



**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SPRINGVILLE, UTAH  
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET  
FEBRUARY 1, 2011 – 7:00 P.M.**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, February 1, 2011 at 7:00 p.m.** in the Springville City Civic 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.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Cl. Phillip Bird, Cl. Dean Olsen, Cl. Mark Packard, Cl. J. Niel Strong, City Administrator Troy Fitzgerald, 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, Recreation Director Charles Keeler, Operations Manager Rod Oldroyd, Finance Director Bruce Riddle, Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley.

**CALL TO ORDER**

Mayor Clyde called the meeting to order at 7:03 p.m.

**INVOCATION AND PLEDGE**

Cl. Strong offered the invocation. Cl. Olsen led the Pledge of Allegiance.

**APPROVAL OF THE MEETING'S AGENDA**

CL. PACKARD MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN.  
CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

**APPROVAL OF THE MINUTES**

CL. JOLLEY MOVED TO ACCEPT THE MINUTES OF JANUARY 18, 2010 WITH ONE CHANGE. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

**MAYOR'S COMMENTS**

Mayor Clyde recognized scouts in the audience from Troops 1471, 1472, and 1474. There were no students on assignment. Mayor Clyde reported that the City recognizes young people with a Mayor's Award once a month for their outstanding service and good example to their peers. The award is arranged through the Art City Substance Abuse Prevention (ASAP) Community Coalition. He recognized Ms. Ann Bartholomew, chairperson of the Youth Involvement Subcommittee of ASAP, and Cl. Olsen to present this month's awards.

Ms. Bartholomew asked the youth to come to the front as their name is called and remain for pictures. She called Ms. Lela Packard to the front. She read the nomination from Ms. Packard's teacher, Ms. Lindsey Bush, as follows: "Lela is always willing to help students and the teacher around the classroom. She is kind to others."

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Ms. Mary Fredrickson was called to the front. The nomination from her teacher, Ms. Rebecca Antares, was read. It said, “Mary is friendly to all of those whom she comes in contact with. She is a bright, wonderful student! She turns in her assignments on time and always does her best work. Mary is respectful to all of her teachers and is always willing to accept extra responsibility. Mary is a positive influence in our school.”

Mr. Carson Nielsen was introduced as the next recipient. He was nominated by his teacher, Ms. Chalyce Peck, who wrote, “I am nominating Carson Nielsen because he is very helpful in class. He gets his work done and then is very willing to help others with their work. He walks them through the problems and explains it when they don’t understand. He is willing to help even when he doesn’t have to. He regularly comes into the classroom in the morning and will take everyone else’s chairs down for them. He also helped Mr. Talbot, our custodian, to put out the chairs for a Parent Teacher Conference one time when it was the Halloween Carnival for the school. He is a very thoughtful boy and doesn’t just think about himself. He is willing to help anyone at anytime, especially the teacher. I see him as team leader and assign him to groups in which he can grow in that position.”

Ms. Bartholomew introduced Ms. Karen Ismodes to the Mayor, Council, and audience as the next recipient nominated by her teachers, Mr. Aaron Jones, Ms. Kate Myler, and Ms. Melissa Jarrett. They wrote, “Karen is a remarkable student. Despite what is going on around her, she always remains diligent in her tasks and remembers her responsibilities. She is always the first person ready and does her best work on every assignment. She is also the nicest person in the world. She is always kind and respectful and even invites lonely students to join her during recess so they feel welcome. Karen’s citizenship and integrity is a great example to the whole class.”

The final recipient for tonight, Ms. Brielle Cruz, was introduced by Ms. Bartholomew. She read the nomination from her teacher, Ms. Shawn Rawlings, as follows: “Brielle is one of the most unbelievable students I have ever taught. She is smart, attentive, and very funny. She really cares about her education and always does her best work. She is a very caring person who is always looking out for those around her that need a little extra help. I believe that Brielle has a great future ahead of her.”

Ms. Bartholomew thanked the young people for their positive influence in their school and in their community. Each award recipient was handed a gift, including VIP passes to the next Springville Playhouse performance in March. Pictures were taken and the audience offered their applause.

## **PUBLIC COMMENT**

Mayor Clyde introduced the public comment section of the agenda. He called Mr. Peter Morkle, who introduced himself as a good friend of Vilma Alvarado. He reported that Ms. Alvarado has been before the Council at previous meetings. He would like to give the Council an update on her conversation with the State Ombudsman. He observed that Ms. Alvarado is a retiree living on a fixed income and would like to rent out the units on the back of her home. Costs are rising and she needs this income. Historically, the property was nonconforming but lost that status because of the time it was left vacant. The property has ample off-street parking and the property could provide affordable housing. He knows that Ms. Alvarado would carefully screen her tenants. He has two potential solutions to offer to the Council. One is to rezone the block westward from Walgreens, and the other is a variance contingent on the home remaining

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owner-occupied. He suggested that rental properties that are not owner-occupied can become derelict. Ms. Alvarado intends to remain in the home, and wants to use the extra income to beautify her property. He disclosed that he became Ms. Alvarado's friend as her real estate broker. He reported that Ms. Alvarado has been forthright about her intentions and is trying to get her request approved the right way. He feels that the Council should reward her character and he reminded them of their responsibility to help seniors. He thanked the Council for allowing him to speak on her behalf.

Mayor Clyde observed that if Mr. Morkel wants to pursue the suggested options, he should contact the Planning Department. Attorney Penrod reported that the Planning Department is looking at options for expanding housing options on Plat A and suggested that Mr. Morkel follow up with the staff. Mr. Morkel replied that he wanted to get the sentiment of the Council to the request. He added that it was silly to have those apartments just sit vacant. Cl. Bird commented that the apartments existed for 20-years and have garages attached. He does not see that the rental units would impose problems for the neighbors and Ms. Alvarado is worthy of consideration. Mayor Clyde asked about the variance option. Attorney Penrod replied that variances are regulated by State Law and it was unlikely that Ms. Alvarado would qualify. He encouraged Mr. Morkel to discuss his proposed options with the Planning Department.

#### **CONSENT AGENDA\***

1. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
2. **Approval of a contract for concessions at City Parks during City recreation programs** – Charles Keeler, Recreation Director
3. **Approval of the appointment of Ms. Joyce Nolte to the Planning Commission**

CL. PACKARD MOVED TO APPROVE THE CONSENT AGENDA. CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

#### **REGULAR AGENDA**

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

Director Roylance reported that this contract is the next step forward in the building of a Recreation Center. Staff was asked by the Council to send out a Request for Proposal (RFP) for design and bond election assistance. The bidders were asked to submit a proposal to implement a program and its cost for the bond election, and then design and construction services if the bond election is successful. The bidders were asked to take into account past feasibility studies, surveys, and committee findings. Nine firms submitted bids. These bids were reviewed by a panel of eleven persons from the Council, staff, and committee members. Five bidders were selected to interview—EDA, Mark Wilson, FFKR, ASWN+, and VCBO. He described the interview process and noted that references given by the firms were contacted. Staff also spoke with the current City Managers of cities where projects were constructed, and obtained opinions of others involved in the construction process. He reported that the panel met again today and have chosen to recommend VCBO as the winning bidder with a proposed price of \$12,000 for the bond election support and a fee of six to seven-percent of the construction contract for the architectural work and construction coordination. If the Council is willing to accept this

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recommendation, the City Attorney will negotiate the contract, and the project will go forward. He asked if there were questions.

Cl. Bird asked for definitions of the acronyms of each architectural firm. Director Roylance offered assistance with the acronyms. He added that VCBO has designed more recreation centers on the Wasatch Front than the other firms have done. Provo is using VCBO for their Recreation Center. They recently finished the facility at BYU. Other projects they have worked on are in Davis County, Park City, Pinedale WY, Kamas, U of U, Utah State, Westminster College, BYU, Payson, and Lindon. He added that they were the partners of Barker, Rinker, and Seacat, who performed the initial feasibility study for Springville in 2002.

Mayor Clyde clarified the process followed by the City up to this point. He reported that a survey of citizens was taken on their interest and support of a Recreation Center. Master Planning workshops were held at the Junior High where very strong support of a Recreation Center was expressed. A committee has been formed as a subcommittee to the Parks and Recreation Board to make recommendations to the City Council and the community. The next step is to create concepts for the bond election and prepared estimated costs. The committee and the City Council will make a recommendation to the community and the bond election will be held. If the election is successful, the facility will be designed and constructed over the next two years. He observed that taxes would be raised slightly in the bond election in order to pay for construction. Another issue to be addressed by the Council and committees is the operation and maintenance of the facility.

Cl. Strong asked if the architects are going to give options for phases, or only address a full facility. Director Roylance replied that the architects would work with the citizen boards. It will be the duty of the committees to decide what is needed and how to phase the project. He commented that the committees want to make sure that the plans include expansion options. Mayor Clyde agreed that the Council wants to build as much as they can, but also plan for expansion. The elements of a recreation center were disclosed and discussed—indoor pool, outdoor pool, fitness area, and competition pool. Mayor Clyde asked that the contract contain a withdrawal clause if the Council is not happy with the outcomes. Attorney Penrod reported that the all contracts have such a clause with reimbursement for work done. Cl. Packard noted that the bid includes a range in the percentage. He asked if the actual percentage would be negotiated before the contract is awarded. Attorney Penrod replied yes.

Cl. Jolley commented that the documents show preparation for a June election. However, he wondered if the concepts and planning could be completed that soon. He asked if the date should be extended to November. Attorney Penrod replied that this can be changed if necessary, but the architect feels they can be ready by June. Mayor Clyde observed that waiting until November would lose a year of construction, and if the architect feels preparations can be complete by June, he would rather get it done. Cl. Jolley asked if the architects could help give the City any insight on maintenance costs. Director Roylance replied that this would be offered as part of the package. Cl. Jolley replied that he was glad this was part of the consideration. Mayor Clyde agreed that a plan to pay for the operations and maintenance is as important as paying for the building. He asked if there were other questions. There was none.

**CL. BIRD MOVED TO APPROVE VCBO ARCHITECTS AS THE PROFESSIONAL FIRM THAT WILL PROVIDE SERVICES TO ASSIST THE CITY WITH A RECREATION CENTER BOND ELECTION AND, IF THE BOND ELECTION IS SUCCESSFUL, PROVIDE DESIGN SERVICES AND CONSTRUCTION ASSISTANCE FOR THE PROJECT.**

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FURTHER MOVED THAT THE MAYOR IS AUTHORIZED TO SIGN A CONTRACT WITH VCBO FOR THE SERVICES AFTER THE CONTRACT HAS BEEN APPROVED BY THE CITY ATTORNEY. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

**5. Presentation of a recommendation for the Art City Days theme and Parade Marshal**  
– Charles Keeler, Recreation Director

Director Keeler and Art City Days Committee Chair Craig Conover reported that the primary concern tonight is the presentation of three items: the proposed Grand Marshal for the parade, the theme for this year's event, and the schedule. Director Keeler asked the Council to recall last summer when Pat and Martin Conover were named as the Grand Marshals. However, due to illness, the Conovers were unable to receive this honor. The committee would like to recommend them for honor this year. The committee recommends the theme "Living the Sweet Life." This will allow events to focus on food related art. He noted that the City Float is out for bid and responses are due in two days. He believes there will be three bidders submitting proposals. He presented the draft stage schedule. Saturday, June 4 will be the talent festival. Thursday will be the ASAP Youth Night with the Battle of the Bands. Friday will be the family show with entertainment. Saturday will be the finale show with fireworks. He reported that Due West was contracted last year but was rained out. They will be back this year for the same price. He added that the resident artist honoree appointed by the Museum is coming soon. The Citizen and Business of the Year is named by the Chamber of Commerce.

Mr. Conover reported that the fireworks show is already lined up, and the Grand Marshal appointment would be a great honor for his parents. Mayor Clyde asked if the committees for each event are organized. Mr. Conover replied that a chair has been set for each event and the chair is supposed to organize their own committee. Director Keeler reported that volunteers were solicited in the City Source newsletter and three new volunteers were found to serve on the committees. The executive committee sets the budget and the theme. Mayor Clyde observed that it was important to get the subcommittees up and moving. He suggested that the executive committee work hard to get more volunteers involved rather than rely on the City's full-time people. He thanked Director Keeler and Mr. Conover for the presentation and recommendations.

CL. JOLLEY MOVED TO ACCEPT THE RECOMMENDATIONS OF THE ART CITY DAYS COMMITTEE. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

**6. Consideration of a contract between Springville City and the Water Polo Association for use of the Springville Pool** – Charles Keeler, Recreation Director

Director Keeler reported that the pool manager is doing an excellent job of squeezing extra minutes out of the pool schedule. She has found a period of 12-weeks with availability and has been approached to use that time. The Utah County Water Polo Association is a nonprofit association with similarities to the UV Rays. This classification would qualify for the discounted price, so the structure of the proposed contract is like the UV Rays. The Association has agreed to the terms. They have representatives here to address the Council. Cl. Jolley asked if the members of the Association are from Springville, or from other communities. Mr. James Young, head coach, reported that the team members are mostly high school students, but since the league is not sanctioned by the District, the competitions are conducted on the club level. The high

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school players come from all cities in Utah County, but primarily from Springville because there is a strong swimming program here. The Council discussed the pricing structure and the contract.

CL. BIRD MOVED TO AUTHORIZE AN AGREEMENT BETWEEN SPRINGVILLE CITY AND THE UTAH COUNTY WATER POLO ASSOCIATION AS OUTLINED IN THE CONTRACT. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

**7. Consideration of a declaration of default and foreclosure on properties in SID 29 – John Penrod**

Attorney Penrod reported that Special Improvement District #29 deals with a group of properties on the west side of I-15. The District was set up in 2005. Spring Pointe Development owns five properties in the District and the payments due last November 6, 2010 have not been paid. The City has tried to collect, but has not been given any payment plan. He asked the Council to move forward with a default action. The property owners will be given a 30-day cure letter, and if the default is not settled, the City will move forward with a trustee's sale. He noted that Zion's Bank is the trustee, but they don't do foreclosures anymore. He asked the Council to appoint Provo Land Title as a co-trustee for the purpose of foreclosure. Zion's Bank has indicated their approval of this action. He asked if the Council had any questions.

Cl. Strong asked if the City has had communication with the property owners. Attorney Penrod replied that the representatives of the owners indicate that the owner does not have money to make the payments. Contact has been made a couple of time pursuant to the policies. Mayor Clyde asked if the City's position is first. Attorney Penrod replied that the City's lien is first or second, but above all private interests. Cl. Packard reported that the loan company will have to decide whether to buy out the City's position. Attorney Penrod reported that the past due amount is about \$400,000 on the five properties. The total amount still owing is \$2.3 million. He added that the default would accelerate the payments and all the money would be due and payable.

Cl. Strong wondered if the City would be interested in ending up with the property in the foreclosure. Attorney Penrod replied that this is a great location with freeway visibility. This is the reason the City decided to implement the Special Improvement District in the first place—to help development occur. Mayor Clyde asked the acreage under the lien. Attorney Penrod replied that there are 80-acres in the five properties. Cl. Strong commented that the City would acquire a debt of \$2.3 million over the next 10-years if the foreclosure proceeds. He was not sure that the City should be interested in acquiring real estate. Attorney Penrod replied that the owner can continue to seek a cure and regain the property in 4 to 5 months, and he has turned down potential transactions within the last few months that would have alleviated his financial concerns. Cl. Packard asked if the City has researched subsequent liens. He asked if they are in foreclosure as well. Attorney Penrod replied that no notices have been filed.

CL. PACKARD MOVED TO APPROVE RESOLUTION #2011-01 DECLARING SPRING POINTE DEVELOPMENT IN DEFAULT ON FIVE SEPARATE PROPERTIES IN SPECIAL IMPROVEMENT DISTRICT #29 AND DIRECTING THE CITY'S FINANCE DIRECTOR TO (1) ACCELERATE AND DECLARE THE WHOLE OF THE UNPAID PRINCIPAL AND INTEREST ASSESSED ON THE FIVE PROPERTIES TO BE IMMEDIATELY DUE AND PAYABLE, AND (2) FOLLOW THE FORECLOSURE PROCEDURES IN CITY ORDINANCE #21-05, AND FURTHER APPROVE PROVO LAND TITLE COMPANY AS A CO-TRUSTEE WITH ZION'S FIRST NATIONAL BANK FOR

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THE PURPOSE OF FORECLOSING ON PROPERTIES IN DEFAULT OF THE SPECIAL IMPROVEMENT DISTRICT #29 ASSESSMENT. CL. BIRD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. STRONG – AYE; CL. BIRD – AYE; CL. JOLLEY – AYE; CL. PACKARD – AYE; AND CL. OLSEN – AYE. THE MOTION CARRIED UNANIMOUSLY.

#### **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

Attorney Penrod passed out a map of a property on 1900 East and reported that the property owner has asked the City to sell a portion of the right-of-way in order to make the parcel rectangular. He pointed out that it appears the City intended to make a cul-de-sac there at one time. However, that need has passed. He noted that policy in the past has been to sell property in the right-of-way for \$1.50 per square foot. He asked if the Council is interested. Cl. Strong asked the acreage in the request. Attorney Penrod replied that the portion would be about 0.12 acres or 3,000 square feet. Administrator Fitzgerald reported that the sales price would be about \$4,500. Cl. Bird commented that this curve has become a depression that becomes a reservoir in wet weather. Attorney Penrod reported that the owner would like to develop a lot. The Council indicated their willingness to entertain a formal offer. Mayor Clyde asked if there were other comments. There was none.

#### **CLOSED SESSION**

8. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*  
There was no closed session.

#### **ADJOURNMENT**

CL. JOLLEY MOVED TO CLOSE THE CITY COUNCIL MEETING AT 8:13 P.M.  
CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.