and Committee Minutes
- d) Mayor and Council Reports

Councilmember Snelson invited all to *Meet the Candidate Night* and the Chamber meeting when Mayor Child is speaking. He complimented the new bike lane striping from UDOT.

## 8. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

*The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.*



There was none.

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#### 4. ADJOURNMENT

202

COUNCILMEMBER NELSON MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:28 P.M. COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL VOTED AYE.

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*This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, October 08, 2019.*

208

*I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, October 08, 2019.*

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Jennifer Grigg  
Deputy City Recorder

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2 MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON  
4 TUESDAY, NOVEMBER 12, 2019 AT 5:31 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,  
6 SPRINGVILLE, UTAH.

8 Mayor Richard J. Child presided. In addition to Mayor Child, the following were present:  
10 Councilmember Christopher Creer Councilmember Jason Miller, Councilmember Michael Snelson, City  
12 Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City  
14 Administrator/Finance Director Bruce Riddle, Recorder Kim Crane, and Deputy City Recorder Jennifer  
16 Grigg.

18 Also present were: Public Safety Director Craig Martinez, Power Director Leon Fredrickson, Public  
20 Works Director Brad Stapley, Building and Grounds Director Brad Neel, Library Director Dan Mickelson,  
22 Operations Manager Rod Oldroyd, Golf Pro Craig Norman, Community Development Director Josh Yost,  
24 City Engineer Jeff Anderson, CTC Coordinator Shannon Acor and Museum of Art Director Rita Wright.

26 Ricky Anderson, Darren Robinson and Ted Mickelson representing Jones & DeMille Engineering,  
28 1750 North and 775 West, attended to assist with the FEMA presentation. Lucas and Jennifer Franks  
30 were in attendance to report on the Drug Take-Back Event.

32 Excused: Councilmember Craig Jensen, Councilmember Brett Nelson, Recreation Director Corey  
34 Meredith

36 **CALL TO ORDER- 5:31 P.M.**

38 Mayor welcomes Liz Crandall and Matt Packard, newly elected City Council members.

40 **COUNCIL BUSINESS**

42 **1. Calendar**

- 44 • Nov 19 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- 46 • Nov 19 - Springville Municipal General Election Canvass 7:00 p.m.
- Nov 28-29 - Thanksgiving Holiday Observed (City Offices Closed)
- Dec 03 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

• **2. DISCUSSION AND PRESENTATIONS**

Mayor Child announced that the county approved a resolution for putting a RAP (Recreation, Arts & Parks) tax on the ballot next year. He honored Craig Norman who was elected Golf Professional of the Year of the PGA by members of the PGA. Mayor Child said our golf course is awesome this year and we really appreciate Craig. He introduced Shannon Acor, the CTC Coordinator.

**a) Drug Take-Back Event Report - Shannon Acor, CTC Coordinator**

Coordinator Acor said twice a year Springville City holds a drug take-back event. Lucas Franks asked to help facilitate the event for his Eagle Project. Scout Franks collected 115 pounds on October 26, 2019, the most discarded drugs ever. Chief Martinez said there are also several hundred pounds collected at the Police Department each year. Scout Franks started his presentation by explaining why he chose drug take-back as his Eagle project. He said the event helps people safely dispose of unwanted and expired drugs. He publicized the event with flyers distributed to local businesses. He raised money to replace the banners used each year. He included Naloxone training in the library where participants received a free Naloxone kit. Mayor Child congratulated Scout Franks on completing his Eagle Project.

46

48           **b) Flood Control Projects studies and funding - Jeff Anderson, City Engineer**

50           Mayor Child introduced this important presentation and stated FEMA is in control and forcing this  
52 change on the city. Engineer Anderson started his presentation by introducing Jones & DeMille Engineers  
54 including Ricky Anderson, Darren Robinson, and Ted Mickelson. He stated the project has progressed  
56 to the grant funding stage. He presented the background of FEMA, which is the Federal Emergency  
Management Association. They design a federal program that if the community participates, the  
homeowners can buy subsidized flood insurance. FEMA also provides risk management maps  
establishing high-risk areas in communities with waterways. They also help communities manage those  
high-risk areas by establishing requirements for developers such as elevating structures to reduce the  
flood risk.

58           He continued by stating the last time FEMA evaluated Springville for flood maps was in 1985,  
after the 1983 floods. A large portion of our community was not mapped because it was not developed.  
60 Most of undeveloped Springville was designated as a 500-year flood plain. Since then the West fields  
have developed. Devon Glen was built around 2005 and backs right up to the floodway of Hobble Creek.  
62 As the new city engineer, Jeff was concerned, but could only require them to build to the current city code  
and federal requirements. At that time, the developer of Devon Glen built in accordance with all  
64 community and federal requirements. Today, with these new FEMA maps, some of those homes are now  
in designated flood danger.

66           He continued by stating there are benefits for residents in our community including federally  
backed loans, disaster assistance, and up to date understanding of which areas face a flood risk. Kathy  
68 Holder is the flood plain manager of the NFIP (National Flood Insurance Program) for the state of Utah.  
Jamie Huff is the Utah Risk MAP Program Manager and Engineer Anderson said he is the local floodplain  
70 administrator. The federal government designs the standards but requires the local municipal government  
to enforce the federal requirements. Councilmember Snelson asked why the federal government is  
72 concerned about Hobble Creek. Engineer Anderson said it is a state-controlled waterway, designated as  
a navigable waterway, with flood potential under the Waters of the United States (WOTUS which defines  
74 all bodies of water that fall under U.S. federal jurisdiction). Because Hobble Creek has flooding potential  
and has flooded in the past, FEMA wants to reduce the chances of a reoccurrence that will cause  
76 structural damage. Spring Creek and other Springville waterways do not have the mountain shed corridor  
feeding it or large fluctuations in flow, like Hobble Creek. Spring Creek is primarily fed by the Mill Pond  
78 Springs and does not have much fluctuation in water flow so FEMA has not mapped it. Hobble Creek is  
the main waterway in Springville that is designated by FEMA as flood potential.

80           Engineer Anderson continued by illustrating a timeline of floodplain maps starting in 2016 when  
FEMA decided to update all maps in Utah County. Of all communities in Utah County, Springville is the  
82 worst hit by this map change, with 279 structures newly added to the flood plain. Some homes on the  
east side of town were removed from flood plain designation. Most of the 279 homes, businesses and  
84 structures are on the west side of town and it is his understanding that they will now need to pay flood  
insurance. Springville has the largest increase of homes in the flood plain of all the communities in Utah  
86 County. FEMA initiated the map update in 2016 by collecting data using LIDAR (Light Detection and  
Ranging), looking at hydraulics and surveying bridges. Unfortunately the city can't ask for grants until the  
88 new flood maps are official. Preliminary maps and models were released in 2017.

90           He said the debris basin at the mouth of the canyon, which catches logs and debris, significantly  
improved our flood risk. The old flood map did not include that debris basin. Because FEMA includes the  
debris basin and the changes in the creek channel since 1985, the map (which is on our website) shows  
92 the flood plain reduced on the east side of Springville but increased on the west side. In 1985, the mapping  
ended at the bridge crossing Hobble Creek at around 800 East. Flood plain can be on your property as



94 long as it does not touch the structures on your property. Engineer Anderson believes FEMA encourages  
96 flood insurance if the map shows flood on your property and federally backed mortgages require flood  
insurance if a structure is designated as in the flood plain.

98 He continued his presentation by reporting the new map adds many homes to the flood plain  
starting at 100 West, because the railroad tracks act as a dam. Houses half a mile north of the creek are  
100 now in the flood plain and it is believed they will need to pay for flood insurance because of the railroad  
tracks. Homes, built in Devon Glen about 2005 to 2006, are now shown in the flood plain where Hobbles  
102 Creek would jump the banks and gets into those homes. Some homes are even designated as in the  
floodway, which is worse. FEMA released the preliminary maps and had informational meetings for staff  
and citizens. Staff started pursuing grant applications. It is believed that residents would be grandfathered  
104 in at a lower insurance price if they get flood insurance before the maps become effective. Jones &  
Demille Engineering was contracted to gather some data for an appeal, which was denied. Engineer  
106 Anderson complimented the federal government, stating they did a good job on the map. They refused  
the appeal because the efforts to adjust the map versus the gains were not worth it. More cities appealed  
108 and it will take years.

He stated that in 2018, with the appeal to the current map denied, staff moved into the next stage;  
110 adopting the map. Staff researched options and presented them to the City Council. Jones & Demille  
suggested levees, sheet piles, floodwalls and other structures and projects to protect these homes which  
112 could also be an amenity, enhancing public use of Hobbles Creek. Jones and Demille created a GIS story  
map, showing Hobbles Creek with its embankments built by farmers. The FEMA definition of a levee is  
114 much stricter because of levee failure in past hurricanes. In addition, the flow line of Hobbles Creek has  
silted up and become a perched flood plain; higher than the areas around it. The FEMA map is a model  
116 of a possible 100-year flood and disregards the inadequate embankments, which is why the flood plain  
widens out into Devon Glen and the land east of the creek. In the past, farmers added to the  
118 embankments, constricting and deepening the creek flow line to gain farm ground. In the 80s flood, the  
banks were cut so the flood could flow to the south, where there are now homes and businesses.

120 Engineer Anderson continued his presentation by saying that levees are earthen dikes, without  
deep-rooted vegetation, but there can be trails on top. Councilmember Snelson asked if plants with deep  
122 roots would breach the dike like Ditch One. Engineer Anderson agreed, stating a tree dies, leaving a hole  
for a potential failure location. In addition, sheet piles have a term life replacement cycle, because of  
124 metal contacting the water and soil, cause rust. Box culverts cover the creek, eliminating it as an amenity.  
Flood walls are like a sheet pile, except excavated all the way down and made of concrete, then backfilled.  
126 The project is divided into segments as shown on the map. These solutions will reclaim the land from the  
flood plain, and as each home is removed from the flood plain, it is believed that homeowners will not be  
128 required to buy flood insurance.

130 Engineer Anderson continued explaining the details of the projects including a cost-benefit  
analysis, cost for the different options, levee systems, geotech, and a source of dirt to build the levees.  
He and Jones & Demille met with FEMA about the design concepts and attended seminars on applying  
132 for and receiving grants. FEMA starts the final adoption process in December 2019. Springville City has  
six months until the final map adoption in June of 2020. He believes that residents should buy flood  
134 insurance before the maps are adopted by ordinance. He gave estimates of the cost and the savings.  
Councilmember Creer asked about assurances that rates will not go up. Engineer Anderson stated  
136 actuaries from the insurance companies are in charge of rates and will still assess each residence, but  
expects an increase of 18% per year with the new FEMA map. Councilmember Miller asked if the rate  
138 stays with the house, can a new buyer assume the rate based on the old map. Engineer Anderson said



140 he believes the insurance policy can be sold with the home without lapse in policy. Councilmember Miller clarified that the resident needs a policy before the maps are adopted in June.

142 Councilmember Snelson asked about government assistance for homeowners that cannot afford  
144 this insurance. Engineer Anderson stated the grants assist the community to build the \$25 million project.  
146 Homeowners getting insurance before the maps change is the most affordable option. Councilmember  
148 Creer clarified that these projects do not help with insurance rates. Engineer Anderson stated once  
150 projects are done we will do a LOMR (Letter of Map Revision) to update the maps and ask FEMA to  
152 remove the homes from the map. The encouraging news is that city code did not allow basements in the  
154 west fields which would make the insurance higher. Staff will pursue these grants. Engineer Anderson is  
156 obligated to enforce these maps as they are which includes placing an ordinance and a permit process.  
158 Builders need to elevate new structures by two feet to cut their flood insurance rates in half. He  
160 recommends an additional one to two feet. He detailed the sections, solutions, and projects to remove  
162 the homes from the flood plain. During the descriptions, Mayor Child asked about the land north of Hobble  
164 Creek. He said that land is farmland now and after this project it can stay farmland. Engineer Anderson  
166 agreed as long as the property owner understands that land is floodable, there is still usable land between  
168 the levee and the existing channel. In the fourth section, the creek channel will straighten out and have a  
170 trail on top next to a staged flood plain.

156 He continued to the funding opportunities. The PDM (Pre-Disaster Mitigation) Grant includes a  
158 \$10,000,000 project and nine \$4,000,000 projects per year for the state of Utah. It requires a 25% match  
160 from the local authority. That match can be property donation or engineering fees. This grant also requires  
162 land in hand or a willing seller letter. It is due December 6th and has a high probability. Amongst the  
164 applications last year, there was an 80% chance of receiving the grant. FEMA is looking to increase the  
166 cap for bigger projects. Our problem is getting land in hand or willing seller. Councilmember Snelson  
168 asked if the landowner knew about the new map. Engineer Anderson said the landowner wants to  
170 continue farming, but if future generations want to develop in the future, that will be designated as  
172 floodway which restricts development. Floodway designation means the property can't have an adverse  
174 effect up or downstream. A flood plain is just 100-year floodwater. No development is allowed through  
176 the floodway. Administrator Fitzgerald added the Community Park is in the floodway. Councilmember  
178 Miller asked if the projects push the floodway out of the homes in Devon Glen and flood the undeveloped  
180 land north of the creek. Director Stapley said it pushes water to the other landowners. Attorney Penrod  
182 added staff is still talking to the landowner.

170 Administrator Fitzgerald said without the land, the deadline for this grant is too soon and there is  
172 no time to educate the community about the options. Engineer Anderson concluded by saying these  
174 projects will cost more than \$21 million to complete sections 0-4, which is out of the scope of the \$10  
176 million grant. He continued on to the NRCS PL-566 Grant (Watershed Protection and Flood Prevention  
178 Act), which would cover 100% of the project except for land acquisition, but takes four years. That means  
180 four years that homeowners are paying flood insurance. He details some of the land acquisition  
182 participants including the DNR, the June Sucker Project and Wavetronics. This application is a long drawn  
184 out process that includes a two-year watershed study. The application period is the end of November or  
early December 2019. Staff is recommending going forward with this application. The cost ratio shows  
we should go forward and look for additional partners. Councilmember Miller asked if the two grants are  
mutually exclusive. A representative of Jones & DeMille answered it is beneficial if you go through the  
planning process and mix the funding. Administrator Fitzgerald was told the next time to apply is next fall.  
He said he likes the grant because it works with the landowners and costs to the taxpayers go down. It at  
least pulls the houses out of the flood plain. Engineer Anderson stated there are other funding  
mechanisms including:



- 186 • Special Improvement District (SID)
- Impact Fees
- Project Partners
- 188 USBR June Sucker Recovery Program
- Other State and Federal Agencies
- 190 Benefited Commercial Businesses

192 His final recommendation is to submit the NRCS PLS66 funding application this year which  
facilitates further study of alternatives and brings the public into the process, then wait to submit the PDM  
194 funding application. As the new maps become effective in June 2020, staff will inform homeowners that  
Springville City is proactively pursuing projects and funding options to alleviate negative impacts to the  
homeowners. Administrator Fitzgerald said private property owners can build their own levees. Staff  
196 wants to make sure the City Council is comfortable with this game plan. There is a whole range of  
possibilities including do nothing which would save consulting fees. There are many property owners far  
198 north of the creek that expect to develop their property. Councilmember Snelson said he agrees with the  
recommendation because it is advantageous to the tax base. The undeveloped land will add revenue as  
200 it is developed. Administrator Fitzgerald said the discussion will continue next year as more citizens hear  
about this. The reality is these homeowners will need to buy flood insurance if they have a mortgage.  
202 Councilmember Miller added some homeowners along the creek already have flood insurance and if a  
homeowner wants to sell their home, it is better to get the lower rate grandfathered in. Engineer Anderson  
204 thanked Jones & DeMille and noted they have won many NRCS grants.

### 206 3. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

#### 208 c) Discussion with Department Directors

208 Director Fredrickson reported that there will be 280 meters without power up Hobble Creek  
Canyon while staff performs maintenance on an underground line on Thursday and Friday.

210 Councilmember Miller congratulated Craig Norman for being voted PGA Professional of the Year  
for the Utah section.

212 Mayor Child announced that Chief Martinez will be speaking at the Chamber of Commerce a week  
from Thursday.

214 Director Neel complimented his staff.

216 Councilmember Snelson asked Director Riddle to explain the fund summary attached to our  
packet. Director Riddle noted that only two people in ten years had asked him that.

218 Director Stapley reported that Center Street was paved today and it should be fully open  
tomorrow. The project covered through 1470 East. Administrator Fitzgerald asked him to reach out to the  
junior high school to tell people the road is open. Mayor Child reported that residents complimented the  
220 contractor as very considerate and they knew it had to be done. Director Stapley continued by stating that  
he received the ok from the state for the Bartholomew Tank replacement project. They approved the  
222 plans and now work can start. He also reported that they are waiting on the state for the operating permit  
for Well #2.

224 Mr. Oldroyd reported there were 5000 views and 65 positive comments on the Craig Norman PGA  
Professional of the Year post.

226 Recorder Crane said the election canvas ratifying the election results will be next Tuesday.

#### 228 d) Commission, Board and Committee Minutes

230 There were none.

230

e) **Mayor and Council Reports**

232 There were none.

234 **4. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION**

236 *The Springville City Council may temporarily recess the regular meeting and convene in a closed session*  
238 *to discuss the character, professional competence, or physical or mental health of an individual, pending or*  
*reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-*  
*205.*

240 There was none.

**5. ADJOURNMENT**

242 COUNCILMEMBER CREER MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE  
244 SPRINGVILLE CITY COUNCIL AT 6:43 P.M. COUNCILMEMBER SNELSON SECONDED THE  
MOTION, ALL VOTED AYE.

246 *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on*  
*Tuesday, NOVEMBER 12, 2019.*

248 *I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for*  
250 *Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and*  
*accurate, and complete record of this meeting held on Tuesday, November 12, 2019.*

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Jennifer Grigg  
Deputy City Recorder



2 MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON  
TUESDAY, NOVEMBER 19, 2019 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,  
3 SPRINGVILLE, UTAH.

4  
6 COUNCILMEMBER SNELSON MOVED TO APPOINT COUNCILMEMBER CREER AS MAYOR  
PRO TEM TO PERFORM, DURING THE MAYOR'S ABSENCE, THE DUTIES AND FUNCTIONS OF  
MAYOR. COUNCILMEMBER JENSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE

8  
10 Mayor Pro Tem Creer presided. In addition to Mayor Child, the following were present:  
Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson,  
Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City  
12 Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim  
Crane.

14 Also, present were: Public Safety Director Craig Martinez, Power Department Director Leon  
Fredrickson, Building and Grounds Director Bradley Neel, Community Development Director Josh Yost,  
16 Operations Manager Rod Oldroyd, Museum of Art Director, Rita Wright, Recreation Director Corey  
Merideth, and Library Director Dan Mickelson. Excused from the meeting, Mayor Richard J. Child.

18  
**CALL TO ORDER**

20 Mayor Pro Tem Creer welcomed everyone and called the Work/Study meeting to order at 5:30  
PM.

22  
**COUNCIL BUSINESS**

24 1) Calendar

- Nov 28-29 - Thanksgiving Holiday Observed (City Offices Closed)
- 26 • Dec 03 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Dec 10 - Work/Study Meeting 5:30 p.m.
- 28 • Dec 17 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Dec 25 - Christmas Holiday Observed (Wednesday, City Offices Closed)

30  
32 Mayor Pro Tem Creer asked if there were any questions or additions to the calendar. It was noted  
the employee Christmas lunch will be held on December 12, 2019 at 11:30 a.m.

34 Councilmember Miller arrived at 5:35 p.m.

36 2) Discussion on this evening's Regular Meeting agenda items

- a) Invocation - Councilmember Creer
- 38 b) Pledge of Allegiance - Councilmember Miller
- c) Consent Agenda

40 2. Approval of minutes for the November 05, 2019 Work/Study minutes and the October 15, 2019  
and November 05, 2019 Regular meeting minutes.

42 3. Approval of a temporary construction easement with Suburban Land Reserve for PI pipeline  
44 installation at approximately 1200 w 700 south - Jeff Anderson, City Engineer

46 Mayor Pro Tem Creer asked if there was any discussion on tonight's consent agenda. There was  
48 none.

#### 48 DISCUSSIONS/PRESENTATIONS

50 a. **Sewer Master Plan - Brad Stapley, Public Works Director, Juan Garrido, Water Reclamation and  
52 Storm Water Superintendent**

52 Director Stapley reviewed the Waste Water collection system and Sewer Master Plan. He  
54 explained having a Master Plan gives staff a report card on the existing system as a planning document  
56 to anticipate future growth and the basis for Impact Fee Facilities Plan and Impact Fee Assessment  
58 Planning. They map the existing collection system, collect wastewater flow data and determine total flows.  
60 Currently there are 135 miles of pipeline, 2700 manholes and 12 lift stations along with force mains in the  
62 City.

64 He explained Equivalent Residential Units (ERU's) are established, by looking at indoor culinary  
66 water use during the winter. Wastewater has diurnal curves during the day with peaks throughout the  
68 day. Inflow and Infiltration causes a large amount of water loss, caused from seepage from cracks in  
70 pipes and rain events. They establish days of peak demand and peak flow, current land use/zoning, and  
72 pipe capacity to project future modeling criteria.

74 Director Stapley reviewed the existing improvement projects worth \$2 million and is a part of their  
76 capital improvement plan.

78 Councilmember Nelson asked how they budget for the projects. Fitzgerald explained they are in  
80 the five-year capital plan and funds are included in the capital improvement plan each budget year.

82 Stapley reviewed the twenty-year Wastewater Collection Master Plan and staff recommendations.  
84 Part of which was to continue the cleaning and inspection program, the Utah Sewer Management  
86 Program and eliminate the inflow and infiltration.

88 Superintendent Garrido addressed the chemical requirement for the system and the expense of  
90 the chemicals. They are currently working to use chemicals to get below the state requirement in reducing  
phosphorous levels, however the chemical process produces a lot of sludge. Staff will be asking the State  
to have one more year to experiment with other processes.

92 Stapley reported the Master Plan will come before the Council in the spring for adoption.

#### 94 MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

96 Mayor Pro Tem Creer asked for any other comments.

#### 98 4) CLOSED SESSION

100 *The Springville City Council may temporarily recess the regular meeting and convene in a closed  
102 session to discuss the character, professional competence, or physical or mental health of an  
104 individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real  
106 property, as provided by Utah Code Annotated Section 52-4-205*

108 There was none.

#### 110 ADJOURNMENT

112 COUNCILMEMBER SNELSON MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE  
114 SPRINGVILLE CITY COUNCIL AT 6:12 P.M.

116 COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL VOTED AYE.

118

92            *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on  
Tuesday, November 19, 2019.*

94            *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for  
Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and  
96 accurate, and complete record of this meeting held on Tuesday, November 19, 2019.*

98

\_\_\_\_\_  
Kim Crane, CMC  
City Recorder

100

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY,  
2 NOVEMBER 19, 2019, 2019 AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,  
3 SPRINGVILLE, UTAH.

4  
5 Mayor Pro Tem Creer presided. In addition to Mayor Child, the following were present:  
6 Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson,  
7 Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City  
8 Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim  
9 Crane.

10 Also, present were: Public Safety Director Craig Martinez, Building and Grounds Director Bradley  
11 Neel, Recreation Director Corey Merideth, Community Development Director Josh Yost, Public Works  
12 Director Brad Stapley, Library Director Dan Mickelson, and Museum Director Rita Wright. Excused from  
13 the meeting Mayor Richard Child.

14  
15 **CALL TO ORDER**

16 Mayor Pro Tem Creer welcomed everyone and called the meeting to order at 7:00 p.m.

17  
18 **INVOCATION AND PLEDGE**

19 Councilmember Creer offered the invocation, and Councilmember Miller led the Pledge of  
20 Allegiance.

21  
22 **APPROVAL OF THE MEETING'S AGENDA**

23  
24 COUNCILMEMBER JENSEN MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN.  
25 COUNCILMEMBER MILLER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

26  
27 **MAYOR'S COMMENTS**

28 Mayor Pro Tem Creer welcomed the Council, staff and audience. He asked for any scouts or  
29 students on assignment to please stand and be recognized.

30  
31 **CEREMONIAL**

- 32 1. **Presentation of the Mayor's Awards - Shannon Acor, Shannon Acor, Prevention  
33 Coordinator/Youth Court Director.**

34 Prevention Coordinator Acor along with Councilmember Miller presented the Mayor Awards to the  
35 following students. Kekai Palmer, Merit Academy; Aubrey Nissen, Springville High School, and Bethany  
36 Stewart, Springville High School.

37  
38 **PUBLIC COMMENT**

39 Mayor Pro Tem Creer introduced the Public Comment section of the agenda. He asked if there  
40 were any requests.

41 Amy Bowman, Springville resident; would like to request an agenda item for the December 03,  
42 2019 meeting. They are building a home on Hobble Creek where they own the property on the Springville  
43 and Mapleton sides of the creek, and would like to build a foot bridge across the creek. They have hired  
44 Jones and Demille an engineering firm to help them with the process, and are working with Mathew

Wilson at the Army Corp of Engineers, Chuck Williamson with the State of Utah and Jeff Anderson, Springville City Engineer. They have received permission from Mapleton City to build the foot bridge.

She stated Director Stapley made them aware of City ordinances regarding a trail easement and setbacks. At the invitation of City Attorney John Penrod, she spoke to the Council two years ago about the trail easements. At that time Staff was directed to review the easement issues, and it has not been resolved. They would like this item on the December 03, 2019 Council meeting agenda. She stated Mr. Penrod reported two years ago, staff presented on the trail easements including the Bowman's. Staff was to look at the trail and see if the easements would be adjusted. She is concerned about the easement, as it ends on the eastside of their property and there is not a way for the city to access the trail to the west.

City Attorney Penrod explained the trail was put in the wrong easement and there was not ten feet available for the trail, it's literally a rock wall where the easement ends. Amy stated a plan was submitted to Jeff Anderson for review with other city staff. Administrator Fitzgerald expressed it could be a zoning code issue and will need to be reviewed and possibly go to the Planning Commission. Council was in agreement to have the item reviewed and move forward.

60

### CONSENT AGENDA

- 62 2. Approval of minutes for the November 05, 2019 Work/Study minutes and the October 15, 2019 and November 05, 2019 Regular meeting minutes.
- 64 3. Approval of a temporary construction easement with Suburban Land Reserve for PI pipeline installation at approximately 1200 w 700 south - Jeff Anderson, City Engineer

66

COUNCILMEMBER SNELSON MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.

COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

70

### PUBLIC HEARING AGENDA

- 72 4. **Public Hearing for consideration of amendments to the Housing Element of the General Plan to be in accordance with SB 34 - Josh Yost, Community Development Director**

74 Director Yost reported the proposed resolution acts to adopt the revised Moderate-Income Housing Element and bring the City in compliance with the provisions of 2019 Senate Bill 34.

76 Staff has twice presented the selected moderate-income housing strategies to the Planning Commission and briefed the City Council on November 5, 2019 and is now seeking adoption of the revised Moderate-Income Housing Plan with selected strategies and required updated tabulations.

80 MAYOR PRO TEM CREER OPENED THE PUBLIC HEARING

No Public comment was received.

82

COUNCILMEMBER MILLER MOTIONED TO CLOSE THE PUBLIC HEARING.  
84 COUNCILMEMBER SNELSON SECONDED THE MOTION, ALL THOSE PRESENT VOTED AYE.

86 Councilmember Miller asked if there would be more to come from the Legislature regarding this. Yost replied discussions have been had, he doesn't expect anything coming soon.

88

COUNCILMEMBER SNELSON MOVED TO APPROVE **RESOLUTION #2019-38** ADOPTING THE AMENDED MODERATE-INCOME HOUSING ELEMENT OF THE GENERAL PLAN INCLUDING SELECTED IMPLEMENTATION STRATEGIES AND 5-YEAR ESTIMATES OF MODERATE-INCOME HOUSING NEEDS IN COMPLIANCE WITH 2019 SENATE BILL 34.

94 COUNCILMEMBER JENSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS  
FOLLOWS:  
COUNCILMEMBER CREER AYE  
96 COUNCILMEMBER JENSEN AYE  
COUNCILMEMBER MILLER AYE  
98 COUNCILMEMBER NELSON AYE  
COUNCILMEMBER SNELSON AYE

100 **RESOLUTION #2019-38 APPROVED**

102 **REGULAR AGENDA**

104 **5. Consideration of a Resolution approving and certifying the Board of Canvassers Official Report of the November 05, 2019, Municipal General Election for Springville City, Utah - Kim Crane, City Recorder**

106 Recorder Crane reported this year's Municipal General Election had three City Council seats up  
for election, and twelve Declarations of Candidacy were filed. Three candidates withdrew before the  
108 Primary Election, leaving nine candidates for the Primary Election. Six candidates moved on to the  
General Election. The following counts include mail-in ballots postmarked on or before November 04,  
110 2019, ballots deposited in official Utah County drop boxes, and provisional ballots verified as acceptable  
for counting by the Utah County Clerk's Office.

112 According to the canvass results, it is hereby declared that candidates Matt Packard, Liz Crandall  
and Patrick Monney have been duly elected by the residents of Springville City to serve as City Council  
114 members with their terms beginning on the first Monday of January, 2020 according to Utah State Code  
10-3-201, and ending on the first Monday of January, 2024.

116  
COUNCILMEMBER MILLER MOVED TO APPROVE **RESOLUTION #2019-39** CERTIFYING  
118 THE OFFICIAL CANVASSERS' REPORT OF THE NOVEMBER 05, 2019, MUNICIPAL GENERAL  
ELECTION FOR SPRINGVILLE CITY, UTAH.

120 COUNCILMEMBER NELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS  
FOLLOWS:

122 COUNCILMEMBER CREER AYE  
COUNCILMEMBER JENSEN AYE  
124 COUNCILMEMBER MILLER AYE  
COUNCILMEMBER NELSON AYE  
126 COUNCILMEMBER SNELSON AYE

128 **RESOLUTION #2019-39 APPROVED**

130 **6. Consideration of a Resolution establishing an Active Transportation Ad Hoc Committee - Josh Yost, Community Development Director**

132 Director Yost explained an application was being submitted to MAG (Mountainland Association of  
Governments) for planning and funding for a consultant on the Active Transportation Plan and should be  
134 available in 2020. He would like the committee to review the master plan and make sure the scope is  
appropriate for the public and the City. He reported due to the substantial community interest in Active  
Transportation related issues City staff had been directed by Council to update the Trails Master Plan.  
136 Staff has determined through additional study to undertake a comprehensive Active Transportation Plan.  
The Active Transportation Ad Hoc Committee would serve a vital role in facilitating the planning process,  
138 especially the essential public engagement elements of the process.

140

142 Councilmember Jensen asked what type of expenses would be incurred. Yost replied he did not  
foresee any funds expended on the committee. The consultant would require funding and it would be  
beneficial to have oversight on active transportation and trails.

144 Councilmember Snelson stated there had been a major push from the Hobble Creek Bicycle  
Association for this committee and they are pursuing an active bicycle friendly community designation.  
146 He expressed the further we go to become a bicycle friendly community it will assist in getting grants and  
funding.

148 Councilmember Miller asked about the scooter contract. Fitzgerald reported an agreement has  
been entered into with Zagster, they are currently working on map adjustments and looking towards a  
150 spring rollout. They are currently working on the supply chain, and will notify the City around the first of  
the year as to what the spring may bring.

152 Administrator Fitzgerald will work with the Council on getting names for the committee.  
Councilmember Snelson asked about getting the word out to the public for this committee and the RAP  
154 Tax Committee. Fitzgerald will work with staff on getting the word out.

156 COUNCILMEMBER MILLER MOVED TO APPROVE **RESOLUTION #2019-40** ESTABLISHING  
AN ACTIVE TRANSPORTATION AD HOC COMMITTEE.

158 COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS  
FOLLOWS:

160 COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
162 COUNCILMEMBER MILLER	AYE
COUNCILMEMBER NELSON	AYE
164 COUNCILMEMBER SNELSON	AYE

**RESOLUTION #2019-40 APPROVED**

166

**7. Consideration of approving Nebo Powerplant natural gas hedges for allocation shortage of the  
168 Nebo Prepay Agreement - Shawn Black, Power Generation Superintendent**

170 Superintendent Black expressed the price for natural gas is really good heading into winter. He  
reported the Nebo Powerplant participants entered into a prepay agreement in June 2019 which provided  
172 a guaranteed discount for natural gas used at Nebo for 7 years (2019-2026). All gas which had been  
previously hedged for the Nebo Powerplant by different cities up until 2023 was aggregated and covered  
under the prepay agreement.

174 The Power Department had completed most of the natural gas hedging needed for the Nebo  
Power Plant to assure pricing for 2019-2026 during the last year. Now that the prepay agreement has  
176 settled, it is recommended to hedge for shortfalls in the monthly allocations which are resulting within the  
prepay agreement at Nebo.

178

180 Councilmember Miller asked Superintendent Black to come back with what they were able to  
acquire.

182 COUNCILMEMBER JENSEN MOVED TO APPROVE NATURAL GAS HEDGES, WHICH MAKE  
UP FOR SHORTFALLS IN SPRINGVILLE'S ASSIGNED ALLOCATIONS UNDER THE PREPAY  
184 AGREEMENT ENTERED INTO BY THE NEBO POWERPLANT PARTICIPANTS DURING JUNE 2019  
AT A PRICE WITHIN THE BAND OF \$2.75-\$2.95 PER MMBTU (Million British Thermal Units).

186 COUNCILMEMBER SNELSON SECONDED THE MOTION, ALL PRESENT VOTED AYE.

188 8. **Consideration of an Ordinance amending Springville City Municipal Code Title 14 Chapter 5**  
190 **Section 201-204 concerning the partial release process for Improvement Completion Assurances.**

190 - **John Penrod, Assistant City Administrator/City Attorney**

192 Attorney Penrod explained tonight's item only covers one section of the code, the other will need  
192 to be noticed for the Planning Commission to review first.

194 Penrod reported under State law, cities are required to "establish a system for the partial release  
194 of an improvement completion assurance as portions of required landscaping and infrastructure  
196 improvements are completed and accepted." Springville's current regulation for partial releases allows  
196 for four releases at set amounts. Springville's engineer and developers desire to revise Springville's  
198 regulations with respect to partial releases of improvement assurances to make it more flexible and help  
198 to better protect the City.

200 Penrod explained Engineering was concerned with individual utilities not to release the remaining  
200 25% until the system is tested and approved by the inspector.

202 Snelson asked if the utilities could be tested all at once, rather than coming back for each utility.  
202 Penrod replied it could be done all at once, usually it doesn't work that way, depending on where the  
204 developer is in process and will end up testing each as they are completed.

204 COUNCILMEMBER SNELSON MOVED TO APPROVE ORDINANCE #23-2019 AMENDING  
206 THE PARTIAL RELEASE PROCESS FOR IMPROVEMENT COMPLETION ASSURANCES.

208 COUNCILMEMBER MILLER SECONDED THE MOTION. THE VOTE IS RECORDED AS  
208 FOLLOWS:

210 COUNCILMEMBER CREER	AYE
210 COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
212 COUNCILMEMBER NELSON	AYE
COUNCILMEMBER SNELSON	AYE

214 ORDINANCE #23-2019 APPROVED

216 9. **Consideration of an Ordinance amending Springville City Municipal Code and Land Use Matrix,**  
218 **Title 11, Articles 4 and 6, adopting regulations for a new Agricultural Specialty Zone and for**  
218 **medical cannabis pharmacies and production facilities - John Penrod, Assistant City**  
220 **Administrator/City Attorney**

220 Attorney Penrod reported the State recently passed the Utah Medical Cannabis Act that requires  
222 cities to adopt an ordinance to allow for medical cannabis pharmacies and production establishments  
222 pursuant to 10-9a-528 of the Utah Code. The proposed Ordinance follows the Utah Medical Cannabis  
224 Act, which states that a municipality has to permit cannabis production establishments and pharmacies  
224 even though such facilities may violate federal law.

226 The Planning Commission approved recommending the proposed ordinance for approval with a  
226 6-0 vote. Two concerns were raised by the Planning Commission and in public comment; an increase in  
228 traffic congestion and security. It appears the licensing laws and the self-regulation of pharmacies have  
228 been big in reducing unsafe conditions. From the responses, agencies have not seen a lot of safety  
230 issues. He explained the State has a mandated March 01, 2020 for operational permits, with a limited  
230 number of permits available in the state. He reviewed the state requirements for locations of a production  
232 establishment and pharmacies.

232 Attorney Penrod noted the area of A1 zoning was not included at the time it was reviewed by the  
234 Planning Commission, he asked the Council if they wanted to include the A1-Zone in the Ordinance.  
234 Council was in agreement to include the A1-Zone in the ordinance.

236 COUNCILMEMBER JENSEN MOVED TO APPROVE **ORDINANCE #24-2019** ENACTING  
SECTION 11-6-132 OF THE SPRINGVILLE CITY CODE GOVERNING CANNABIS PRODUCTION  
238 ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES, AND AMENDING SECTIONS 11-4-  
102(1), 11-3-402 AND 11-4-301 ESTABLISHING AN AGRICULTURE SPECIALTY ZONE AND  
240 IDENTIFYING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS  
PHARMACIES AS PERMITTED USES IN SPECIFIED ZONING DISTRICTS.

242 COUNCILMEMBER MILLER SECONDED THE MOTION. THE VOTE IS RECORDED AS  
FOLLOWS:

244	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER JENSEN	AYE
	COUNCILMEMBER MILLER	AYE
246	COUNCILMEMBER NELSON	AYE
	COUNCILMEMBER SNELSON	AYE

248 **ORDINANCE #24-2019 APPROVED**

### 250 **MAYOR, COUNCIL REPORTS**

252 Mayor Pro Tem Creer asked if there were any comments. Fitzgerald asked for clarification on the  
public comment from the Bowman's and if the Council wanted an action item by December 03, 2019.

254 Councilmember Miller expressed he would like a report back on issues. Penrod explained the city  
regulates the building of the bridge and the state approves the stream alterations.

256 Council was in consensus of the trail needing to be reviewed, the bridge may be another item.  
Council would like information in a work session on the easement and then an action item.

### 258 **10. CLOSED SESSION**

260 *The Springville City Council may temporarily recess the regular meeting and convene in a closed*  
*session to discuss the character, professional competence, or physical or mental health of an individual,*  
*pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as*  
262 *provided by Utah Code Annotated Section 52-4-205.*

264 There was none.

### ADJOURNMENT

266 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:25  
P.M. COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

268

270

272 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, November 19, 2019.*

274 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County,*  
*State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday,*  
276 *November 19, 2019.*

276

278

280

282

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Kim Crane, CMC  
City Recorder

**RESOLUTION #2019-XX**

**A RESOLUTION SUPPORTING A LEVEL TWO PEDIATRIC TRAUMA CARE UNIT IN UTAH COUNTY**

**WHEREAS**, Utah County is one of the fastest growing counties in the nation and is the fastest growing county in Utah; and

**WHEREAS**, the current population of Utah County is approximately 622,000 and the Kem Gardner Institute project that Utah County will double by 2050; and

**WHEREAS**, there are over 300 pediatric trauma cases in Utah County each year; and

**WHEREAS**, according to national standards, in areas with over 100 pediatric trauma cases, it is recommended to have at least a level 2 trauma system in place; and

**WHEREAS**, currently most of the pediatric trauma cases need to be transferred to Primary Children's Hospital in Salt Lake County; and

**WHEREAS**, transportation costs, financial burden, inconvenience and logistical concerns for families are reasons to support the creation of a level two pediatric trauma care unit in Utah County.

**WHEREAS**, the benefits of having a pediatric trauma care unit in Utah County include, improved outcomes, survival, patient access, expanded medical services, education outreach and reduction of costs and stresses.

**NOW THEREFORE, BE IT RESOLVED**, by the Springville City Council that it supports the creation of a Pediatric trauma care unit in Utah County and encourages local and regional medical organizations to work together to bring this needed facility to fruition in a timely manner.

Passed and adopted by the Springville City Council this 03<sup>rd</sup> day of December, 2019.

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Richard J. Child, Mayor

ATTEST:

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Kim Crane, City Recorder



## STAFF REPORT

**DATE:** November 25, 2019  
**TO:** Honorable Mayor and City Council  
**FROM:** Josh Yost, Community Development Director  
**SUBJECT:** ADOPTION OF REGULATIONS FOR A MATERIALS PROCESSING AND STORAGE OVERLAY DISTRICT

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### **RECOMMENDED MOTION**

Motion to approve Ordinance # \_\_\_\_\_ 2019, an amendment to Title 11, Chapter 5 of Springville City Code, adopting regulations for a Materials, Processing and Storage Overlay District.

### **SUMMARY OF ISSUES/FOCUS OF ACTION**

Materials processing and storage operations are currently being conducted within the LIM Zone along SR 51 at the southern reaches of the city. These operations have potential adverse effects to the visual character of the area, and the quiet enjoyment of surrounding properties. Unregulated materials handling sites can also negatively impact surrounding streets and cause stormwater pollution. Such operations also provide a necessary service to the construction industries and activities located within the city surrounding communities. The City Council desires to accommodate materials processing and storage while minimizing adverse effects.

### **BACKGROUND**

Community Development Staff proposes to accommodate materials processing and storage in a limited are of the LIM Zone by adopting the Materials Processing and Storage (MPS) Overlay Zone. As part of a two-pronged regulatory approach, staff is also proposing the adoption of business license standards to regulate the operational aspects of MPS businesses.

This strategy has been presented to the Planning Commission and City Council for initial review and comment. Both bodies instructed staff to move forward with drafting proposed ordinance language. As the Planning Commission's purview does not extend to Title 7 - Business Regulations and Licensing, only the overlay zone will be considered by the commission.

### **DISCUSSION**

The MPS Overlay Zone contains the following elements.

- The regulatory relationship between the LIM Zone and the MPS Overlay Zone
  - The MPS Overlay is in addition to the underlying LIM Zone
  - In cases of conflict the MPS Overlay supersedes the LIM Zone.
- Permitted Uses
  - Storage of Sand, Gravel, Earth or Stone
  - Recycling of Concrete, Wood, and Paving Materials
- Location Requirements
  - Limited to East of 950 West, South of 1600 South, and West of SR 51
  - Applied as a zone map amendment

- Must front on and access a Major Arterial
- Development Regulations
  - Screening
  - Business license required

The overlay ordinance regulations combined with the business license regulations sufficiently mitigate potential adverse effects as currently anticipated. Codifying the operational regulations within the businesses license title of the code will permit adjustments to address any unforeseen issues or regulatory insufficiencies without creating nonconforming land use rights. The business license title amendments will be considered by the City Council with this proposed overlay zone.

### **PLANNING COMMISSION REVIEW**

The Planning Commission considered the amendment on November 26, 2019 in which a public hearing was held. A copy of the letter of recommendation is attached.

### **ALTERNATIVES**

1. Adopt the proposed ordinance amendments as recommended by the Planning Commission;
2. Amend and adopt the proposed ordinance; or
3. Reject the proposed amendments.

Josh Yost  
Community Development Director

Attachments



## Article 7 - Materials Processing and Storage Overlay Regulations

### 11-5-701 Purpose and Intent

The purpose of the Materials Processing and Storage (MPS) Overlay Zone is to accommodate the processing and storage of bulk materials in the underlying Light Industrial Manufacturing (LIM) Zone while minimizing potential adverse effects to adjacent property owners and the surrounding community.

### 11-5-702 Effect of Overlay

- (1) The uses permitted and regulations established by the Materials Processing and Storage Overlay shall be in addition to those uses permitted and regulations established in the underlying LIM Zone.
- (2) Where conflicts exist between the provisions of the Materials Processing and Storage Overlay and the underlying Light Industrial Manufacturing zone, the regulations of the Materials Processing and Storage Overlay shall supersede the requirements of the underlying LIM Zone.

### 11-5-703 Permitted Uses

- (1) Storage of Sand, Gravel, Earth or Stone
- (2) Recycling of Concrete, Wood and Paving Materials

### 11-5-704 Location Requirements

- (1) The MPS Overlay Zone may only be applied to the LIM Zone located east of 950 West, South of 1600 South, and West of SR 51.
- (2) The procedure for applying the MPS Overlay Zone to a property shall be the same procedure for amending the zoning map as set forth in 11-7-102.
- (3) Each parcel within the MPS Overlay Zone shall have frontage on and direct access to a major arterial road.

### 11-5-705 Development Regulations

- (1) Screening
  - a. Each property to which this overlay is applied shall install and maintain a Minimum Street Frontage Landscape Border width of twenty feet (20')
  - b. One (1) large evergreen tree (or deciduous, dense-canopied tree with the approval of the Director of Buildings and Grounds), every twenty linear feet (20') with a minimum mature height of thirty feet (30'). Other shrubbery and plantings shall also be included in the buffer area with a minimum of five (5) shrubs per twenty linear feet (20').
  - c. Six-foot-tall (6') solid fencing shall be installed to the rear of the Street Frontage Landscape Border.
- (2) Other Regulations
  - a. Each materials processing and storage operation shall obtain a business license in compliance with any current and future business license regulations for materials processing and storage businesses.

## ORDINANCE #XX-2019

### AN ORDINANCE AMENDING SPRINGVILLE CITY CODE, ADOPTING ARTICLE 7 OF TITLE 11 CHAPTER FIVE, MATERIALS PROCESSING AND STORAGE OVERLAY ZONE REGULATIONS.

**WHEREAS**, the City Council desires to accommodate the processing and storage of bulk materials while minimizing adverse effects; and

**WHEREAS**, the Planning Commission did conduct a public hearing on November 26, 2019 and has recommended in favor of the proposed amendment; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Springville, Utah that Title 11 Chapter 5 Article 7 - Materials Processing and Storage Overlay Regulations of Springville City Code be adopted:

#### **SECTION 1: Article 7 - Materials Processing and Storage Overlay Regulations**

##### **11-5-701 Purpose and Intent**

The purpose of the Materials Processing and Storage (MPS) Overlay Zone is to accommodate the processing and storage of bulk materials in the underlying Light Industrial Manufacturing (LIM) Zone while minimizing potential adverse effects to adjacent property owners and the surrounding community.

##### **11-5-702 Effect of Overlay**

- (1) The uses permitted, and regulations established by the Materials Processing and Storage Overlay shall be in addition to those uses permitted and regulations established in the underlying LIM Zone.
- (2) Where conflicts exist between the provisions of the Materials Processing and Storage Overlay and the underlying Light Industrial Manufacturing zone, the regulations of the Materials Processing and Storage Overlay shall supersede the requirements of the underlying LIM Zone.

##### **11-5-703 Permitted Uses**

- (1) Storage of Sand, Gravel, Earth or Stone.
- (2) Recycling of Concrete, Wood and Paving Materials.

##### **11-5-704 Location Requirements**

- (1) The MPS Overlay Zone may only be applied to the LIM Zone located east of 950 West, South of 1600 South, and West of SR 51.
- (2) The procedure for applying the MPS Overlay Zone to a property shall be the same procedure for amending the zoning map as set forth in 11-7-102.
- (3) Each parcel within the MPS Overlay Zone shall have frontage on and direct access to a major arterial road.

## 11-5-705 Development Regulations

### (1) Screening

- a. Each property to which this overlay is applied shall install and maintain a Minimum Street Frontage Landscape Border width of twenty feet (20')
- b. One (1) large evergreen tree (or deciduous, dense-canopied tree with the approval of the Director of Buildings and Grounds), every twenty linear feet (20') with a minimum mature height of thirty feet (30'). Other shrubbery and plantings shall also be included in the buffer area with a minimum of five (5) shrubs per twenty linear feet (20').
- c. Six-foot-tall (6') solid fencing shall be installed to the rear of the Street Frontage Landscape Border.

### (2) Other Regulations

- a. Each materials processing and storage operation shall obtain a business license in compliance with any current and future business license regulations for materials processing and storage businesses.

**SECTION 2:** This ordinance will become effective one day after publication hereof in the manner required by law.

**SECTION 3:** The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this 10<sup>th</sup> day of December, 2019.

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Richard J. Child, Mayor

ATTEST:

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Kim Crane, City Recorder



## STAFF REPORT

**DATE:** November 26, 2019

**TO:** Honorable Mayor and City Council

**FROM:** John Penrod, City Attorney

**SUBJECT:** CONSIDERATION OF AN ORDINANCE ENACTING TITLE 7, CHAPTER 9 ESTABLISHING MATERIALS PROCESSING AND STORAGE BUSINESS LICENSING REGULATIONS.

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### RECOMMENDED MOTIONS

Motion to approve Ordinance No. \_\_\_\_ that adopts materials processing and storage business licensing regulations.

### BACKGROUND

Several months ago, the City Council directed staff to bring back an ordinance to allow for materials processing and storage along SR 51. Staff has prepared two ordinances to address this issue. One of the ordinances is under the City's land use regulations and establishes a materials processing and storage overlay zone. The other ordinance is the proposed ordinance attached to this staff report which establishes business license regulations for materials processing and storage operations.

The attached ordinance does the following:

- Limits the height of stored material to 25 feet.
- Limits the volume of stored material to 7,500 cubic-yards multiplied by the number of acres in the lot or parcel.
- Prohibits the emission of dust, fumes, vapors, odors, waste, or noise above 75 decibels beyond the business's property boundaries.
- Material recycling activities shall not take place within 600 feet of a residence.
- Operation hours are limited to 7:00 am to 7:00 pm.
- Trucks shall only haul material on major arterial roadways.

In addition to the above, the business is required as the business license process to provide an operations plan regarding how the business will meet the above requirements.

**FISCAL IMPACT**

The City will receive business license fees for material processing and recycling business operations.

Attachments: Proposed Ordinance

**ORDINANCE #XX-2019**

**AN ORDINANCE ENACTING TITLE 7, CHAPTER 9 OF THE SPRINGVILLE CITY CODE ESTABLISHING BUSINESS LICENSE REGULATIONS FOR MATERIALS PROCESSING AND STORAGE BUSINESSES.**

**WHEREAS**, Sections 10-1-203 and 10-3-701 of the Utah State Code permits a city to pass ordinances to regulate businesses; and

**WHEREAS**, Springville City has implemented the materials processing and storage overlay in the LIM zone and desires to establish operational regulations for materials processing and storage businesses; and

**WHEREAS**, in the interest of the health, peace, safety, and welfare of its residents, Springville City deems it appropriate and necessary to implement this ordinance.

**NOW THEREFORE**, be it ordained by the City Council of Springville, Utah:

**SECTION 1. CHAPTER ADOPTED:** Title 7, Chapter 9 of the Springville City Code is hereby adopted to read and provide as follows:

**TITLE 7**

**CHAPTER 9**

**MATERIAL PROCESSING AND STORAGE BUSINESSES**

**Sections:**

- 7-9-101**      **Definitions.**
- 7-9-102**      **License Required.**
- 7-9-103**      **Site Improvements.**
- 7-9-104**      **Material Storage Requirements.**
- 7-9-105**      **Material Recycling Requirements.**
- 7-9-106**      **Hours of Operation.**
- 7-9-107**      **Roadways.**
- 7-9-108**      **SWPPP.**
- 7-9-109**      **Inspection and Renewal.**
- 7-9-110**      **Revocation.**
- 7-9-111**      **Appeal.**
- 7-9-112**      **Penalty.**

**7-9-101**    **Definitions.**

**For the purposes of this Chapter, the following terms, phrases, and words shall have the meaning given herein.**

“License” shall mean a license issued by the Community Development Department for a materials processing and storage business operation in the Overlay Zone.

“Licensee” shall mean a business with a materials processing and storage operation that is operating pursuant to a lawfully issued license under this Chapter.

“Overlay Zone” shall mean the Materials Processing and Storage Overlay Zone as set forth in Title 11, Chapter 5, Article 7 of this Code.

#### **7-9-102 License Required.**

- (1) It shall be unlawful for any person or entity to operate, maintain, or engage in the business of a materials processing and storage business in the Overlay Zone without first obtaining a business license from the City. A materials processing and storage business shall follow all regulations in this Chapter.
- (2) The fee for a materials processing and storage business license shall be in an amount set by resolution of the City Council, which shall be in addition to any business license fee required by Chapter 1 of this Title.
- (3) The business license regulations and provisions in Chapter 1 of this Title shall govern the procedure for obtaining and renewing material processing and storage business licenses.
- (4) Where any provision of the regulations of this Chapter are in conflict with the regulations or provisions of Chapter 1, the provisions and regulations of this Chapter shall control.

#### **7-9-103 Site Improvements.**

Every licensee of such premises shall install and maintain the site improvements specified for and required in the Overlay Zone.

#### **7-9-104 Material Storage Requirements.**

Materials processing and storage businesses in the Overlay Zone shall operate as follows:

- (1) Storage or stockpiles of materials shall not exceed 25 feet in height.
- (2) Volume of materials on any lot or parcel shall not exceed 7,500 cubic-yards multiplied by the number of acres in the lot or parcel.
- (3) Stored material shall not emit any dust, fumes, vapors, or odors beyond the business’s property boundaries.

#### **7-9-105 Material Recycling Requirements.**

- (1) When processing and recycling material, including, but not limited to, concrete, wood, asphalt and other paving materials, a licensee shall not emit any dust, fumes, vapors, odors, waste, or noise above 75 decibels beyond the business’s property boundaries.
- (2) No material recycling activities shall take place within 600 feet of a residence.
- (3) As part of a licensee’s business application process, a licensee shall provide an operational plan for how the licensee is going to ensure the licensee’s recycling

operations will comply with the requirements in Subsection (1) and (2). Licensee shall follow the operation plan approved through the business license process.

- (4) A licensee shall follow all state, federal and local laws and regulations in recycling materials.

#### **7-9-106 Hours of Operation.**

Materials processing and storage businesses within the Overlay Zone shall only operate within the hours of 7:00 am to 7:00 pm.

#### **7-9-107 Roadways.**

Materials processing and storage businesses within the Overlay Zone shall only use major arterial roadways as haulage routes within the limits of the City. Licensee trucks shall not disturb the operation of roadways while entering or exiting the site.

#### **7-9-108 SWPPP.**

Each licensee shall have an approved storm water pollution protection plan and continually maintain approved protection measures and display a copy of the approved plan on site.

#### **7-9-109 Inspection and Renewal.**

- (1) Each licensee shall submit to inspection for compliance with these standards with a 24-hour notice.
- (2) A license shall not be renewed if the licensee is not in compliance with all business license standards as determined by an annual inspection.

#### **7-9-110 Revocation.**

- (1) Violation of any of the provisions of this Chapter shall be grounds for denial of a license in any year subsequent to the license year in which the violations occurred.
- (2) The Community Development Director may suspend or revoke any license at any time following the provisions of Sections 7-1-302 and 303 of this Code.
- (3) The Community Development Director after notice and a hearing may revoke a license at any time if the licensee is operating in such a way as to constitute a breach of the peace, a nuisance, or a menace to the health, safety, or general welfare of the public. Notice of the hearing for revocation of a license under this subsection shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at the licensee's last known address at least five days prior to the date set for hearing.

**7-9-111 Appeal.**

- (1) Any person or entity aggrieved by any decision of the Community Development Director under this Chapter shall have the right to appeal to the City Administrator by filing a written appeal within ten (10) days following the effective date of the Community Development Director's decision. Such appeal shall set out a copy of the order or decision appealed from and shall include a statement of the reasons why the Community Development Director's decision should be overturned.
- (2) The City Administrator shall fix a time and place for hearing the appeal and shall give notice to the appellant thereof. The findings of the City Administrator shall be final and conclusive.

**7-9-112 Penalty.**

- (1) Violation of any provision of this Chapter shall subject the licensee to a class B misdemeanor and, upon conviction thereof, shall be liable to punishment by a fine in an amount not to exceed \$1,000.00, or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment.
- (2) The City may still revoke or deny a business license of a person or entity charged with a class B misdemeanor under this section.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon first publication.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Springville

City, Utah this 10<sup>th</sup> day of December, 2019.

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MAYOR RICHARD J. CHILD

**ATTEST:**

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KIM CRANE, CITY RECORDER