



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
FEBRUARY 15, 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 15, 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. Ben Jolley, 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, Recreation Director Charles Keeler, Operations Manager Rod Oldroyd, Finance Director Bruce Riddle, and Buildings and Grounds Director Alex Roylance.

CALL TO ORDER

Mayor Clyde called the meeting to order at 7:07 p.m. and welcomed the Council, staff, and audience.

INVOCATION AND PLEDGE

Chief Finlayson offered the invocation. Administrator Fitzgerald led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

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

APPROVAL OF THE MINUTES

CL. BIRD MOVED TO APPROVE THE MINUTES OF FEBRUARY 1, 2011 AS WRITTEN. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Clyde asked any scouts on assignment to stand and introduce themselves to the Council. Mr. Tyler Ercanbrack reported that he was present working on a communications badge. Mayor Clyde asked if there were any students. Ms. Jennifer Tolbar reported that she was a BYU student in civil engineering. As one of the class requirements, she was to attend a public meeting.

PUBLIC COMMENT

Mayor Clyde introduced the public comment section of the agenda. He asked Mr. Franz Belot to come to the podium. Dr. Belot reported that he was recently appointed as the chair of the *Springville City Council, February 15, 2011*

Board at Merit Academy. He wanted to come, introduce himself to the Council, and thank them for allowing the school to be in Springville. Mayor Clyde replied that he had visited the school recently and had enjoyed the experience.

Mayor Clyde asked if Mr. Tyler Young was present. He was not and it was noted that the request was actually for the March 15 meeting.

CONSENT AGENDA*

1. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
2. **Approval of a recommendation by the Spanish Fork/Springville Airport Board to accept a proposed hangar lease assignment** – Cris Child, Airport Manager

CL. PACKARD MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.
CL. OLSEN SECONDED THE MOTION, AND ALL PRESENT VOTED IN FAVOR.

PUBLIC HEARING AGENDA

3. **Public Hearing to consider an Ordinance amending Title 14, Section 14-1-109 Amendments to the Title pertaining to public hearing notification** – Fred Aegerter, Community Development Director

Director Aegerter reported that this minor amendment to Title 14 would bring the City Code into compliance with State law. He noted that the proposed ordinance changes the required notice for a public hearing from 14 days to 10 days. Mayor Clyde asked if there was a reason to change the notice period. Director Aegerter replied that the 14-day notice period typically causes a delay between the Planning Commission and City Council meetings. He reported that the Planning Commission reviewed the proposal, and recommends the least restrictive approach. Mayor Clyde observed that a 10-day notice would still give the public ample time to plan and attend a public meeting. He opened the Public Hearing. There was no comment.

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

CL. PACKARD MOVED TO APPROVE ORDINANCE #02-2011 AMENDING TITLE 14-1-109, *AMENDMENTS TO THE TITLE*, OF THE SPRINGVILLE MUNICIPAL CODE REGARDING PUBLIC HEARING NOTIFICATIONS. CL. BIRD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. JOLLEY – AYE; CL. PACKARD – AYE; CL. OLSEN – AYE; CL. STRONG – AYE; CL. BIRD – AYE. THE MOTION CARRIED UNANIMOUSLY.

4. **Public Hearing to consider an Ordinance amending Title 11, Section 11-7-402, Application and Review Process and Section 11-3-402, Significant Change of the Springville Municipal Code** – Fred Aegerter, Community Development Director

Director Aegerter reported that this ordinance would essentially accomplish two things. He informed the Council that most communities along the Wasatch Front require a site plan review if a building is reoccupied after a period of vacancy, or if there is a large structural change being proposed for the building. Springville changed their site plan review process not long ago to an administrative review unless there is a large structural change or lengthy vacancy, in which case it would go to the Planning Commission for review. This proposed ordinance would change the requirements so that no site plan approval would be needed for changes or

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additions up to 20-percent of the structure's floor space that do not result in an increase in the density or intensity of the use. This would allow a business to move in and start operations with the only requirements to the City being the obtaining of a business license and/or building permit for any addition of less than 20-percent of the structure. He reviewed the wording changes to the ordinance as proposed.

Mayor Clyde noted that the 20-percent maximum in the ordinance could be in one addition or in a combination of additions over a period of time. He asked if there was a time limit on when a previous addition had occurred that would now apply to the currently proposed increase in floor space. Director Aegerter replied that *any* previous addition to the original structure would be combined with a proposed addition to calculate the 20-percent maximum limit, even if that addition happened 30-years ago. He reported that many businesses would put on small increments over a period of years just to avoid going through a site plan review if this were allowed. He added that this same requirement has been adopted by Utah County, Orem City, Provo City, and Lehi City was also considering a similar measure. Mayor Clyde suggested that he would favor a finite period rather than an open-ended limit.

Cl. Strong asked what had prompted this change to the ordinance. Director Aegerter replied that the ordinance change had been proposed by a business wanting to open without a site plan review since there were no changes. Mayor Clyde agreed that the ordinance was a good idea, but he feels that an expansion that happened 20-years ago should not apply to the current proposed expansion. He suggested a maximum of 10-years. Administrator Fitzgerald commented that the provision would be easy to add in the motion.

Cl. Strong asked if this ordinance change would help the Mexican Restaurant on North Main. He reported that they have a former loading dock that they want to enclose for people waiting to eat. Director Aegerter replied that it may, but he would have to look at the specific application. He knows that this business is currently under-parked, but this proposal may not eliminate spaces. He noted that the parking requirements are based on a table in the Municipal Code. Administrator Fitzgerald commented that the general answer is yes. Mayor Clyde commented again that he would still prefer not to include additions completed 20-years ago in the calculations. Director Aegerter replied that this is a valid point. Mayor Clyde opened the public hearing.

Ms. Karen Ifedaba commended the Council and the Planning Commission for being proactive and encouraging businesses to reoccupy vacant structures with a minimum of restrictions. She thinks that this will bring businesses to Springville, since there will be no delay to go through the site plan process.

Mayor Clyde asked if there was other comment. There was none.

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

CL. STRONG MOVED TO APPROVE ORDINANCE #03-2011 AMENDING TITLE 11-7-402 AND TITLE 11-3-402 OF THE SPRINGVILLE MUNICIPAL CODE REGARDING THE APPLICATION AND REVIEW PROCESS FOR SITE PLANS AND THE DEFINITION OF A SIGNIFICANT CHANGE. CL. BIRD SECONDED THE MOTION.

Mayor Clyde commented that he had a question about improvements costing more than \$50,000 and having to bring a structure up to existing code. Director Aegerter replied that this requirement had been changed a number of years ago. The requirement now is that a structure

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must be brought up to current building code standard when an improvement reaches a certain percentage of the value. Mayor Clyde asked if there was other discussion. There was none.

THE VOTE IS RECORDED AS FOLLOWS: CL. BIRD – AYE, CL. JOLLEY – AYE, CL. PACKARD – AYE; CL. OLSEN – AYE; AND CL. STRONG – AYE. THE MOTION CARRIED UNANIMOUSLY.

5. Public Hearing to consider an Ordinance amending Title 11, Section 11-6-308 to allow for freestanding non-accessory signage on nonresidential properties adjacent to a major arterial street – John Penrod, City Attorney

Attorney Penrod reported that the Council had discussed this item in a Work/Study Meeting two weeks ago, so he would review the issues quickly. He noted that the local Rotary Club had requested to place four signs along the entrance roadways into Springville. All of the requested locations are owned by UDOT, and UDOT does not allow private signs in the rights-of-way. The Rotary representatives, Bob Sayers and Doug Wheeler, here tonight, asked the City Council to consider ways in which the signs could be allowed. The Council requested staff to research the request because of the immense good done for the community by the Rotary. He displayed pictures of the locations requested.

Attorney Penrod reviewed the issues surrounding signs—forum (either public or private), commercial or noncommercial messages, on-site or accessory signage, and content based or neutral enforcement. He reviewed the court cases that govern each of these issues with the Council. He offered a proposed ordinance that would allow a maximum of 8-square-feet of the currently allowed 32 square-feet of freestanding signs on private property along arterial streets to be non-accessory signage. He presented a map of Springville showing the streets that have the classification of “arterial.” He presented the purpose statement of the sign ordinance in the Municipal Code and asked the Council to consider if this ordinance meets this stated purpose. He then offered arguments for the measure and arguments against the measure, and possible outcomes that may occur if the proposed ordinance is adopted. He suggested that there might be other ways to recognize the contributions of the Rotary.

Cl. Packard agreed and suggested one sign for all the service organizations in Springville that would honor their hours of community service. He expressed a concern that private property owners would be encouraged by this proposed ordinance to sell their sign space to outside entities. Attorney Penrod replied that a sign as proposed could be erected, but there must be no advertising or logos. Cl. Packard commented that it could be a “Welcome to Springville” sign and list the groups that serve our community. Attorney Penrod replied that UDOT controls Springville’s entryways and their policy limits the square footage and does not allow any advertising or logos. Cl. Packard asked if there are other locations. Attorney Penrod suggested that a sign could be placed on City property, but it must follow the City ordinances.

Cl. Olsen expressed a concern that the provision could be abused and then create sign clutter on private property. It was noted that the City’s Code Enforcement Officer picks up hundreds of illegal signs in the City’s rights-of-way a year. This proposed ordinance would just open the “flood gates.” Mayor Clyde noted that the sign owners would be required to obtain the property owner’s permission. Many property owners will not want signs on their frontage. Attorney Penrod displayed a picture of the Jiffy Lube on 400 South near I-15. He pointed out that this business has four flags and two signs along their frontage—all temporary, and just

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intended to attract attention. He suggested that businesses might vie for sign space on Springville's arterial streets. Mayor Clyde opened the discussion to the public.

Mr. Bob Sayer thanked Attorney Penrod for his efforts to try to find a solution for the Rotary. He realizes that this is a complex issue, but the Rotary would still like to make something work.

Ms. Jennifer Tolbar referred to the Council's concern for clutter and added that it is important to realize that it would be hard to remove the signs once they are allowed and placed. Mayor Clyde asked if there was other comment. There was none.

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

Mayor Clyde listed the Council's options for this proposed ordinance. Cl. Strong commented that he was not sure that he was willing to open signage to non-accessory use. He would also rather see something like Cl. Packard's suggestion. He asked if the Rotary would be willing to continue to work with the City on another option. Mr. Sayer replied yes. He also offered to go with the smaller Rotary insignia, and to go to private property owners for permission, or to add the City signs as proposed by Cl. Packard. He listed the locations that the Rotary would particularly like to place signage. He described the sizes of the signs.

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

REGULAR AGENDA

6. Consideration of recommendations to accept the Facility Use Policy – Troy Fitzgerald, City Administrator

Administrator Fitzgerald reported that this subject has been under discussion for two years. He reviewed the types of outside users requesting to use Springville City facilities. He noted that some facilities already have policies in place, so this policy will deal with the remaining facilities. He presented the updated fee schedule based on input from the last discussion with the Council two weeks ago. He reported that the purpose of the policy is to recapture the City's costs for noncommercial uses and gain a profit on commercial use of City property. He reported that the costs of maintenance, preparation, and return to City use have been analyzed for the shops, facilities, and fields. He noted that the Parks and Recreation Board pointed out that there was no discount for a full-day's use, so that was added. Now the City gives a full day of use for a half-day payment. He noted that staff costs (rental attendants) for interior spaces have been included. He reported that one other comment from the City Council regarding the Arts Park stage allows non-ticketed events to get a less expensive rate. Administrator Fitzgerald reported that waivers have not been built into the policy, but it does allow for alternative consideration. Insurance could be required for events as mandated by the City's insurance carrier or the City Attorney.

Administrator Fitzgerald presented comparable rates with other cities for baseball fields. He reported that other cities do not allow a deduction for non-profit groups. He presented the basis for the cost calculations. He observed that the proposed policy could have significant impact on the City's historic facility users, many of which have been using City facilities for over 10-years. He reported that one entity could reach as much as \$1,000 per month because they are a private entity charging for classes and not being charged by the City for overhead. He added that the Folkfest is a ticketed event that uses the Museum and a Canyon Pavilion as well as

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the Arts Park. He noted that these uses are not addressed in the current version, but the City could negotiate individual contracts with these entities, or institute a grant program. Mayor Clyde noted that the Museum of Art Association is not addressed in the list presented. Administrator Fitzgerald replied that the Association is addressed in the Museum policy, but this observation highlights the complexity of the issue. He reported that three of the City's Boards or Committees have recommended adoption and their recommendations are included in the packets, but all had concerns with historical uses.

Cl. Strong asked if the new library facility is included in the policy. Administrator Fitzgerald replied that the new library is anticipated but not included. The Library Board reviewed the policy and recommends approval. He reported that the Buildings and Grounds Department will assign the appropriate lease amount, and a market analysis will be performed by the Director at the proper time. The intent is to keep the policy simple. He added that the fees would also be adopted as part of the comprehensive fee schedule in the budget.

Cl. Strong commented that the issues regarding the use of facilities have been skirted for years. He added that the proposed policy is not without problems, but is it a great start. He suggested that it be adopted and then deal with the problems as they arise. Cl. Jolley commented that he likes the concept of contracts with the individual historic uses so that their individual needs and wants can be addressed. He added that he would like to see a time limit associated with the contract and that the group not have unlimited access in perpetuity. Cl. Strong agreed and observed that some users can offset the cost by continued services. He would leave the determination of appropriate service to the Director's best judgment. Administrator Fitzgerald read the statement in the policy regarding alternative compensation. Cl. Strong and Cl. Jolley expressed approval.

Mayor Clyde noted that the Parks and Recreation Board submitted two recommendations. Administrator Fitzgerald replied that the second recommendation regarding historic users could either be added to the current policy once the Council has made a decision, or contracts with individual users can be negotiated and the Council can approve those later. Mayor Clyde commented that he does not see the option of a contract in the policy. Administrator Fitzgerald replied that a contract approved by the Council would supersede a staff policy. Cl. Bird suggested that he likes the contract path, but he would like to see consistent guidelines for staff to pursue. He would like each user to be treated fairly but consistently. Administrator Fitzgerald suggested that one possible answer to create consistency would be to quantify the dollar value of the entity's lease for the contract. Then if the City's costs go up and the lease amount increases, their credit will not go as far and the value of the contract will decrease. Over time, the entity will be paying more and more for their use. Mayor Clyde asked if historic users would be the only entities to receive contracts. Administrator Fitzgerald suggested a benchmark of users with five or more years of verifiable utilization.

Attorney Penrod reported that he would like to see a combination of grants and contracts for some users. He pointed out that this is the Arts Commission recommendation. Administrator Fitzgerald reported that the Council could increase the dollar amount in the budget assigned to grants, or give the Arts Commission specific time limits in certain facilities to grant. This would have to be established in policy. Cl. Olsen commented that he would like to start with this policy and then refine it as questions come up.

Mr. Greg Thorpe commented that he feels the City's facility use agreement is overdue, but he would like to see the Council find a way to help 150 young men and the same amount of

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young women participate in local leagues. He pointed out that other cities have found a way to make facilities available and it has been successful. Cl. Jolley asked how the other cities meet their needs. Mr. Thorpe replied that they have a fee, but a much smaller fee than what is being proposed here. He reported that the League Association would not use a town if they feel the fees are exorbitant. He offered clarification on the comparison fee schedule presented by Administrator Fitzgerald. He reported that those cities with fees higher than \$80 per day per diamond for a sports park complex, or \$60 for an older complex are not used by the leagues. Ninety-percent of the games in the county are played in Payson, Salem, Mapleton, Wasatch County, or Spanish Fork. Administrator Fitzgerald replied that Springville's proposed fee is \$72 for a nonprofit, and \$100 for a profit organization. He commented that this is part of the interpretation or qualification of an entity into a "class." The definitions of each class in the policy were discussed. Mr. Thorpe disclosed that the Super Leagues fall into the profit class, and that the league makes money on the kids. He added that the parents would love to play in Springville, but the league will not let them unless the cost is lowered. Mayor Clyde commented that he has a hard time justifying a lower cost if the league is making money on the kids. He pointed out that the nonprofit cost is the City's cost, so the citizens of Springville would be supplementing the Super League's profit.

Mr. Thorpe asked why Spanish Fork could offer field time for less. He added that the costs do not account for the economic impact in favor of the City in business patronage while the league is playing there. Cl. Packard reported that he had heard that Spanish Fork City was asking the Chamber of Commerce to donate to help cover the costs incurred for these events. He added that the Super League does not have to pay cash, the parents and kids could donate the time or service instead. Mr. Thorpe commented that the Recreation Director in Spanish Fork proposed to get rid of Super Baseball but the Chamber opposed the proposal. Cl. Packard agreed that the City Council of Spanish Fork may have decided to continue to subsidize the Super Leagues, but their option here is to donate service for payment of field time. Mr. Thorpe agreed that he would not be opposed to this solution. Cl. Strong objected and pointed out that the League would make even more profit on the kids. Cl. Packard agreed, but pointed out that this issue was between the parents and the league. The City would still benefit by getting their costs covered and the fields improved.

The Council and Mr. Thorpe reviewed the spreadsheet showing the cost calculations. Administrator Fitzgerald pointed out that lights for fields were extra, and the costs do not include management time or other soft costs. Mayor Clyde asked if more staff that is full-time would be needed if the fields were used more often. Administrator Fitzgerald replied that this is a policy level question. He pointed out that if there is no rent, there is no offsetting revenue, and if the City gives the field as is, there is no additional prep time. If the entity wants more prep, there would be additional cost and additional compensatory fees. Mayor Clyde pointed out that Springville does not have fenced ballparks, so it would be difficult for the leagues to collect entrance fees. Mr. Thorpe replied that he is not proposing Springville for tournaments, just league play. He reported that Springville has nine teams. This would allow them to host a home game.

Cl. Packard asked why Springville has not allowed league play for several years. Mr. Thorpe replied that a former League Director did not pay a billing to Springville. That League Director has left the organization. He again pointed out that all of Springville's neighboring cities make room for leagues. He added that the high school coach wants him to convey the

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coach's interest in encouraging the City to allow Super League play. He would like to build his program, but feels that he has no support from the City. He feels that if the Recreation Director had an interest in building local team sports, it would have happened already. He pointed out that the Recreation Directors in the other cities have a vested interest in promoting league play, but not here. He suggested that it was time to give the Super Leagues a second chance, since the argument occurred over 15-years ago. He pled for the Council to give them a chance. Cl. Jolley asked if there was an interest in giving service for time on Springville fields. Mr. Thorpe reiterated his interest.

Mayor Clyde listed the options for the Council's action. Cl. Strong replied that he feels the policy should be adopted, although his only hesitation is rates for the Super Leagues. He agreed that they should have a discounted amount in exchange for service. Administrator Fitzgerald replied that the policy includes this option and read the entry. Cl. Jolley suggested that when the Super Leagues submit an application for a service waiver, that the City take into account the economic benefit to the business community. He feels that the benefits should be combined to help make the determination of fees. Cl. Strong encouraged the League supporters to find a way to give the savings back to the kids to lower their fees, and not line the pockets of the Association Directors. Administrator Fitzgerald outlined the additions that could be included in a motion.

CL. JOLLEY MOVED TO ADOPT THE SPRINGVILLE CITY FACILITY USE POLICY AND TO ENACT RESOLUTION #2011-02 ESTABLISHING FEES FOR USE OF CERTAIN FACILITIES, WITH THE ADDITIONAL INSTRUCTION TO ADMINISTRATIVE STAFF TO NEGOTIATE CONTRACTS WITH HISTORICAL USERS, AND TO CLARIFY THE CLASSIFICATIONS IN REGARDS TO CLASS 2 AND CLASS 3 IN THE POLICY. CL. BIRD SECONDED THE MOTION.

THE VOTE IS RECORDED AS FOLLOWS: CL. PACKARD – AYE, CL. OLSEN – AYE; CL. JOLLEY – AYE; CL. BIRD – AYE; AND CL. STRONG – AYE. THE MOTION CARRIED UNANIMOUSLY.

Cl. Strong asked if changes would be made to help open fields for Super Leagues. Mayor Clyde replied that the Recreation Program Subcommittee and the Parks and Recreation Board would be making recommendations on this issue. He added that Springville's challenge is that they have few baseball fields to make available.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

There were no reports.

CLOSED SESSION

- 7. 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. PACKARD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 9:08 P.M. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

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