



**AGENDA FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JANUARY 18, 2011 – 7:00 P.M.**

8 The following are the minutes of the Regular Meeting of the Springville City Council.
10 The meeting was held on **Tuesday, January 18, 2011 at 7:00 p.m.** in the Springville City Civic
12 Center Council Chambers at 110 South Main Street, Springville, Utah. Adequate notice of this
meeting, as required by law, was posted in the Civic Center and on the City's website, and
delivered to members of the Council, media, and interested citizens.

14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
16 present: Cl. Phillip Bird, Cl. Dean Olsen, Cl. Mark Packard, City Administrator Troy Fitzgerald,
18 City Attorney John Penrod, and City Recorder Venla Gubler. Also present were: Community
Development Director Fred Aegerter, Public Safety Director Scott Finlayson, Power Director
Leon Fredrickson, Operations Manager Rod Oldroyd, Finance Director Bruce Riddle, Buildings
and Grounds Director Alex Roylance, and Public Works Director Brad Stapley.

20

CALL TO ORDER

22 Mayor Clyde welcomed the Council, staff, and audience. He called the meeting to order
at 7:10 p.m.

24

INVOCATION AND PLEDGE

26 Director Aegerter offered the invocation, and Cl. Jolley led the Pledge of Allegiance.

28 **APPROVAL OF THE MEETING'S AGENDA**

30 Mayor Clyde excused Cl. Strong. He asked for a motion approving the agenda. CL.
PACKARD MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. CL.
JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

32

APPROVAL OF THE MINUTES

34 CL. BIRD MOVED TO APPROVE THE MINUTES OF JANUARY 4, 2011 AS
WRITTEN. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

36

MAYOR'S COMMENTS

38 Mayor Clyde asked if there were scouts or students in the audience. Operations Manager
Oldroyd reported that a group of scouts were on a tour of the police department and would be in
40 to the Council meeting shortly. There were no students.

42 **PUBLIC COMMENT**

44 Mayor Clyde introduced the Public Comment section of the agenda. There was no
comment.

46 **CONSENT AGENDA***

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1. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
2. **Approval of agreements to purchase power line easements from Mr. Craig Sumsion, Ms. Michelle Dugdale, Ms. Alice Watkins, Mr. David Craven, and Mr. Ralph Craven for completion of the 46 kV power line near 1250 West – Leon Fredrickson, Power Director**

CL. BIRD MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

PUBLIC HEARING AGENDA

3. **Public Hearing to consider an Ordinance Title 11, Section 11-3-402 and 11-4-301, and establishing Article 8 of Title 3 regarding the keeping of chickens in residential areas – Troy Fitzgerald, City Administrator**

Administrator Fitzgerald reported that this item is being brought at the request of the Council. An ordinance has been prepared for their review. He observed that chickens are currently permitted in the R1-15 and A-1 zones in Springville. Citizens have approached the Council on three different occasions asking for chickens to be allowed in other residential districts, and the Council asked staff to prepare an ordinance in October 2010. The ordinance was prepared and reviewed internally, and then presented to the Planning Commission in November and December 2010. The Planning Commission voted against a recommendation to the Council at their last meeting, and did not give any recommendations or direction on amending the draft ordinance.

Administrator Fitzgerald offered information about chicken ordinances in surrounding cities. He reported that Spanish Fork, Provo, and Orem have amended their ordinances to allow chickens, but other cities have denied similar proposals. He informed the Council that the draft ordinance is modeled after the Spanish Fork ordinance. It allows for hen chickens if certain conditions are met. He noted that the maximum number as proposed is six, and roosters are not allowed. A coop is required and it must meet certain design requirements. The hen chickens are not allowed outside of the enclosure. There are distance requirements between the coop and adjacent property lines. He noted that it is possible that no coop locations could be allowed on certain lots based on the distance requirements. The coop must be cleaned weekly; it must be located in the rear yard; chickens must be reared for egg production only; and a permit is required. He reported that the City has costs associated with permit enforcement, including inspections. The permit will not be revisited unless there is a complaint. The property owner will certify that the conditions of the permit are being met from year to year. He reported that Public Safety animal control officers have expressed concerns about the cost of enforcement, although the City is experiencing some enforcement costs already. He noted that the cost to dispose of a chicken is \$53 each. He asked if there were questions.

Mayor Clyde asked him to put up the zoning map and point out the R1-15 and A-1 zones. This was done. Mayor Clyde commented that the proposal allows chicken in all other residential zones as long as the property owner meets the conditions. This was confirmed. Mayor Clyde opened the public hearing.

Mr. Pat Bird commented that the Council's prime objective is to protect the majority of the citizens. He realizes that the Council can impose certain restrictions to protect the majority, but most residents moved into their homes not expecting to deal with neighborhood chickens. He suggested that the restrictions proposed are unattainable to monitor. He expressed hope that the

2 Council would vote against allowing chickens in neighborhoods with smaller lots. He cited other
3 objections to chickens as the predators that are attracted to them invading neighborhoods, and the
4 costs associated with raising chickens that do not make them an economical investment.

5 Ms. Ruth Fuller reported that she had bought her acreage years ago in order to have
6 animals. It was zoned to allow animals. She suggested that many citizens do not take into
7 consideration the amount of money needed to raise chickens; they are a cost not a savings.
8 Chickens only lay for three to five years. They must be disposed of and replaced. Many give
9 self-sufficiency as a reason for owning chickens. However, if this was a valid reason, they would
10 not raise chickens. She suggested that those who wish to raise chickens purchase the proper
11 property before taking on that job. She noted that many who want to raise chickens are also
12 interested in goats and pigs, or cows. She asked where the Council would draw the line.

13 Mr. Eric Eliason reported that he had moved to Springville because he assumed that
14 Springville would be friendly to a rural environment. He has been surprised that this is not so. He
15 suggested that chickens could be raised like pets. These are pets that do not bite or send family
16 members to the hospital. He commented that he would not propose a ban on dogs for these
17 faults, and does not expect the Council to ban chickens for not having those faults. He asked how
18 much the City Council wants to get into micro managing other pets that can be allowed on a
19 citizen's private property. He asked if Springville really needs to have this ordinance, or if
20 residents can be extended the freedom to do what they want with their property. He suggested
21 that property rights are a strong value in a conservative community. He admitted that chickens
22 can cause problems, but not of the magnitude of other animals. He commented that he
23 appreciates the Council recognizing a property owner's right to keep animals that do not infringe
24 on the property rights of others.

25 Mr. Chris Carlson commented that he concurs with the previous speaker. He also feels
26 that property owners should be able to exercise their rights so long as they do not infringe on
27 their neighbors. He noted that arguments in opposition given tonight are not relevant. Predators
28 that may be attracted to chickens are not a problem. Cost effectiveness of chickens is not a
29 concern of the City. That is the homeowner's responsibility and concern. He suggested that
30 owning chickens allows parents to teach their children about responsibility and economic
31 principles. He suggested that a large dog produces more waste than chickens. He asked the
32 Council take serious consideration in favor of greater freedoms and greater rights.

33 Ms. Virginia Van Patten reported that her family had chickens years ago. She does not
34 like pesticides, but the chickens took care of the bugs. They became pets. They lived in a coop,
35 ate grass, and bugs. They taught children about caring for the environment. She suggested that
36 dogs cost more than chickens. She suggested that chickens be allowed as long as the owners are
37 responsible.

38 Ms. Jelore Averett commented that the best memories of her childhood are the pets,
39 including a turkey and chickens. She observed that she would like to have chickens for her
40 daughter.

41 Chief Finlayson observed that he would like to answer some of the questions and speak
42 to the comments raised. He reported that the City Code does define and restrict the animals that
43 are allowed. There is an extensive list of prohibited animals. He added that the proposed
44 ordinance requires chickens to be kept in coops, not allow them to be free range. This would
45 reduce the effectiveness of chickens reducing the number of insects. If the Council is inclined to
46 approve allowing chickens, he would suggest an amendment that would require the chickens to

2 be banded so the animal control officers would know where they belong, or to contact the owner
to recoup the disposal costs.

4 Ms. Karen Ifedaba commented that she would like to address the pest question. She
reported seeing skunks at night while irrigating. She contended that the skunks were attracted by
her neighbor's chickens. Mayor Clyde read a letter from resident, Daniel Vineyard, in favor of
6 having chickens.

8 CL. PACKARD MOVED TO CLOSE THE PUBLIC HEARING. CL. BIRD
SECONDED THE MOTION, AND ALL VOTED AYE.

10 Mayor Clyde commented that the Planning Commission recommendation is for
disapproval. Cl. Bird commented that he thinks chickens are similar to other pets in that they can
become a nuisance. He does not know that dogs are better than chickens. He added that one
12 reason given in favor of allowing chickens is the idea of having more regulations. He asked if
chickens attract pests. He reported that he has had cougars take cats and dogs too. He suggested
14 that either side can be argued, and each has valid points. He does not see why people in
subdivisions with small yards cannot have chickens under specific criteria. Some people are now
16 raising chickens in their yards without criteria. Some take care of their pets, and some don't.
Guidelines will bring conformity to the way these pets are treated. He added that he does not see
18 residents rushing out to buy chickens if this ordinance is adopted. He sees a relatively small
percentage that would like to raise chickens.

20 CL. OLSEN MOVED TO DISAPPROVE AN ORDINANCE AMENDING SECTIONS
11-3-402 AND 11-4-301 AND ESTABLISHING ARTICLE 8 OF TITLE 3 CHAPTER 7 OF
22 THE SPRINGVILLE MUNICIPAL CODE REGARDING CHICKENS. CL. PACKARD
SECONDED THE MOTION.

24 Cl. Jolley reported that he is not a fan of having chickens in his neighbor's yards. He has
seen chickens attract pests. However, his vote is based on his talks with his neighbors and other
26 citizens. He has polled the nearby neighborhoods and found that nine out of ten would not like
their neighbors to have chickens. They don't want chickens close to their homes. He noted that
28 some were in favor, and some have chickens. He pointed out that chickens are allowed in certain
areas and he feels this fits the needs of those that want to raise chickens. He suggested that some
30 have said that property owners should be allowed to have whatever animals they are comfortable
to own as long as they do not impact their neighbors. He suggested that some animals are still
32 not appropriate on a subdivision lot. If they do want to raise certain animals, they should buy the
appropriate land. He pointed out, also, that dogs do not attract raccoons and skunks. He agreed
34 that there are arguments on both sides, but his duty is to look at the community as a whole. He
asked if a change of the existing ordinance is justified across the entire community, and replied
36 that he would say no.

38 Mayor Clyde called for a vote. CL. BIRD VOTED NAY. CL. JOLLEY VOTED AYE.
CL. PACKARD VOTED AYE. CL. OLSEN VOTED AYE. THE MOTION CARRIED (3-1).

40 **4. Public Hearing to consider an Ordinance amending Title 11, Sections 11-2-103 and**
42 **11-7-1-2(3)(1) pertaining to reasonable notice of public hearing – Fred Aegerter,**
Community Development Director

44 Director Aegerter reported that this ordinance amendment is prompted by a conflict
between state law and local law. He observed that the local ordinances were based on former
state law, but the state law was changed. It has created challenges and delays in getting citizens'
46 applications before the Planning Commission and City Council in a timely manner. The Planning

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Commission has reviewed the proposal, and feels that the amendment would benefit the community. They feel it is important to be in accordance with the State law. Mayor Clyde opened the public hearing.

CL. PACKARD MOVED TO CLOSE THE PUBLIC HEARING. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

CL. BIRD MOVED TO APPROVE ORDINANCE #01-2011 AMENDING SECTIONS 11-2-103 AND 11-7-102(3)(a) PERTAINING TO REASONABLE NOTICE OF PUBLIC HEARINGS. CL. JOLLEY SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. PACKARD – AYE; CL. OLSEN – AYE; CL. JOLLEY – AYE; AND CL. BIRD – AYE. THE MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

5. Consideration of a bid award and contract for the design of the Recreation Center – Alex Roylance, Buildings and Grounds Director

CL. PACKARD MOVED TO CONTINUE THIS ITEM TO THE NEXT MEETING. CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

6. Consideration of Change Order #11 for the 400 East Reconstruction Project – Brad Stapley, Public Works Director

Director Stapley reported that this change order for the 400 East Reconstruction Project is for two items and is recommended not to exceed \$16,000. The first item is related to public involvement. He explained that the public information officer was required to stay longer to complete the project, so the cost has increased. The other item is for concrete. He explained that the bill from the contractor came in at \$71,000, but the distance was measured by staff and found to be less. He reported that staff is looking closely at the numbers. He anticipates one more change order because there is one unresolved issue—the storm drain across Main Street at 1400 North. This project was valued at \$710,000, but it appears the project was completed at a cost of \$50,000 to \$100,000 to the City. He noted that CUP and UDOT are paying portions of the project cost. Cl. Jolley observed that the total project is now overspent by \$54,000. Director Stapley replied yes. He noted that most of the overspent funds were due to decisions along the way to add sidewalks and other components. Cl. Packard offered his thanks for Director Stapley’s watching costs on this project. Cl. Jolley agreed and offered his thanks for making 400 East a beautiful corridor through Springville.

Administrator Fitzgerald observed that there would still be work to complete in the spring by CUP. He asked the Council to get the word out to citizens to expect more road closures next spring, although the entire extent of the project is still unknown. Director Stapley reported that he had met with CUP on the condition of the road surface. Mayor Clyde asked if an overlay would solve the problems. Director Stapley replied that some of the road cuts would encourage reflective cracking. He expects that the City needs to be careful not to accept a roadway that will fall apart. Mayor Clyde encouraged him to be reasonable and keep the lines of communication open. Cl. Olsen applauded Director Stapley and his staff for scrutinizing the change orders. Director Stapley replied that his staff deserves the credit. Mayor Clyde commented that the roadway is a great addition to the community, although the construction process was painful.

CL. BIRD MOVED TO AUTHORIZE CHANGE ORDER #11 AND THE ADJUSTMENT OF BASE BID QUANTITIES IN AN AMOUNT NOT TO EXCEED \$16,000 FOR ADDITIONAL PUBLIC INVOLVEMENT SERVICES AND GENERAL CONCRETE

2 FLATWORK, ALL WITHIN THE 400 EAST ROADWAY RECONSTRUCTION PROJECT
3 2010. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

4 **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

6 Mayor Clyde asked the new manager of the SUVSWD transfer station if he would be a
7 regular attendee. The reply was an assent. Mayor Clyde expressed appreciation for him coming.
8 He asked if there were other reports. Director Riddle reported that the 400 East project has
9 exceeded the budget and so will need a budget amendment. However, he is holding the
10 amendments until several can be addressed at once.

11 **CLOSED SESSION**

12 7. *The Springville City Council may temporarily recess the regular meeting and convene in*
13 *a closed session to discuss pending or reasonably imminent litigation, and the purchase,*
14 *exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

15 There was no closed session.

16 **ADJOURNMENT**

18 CL. JOLLEY MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:07 P.M.
19 CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.