



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
MARCH 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, March 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, Community Relations Administrator John Gleave, Recreation Director Charles Keeler, Operations Manager Rod Oldroyd, Finance Director Bruce Riddle, Buildings and Grounds Director Alex Roylance, and Public Works Director Brad Stapley.

CALL TO ORDER

Mayor Clyde welcomed everyone and called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

Operations Manager Rod Oldroyd offered the invocation. Director Aegerter led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

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

APPROVAL OF THE MINUTES

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

MAYOR'S COMMENTS

Mayor Clyde reported that the Council gives the public the opportunity to speak and address any subject. He asked potential speakers to fill out forms located on the desk in the lobby. He recognized scouts from Troops 69 and 921.

PUBLIC COMMENT

Mr. Tyler Young reported that he was present with a request from the Springville Rotary Club. He commented that the Rotary is planning the second Annual Hobbler Half Marathon for July 9. They had almost 700 participants last year and expect more this year. He asked the *Springville City Council, March 15, 2011*

Council to waive the fees for the Arts Park, Rotary Park, and to reduce the number of police officers along the route. He explained that the Rotary was willing to place volunteers at the minor intersections along Canyon road. He reported that the money raised goes to Rotary-sponsored charities, including support of research against polio, scholarships for local students, and a Sub-For-Santa program. He noted that the Rotary had awarded five scholarships this last year, and provided presents and meals for 13 needy families. His companion from Run-13, the organization that manages the event for the Rotary, reported that other cities allow the use of volunteers, including Salt Lake and Provo. He asked that the Council consider their request for all the intersections except the intersection at 400 South and 800 East, and 400 South and Canyon Road. Administrator Fitzgerald suggested that the new facility use policy would handle most of the request, but if there is disparity in coming to an agreement, the staff would be happy to put the item on a Council agenda. The Council agreed. Mayor Clyde thanked the Rotary for their help with the Art City Days Parade and the Easter Egg Hunt each year, as well as the other volunteer work donated each year to the citizens of Springville.

Ms. Marilyn Olsen reported that her family had been residents of Springville since 2003. She observed that she would like to go on the record in favor of allowing chickens. She informed the Council that she had read the minutes of the Planning Commission and City Council meetings, and the report presented to the Council. She suggested that there were some issues not considered by the Council. She reported that backyard chickens are a growing trend in Utah due to three main reasons—the growing interest in buying local food, rising costs for energy and transportation, and food safety. She acknowledged that not every person is in favor of having chickens in their neighbors' backyards, but only one person at the Planning Commission meeting was not in support. She pointed to the natural disaster unfolding in Japan and suggested that having backyard chickens allows residents to provide for their family. Most people are moving to having a backyard garden, and chickens fit that self-reliant stance. Rising energy costs caused by the unrest in the Middle East make having backyard chickens even more attractive. Although raising chickens may not be economical now, this would change if the trend of rising gas prices continues. She also pointed to the recent reports of recalls from major producers, and suggested that chicken owners know what is fed to their flocks and how the processing is done. The fact that many residents are keeping chickens illegally suggests the importance of the issue to them. Ms. Olsen commented that she feels the Planning Commission should have given more credence to the residents in favor of backyard chickens. She asked the Council to direct the Planning Commission to conduct another hearing with both sides of the issue fairly represented. She also noted that no recommendations had been made to change the proposed ordinance to address their concerns. She could see no attempts to compromise on the issue. Ms. Olsen pointed out that the Council's terms would be ending this year and she felt that the issue should be put back on an agenda and not turned over to another Council with no knowledge or experience on the issue. She added that she hopes the Council have addressed keeping agriculture in the General Plan for 2030, as she feels that it is an important part of Springville.

Mr. Richard Olsen asked the Council to look at the real complaints about backyard chickens. He commented that it might be true that chickens would bring predators into neighborhoods, but the biggest attractant of predators are garbage and dog food. He suggested that the ordinance regulate the coop structure so that it is safe. He agreed that one common complaint of chickens is that they smell. He suggested that the smell issue depends on the condition and care of the coop. He reported that the amount of feces produced by a chicken is .2

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pounds per day, and that a dog produces much more. He suggested that the ordinance could address the care and condition of the coop. He reported that another issue raised about chickens concerns the neighboring property values being affected. He suggested that a report by realtors has found the same issue with dogs and yards that are not well kept. He agreed that everyone should be thoughtful of their neighbors and not allow their yard to become a detriment to the community. Mr. Olsen suggested another way to control animals is a three strikes rule. He observed that if an animal causes complaints two or more times, it should be removed from the owner, and the owner should be fined. This penalty could apply to more animals than just chickens. He expressed the hope that the Council would consider a compromise and put the issue back on an agenda.

Mayor Clyde and Cl. Strong thanked the Olsen's for their comment. Cl. Strong indicated his willingness to reconsider chickens. Cl. Jolley reported that this issue has been talked about in multiple meetings for over three years—much more than shows in the recent minutes. This issue has been studied extensively by staff, Commissioners, and Council members. He personally has researched the issue comprehensively, and talked to his neighbors, acquaintances, and business contacts in all parts of Springville. He feels comfortable with the decision already made. Mayor Clyde commented that the City does allow chickens in certain zones and large lots, but this may be more restrictive than the Olsen's want it to be.

CONSENT AGENDA*

1. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))

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

PUBLIC HEARING AGENDA

2. *(Continued to April 19, 2011)* **Public Hearing to consider a recommendation to adopt the updated Springville City 2010 General Plan “Shaping Springville for 2030”** – Fred Aegerter, Community Development Director
This item has been continued until April 19, 2011.

3. **Public Hearing to consider a recommendation to amend the Municipal Code for the creation of a Mixed Use Overlay Zone at approximately 400 South 2600 West** – Fred Aegerter, Community Development Director

Director Aegerter reported that this proposal is in response to a long process taken to address concerns that key intersections in the City have commercially zoned property, but allow the option for multifamily housing in connection. He offered a history of the application originally submitted by Mr. Mike Stewart in July 2009. The first application applied to rezone 30-acres of the 50-acre site from commercial to multifamily. The Planning Commission reviewed the application and recommended approval to the City Council. The City Council discussed the proposal and directed staff to look at options to provide for an overlay zone that would allow multifamily uses within commercial zones with design standards similar to the Westfields Overlay. The Planning Commission discussed the options at various times in 2009 and 2010. A proposed ordinance was prepared and then presented to the Planning Commission in February and March 2011. The biggest issue raised was how to ensure that a commercial element

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continued as part of the mix, and the whole development did not turn completely to high-density residential. One resident expressed his opposition to allowing residential uses and asked the Commission to retain the commercial designation. There was a unanimous recommendation from the six Commissioners present in favor of the proposed ordinance.

Director Aegerter referred to the copy of the ordinance in the Council packet and highlighted certain provisions. He noted that the Purpose and Intent section outlines the goals of the overlay. He read the provisions to the Council. He reported that the General Requirements section addressed such items as parcel size, location of qualifying property near major intersections, ownership in one name, proximity to other residential development, and maximum percentages allowed for residential development. He commented that one of the biggest problems with residential development is to have enough contiguous area to create a neighborhood. He reported that the minimum size of a neighborhood is considered about 3,500 people. The Development Standards section addresses building materials, design features, parking locations and quantity, and location of primary entrances. The Density Bonus section allows greater concentrations in exchange for certain enhancements to the project dealing with open space, greater quality building materials, design elements that add interest and variety, the inclusion of garages or underground parking, and meeting "green" certification standards.

Director Aegerter observed that the issue that received the most discussion regarded the commercial completion requirements in 11-5-603(11). It was written to exclude building more than 50-percent of the residences before taking out permits to start building the commercial portion of the project. When 50-percent of the commercial project is underway, the developer may pull permits for another 25-percent of the residential, then another 25-percent of the commercial. All of the commercial must be complete before pulling permits for the final 25-percent of the residential. The advantage of the ordinance is that the public expectation for the commercial development of the project is fulfilled. He reported that the applicant is suggesting an alternate percentage spread of 65, 35, 30, 55, and 15. He asked if there were questions.

Cl. Bird asked if there was a time-frame, or just percentages. He pointed out that economic and market forces could stop a project if they could not meet the percentage requirements. Cl. Packard replied that the Planning Commission had this discussion. He pointed out that the construction on residential units does not have to stop; the developer just has to pull the commercial permits and pay the impact fees to move on to the next phase. The requirements of the building permits are just to show progress every six months. Director Aegerter reported that several percentage formulas were explored. Staff has found percentage requirements in Salt Lake, Texas, and Florida that were discussed. Mayor Clyde confirmed that the developer must build a certain amount or lose the building permit. Director Aegerter replied that the developer must show progress or he would lose the permit.

Mayor Clyde asked if the overlay zone is limited to specific areas. Director Aegerter replied that it could be applied to any property that meets the requirements. Springville has four intersections that would qualify right now. Cl. Bird asked about the maximum acreage of 60-acres and the size of Mr. Stewart's parcel. It was disclosed that Mr. Stewart's parcel was 50-acres. Director Aegerter directed attention to the drawing on page 2 of the ordinance. He reported that the ordinance allows a range of parcel size from 20 to 60-acres, and the development must feather into the density of the surrounding properties. Mayor Clyde opened the public hearing.

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Mr. Mike Stewart reported that he had been working with the City on this project for 4.5-years. He was committed to the commercial aspect; however, the challenge is timing. His analysts believe in the potential of commercial development, but the residential is needed to fuel the commercial components. One weakness of property on the west side of the freeway is the traffic counts going west. Most traffic on and off the freeway travels east to the center of Springville. The percentages as proposed would work for the east side. He asked the Council to consider allowing up to 65-percent before beginning the commercial component. This leeway would allow him to adapt and respond to the market. He added that the architectural details as requested by the Council have been definitely “beefed-up” over the Westfields. Mayor Clyde agreed that the economic climate is more challenging now than normally, but the idea of the requirement is to promote commercial development. He acknowledged that residential development sells more easily. The requirement would ensure that the City gets a percentage of the property developed commercially.

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

Cl. Packard observed that this is not the first time the Council has looked at promoting mixed uses in the Westfields. He reported that the proposed ordinance is based on the Westfields Village Center zone. He remarked that the applicant’s point is well taken regarding traffic counts, but the City staff and Planning Commissioners have worked hard to insure a balanced development. He noted that the commercial component is very important to the City. Mayor Clyde commented that the challenge is that the property is zoned commercially, which is the reason the property was purchased in the first place. Now that the economy is down, the developer is trying to develop the property. The City has been willing to compromise with some commercial and some residential, but this was designed from the first as commercial. He pointed out that the Village Center zone was designed as a mixed use from the beginning. He suggested that the City has compromised already, although he understands that development is difficult now.

Ms. Karen Ellingson asked how the traffic increase associated with the commercial portion of the development is kept from spilling into the residential portion. Mayor Clyde replied that the commercial must face the major roads and the residential is kept way from the major roads. The commercial portion is not access through the residential portion. Director Aegerter added that Section 11-5-602 requires commercial to be located at the intersection and the density is “feathered” away from there to the surrounding property.

CL. PACKARD MOVED TO APPROVE ORDINANCE #04-2011 AMENDING TITLE 11-6-500 ET. SEQ. REGARDING A MIXED USE OVERLAY ZONE FOR COMMERCIALLY ZONED PROPERTIES LOCATED AT MAJOR INTERSECTIONS. CL. BIRD SECONDED THE MOTION.

Mayor Clyde asked if Mr. Stewart has requested the higher percentages from the Planning Commission. Director Aegerter replied that Mr. Stewart had not received the staff report presented to the Planning Commission beforehand. It was sent, but not received. Therefore, he was unaware of the staff recommendation and did not bring it up until after the Planning Commission meeting ended. Mayor Clyde asked if the matter should be taken back before the Planning Commission. Mr. Stewart reported that he did not realize there was a need for the Planning Commission to hear his alternative proposal. He assumed that the Council had the final decision. He informed the Council that the development would still occur as planned,

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but having more households at the start helps with financing and getting the commercial going. Mayor Clyde observed that it is not good policy for the Council to overrule the Planning Commission. Cl. Packard agreed and recommended that the Council pass the motion “as is,” and have Mr. Stewart request his amendment from the Planning Commission.

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.

Cl. Packard thanked Mr. Stewart for his patience with the process, and noted that he understands the process is lengthy and tedious. Mayor Clyde agreed and commented that he knows Mr. Stewart will do a good job with this development. Director Aegerter asked if the proposed amendment should be presented to the Planning Commission. Mayor Clyde instructed Director Aegerter that Mr. Stewart could make the request.

4. Public Hearing to consider a recommendation to amend the Official Zoning Map at approximately 400 South 2600 West from Highway Commercial (HC) to Mixed Use (MU) zone – Fred Aegerter, Community Development Director

Director Aegerter reported that this ordinance would apply the Mixed Use Overlay zone to the property at 400 South 2600 West. Mayor Clyde opened the public hearing. There was no comment.

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

CL. JOLLEY MOVED TO APPROVE ORDINANCE #05-2011 AMENDING THE OFFICIAL ZONING MAP AT APPROXIMATELY 400 SOUTH 2600 WEST FROM HIGHWAY COMMERCIAL (HC) TO THE MIXED USE OVERLAY (MU) ZONE. CL. BIRD SECONDED THE MOTION. 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.

REGULAR AGENDA

5. Consideration of a Reimbursement Agreement with the Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter-Day Saints for improvements on 950 West – John Penrod, City Attorney

Attorney Penrod reported that the LDS Church started building a chapel last July at 950 West and Center Street. At that time, capital facilities were required that were eligible for reimbursement because they were part of the City’s capital facilities plan and impact fees were being collected. He presented an aerial of the detention basin, and reported that a 30-inch storm water pipeline was part of the design. A reimbursement agreement was signed with the Church. He reported that the reason this is back before the Council is that during construction, water, sewer, electric, gas, and irrigation lines were encountered in the intersection that were not mapped. The contractor could not install the 30-inch storm water pipeline in the planned location. He had to loop the line and install it at a different elevation. The cost of the change was \$32,000. This cost has been reviewed and deemed reasonable by the City Engineer. Attorney Penrod asked the Council to consider an amendment that would increase the amount of the reimbursement to the Church.

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Cl. Strong asked about the construction. Attorney Penrod showed how the storm water pipeline was rerouted, and pointed out the locations of the other utility services found in the intersection. He reported that he could get more details and invoices from the City Engineer, but the LDS Church had asked the item to be added to the agenda for tonight. Another reimbursement agreement for the chapel on 1250 West would be on an agenda soon. Cl. Strong asked why the rerouting would cost \$32,000. Attorney Penrod replied that the contractor had given the Church a deal because he was doing another project and did not have to stage the equipment, and hauling was less. When the other utility lines were discovered, the advantages were lost because he had to move on with the other project and could not complete the installation of the storm drain pipeline. These costs had to be added back in. Administrator Fitzgerald reported that projects like this justify the cost of GIS. As lines are entered into the system, there have been less of these conflicts. Cl. Strong commented that there has been a lot of construction on that road.

CL. JOLLEY MOVED TO APPROVE ENTERING INTO AN AMENDMENT TO A REIMBURSEMENT AGREEMENT WITH THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS THAT WOULD INCREASE THE AMOUNT OF REIMBURSEMENT BY \$32,204.41 FOR STORM WATER IMPROVEMENTS ASSOCIATED WITH A NEW CHURCH LOCATED AT 878 WEST CENTER IN SPRINGVILLE. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Administrator Fitzgerald directed attention to the newsletter policy. He explained that this issue has not been raised by staff and no change is recommended. He reported that the policy was first passed in 1999 as the City started getting more requests for space, and then was revised when the City moved to the 4-page format in 2008. The move to the 4-page format maxed out the allowable weight in a letter according to Post Office regulations, so the policy prohibits insertion other than City-related items except on the calendar. He reported that there has been a resurgence of requests since the closure of the Springville Herald. Staff is willing to continue placing items in the calendar, but space is limited. The most recent request was from the Miss Springville Pageant, so he was asked to bring the issue to the Council for their input. It has been suggested that the City reserve a half-page for community events. He asked for the Council's opinions.

Mayor Clyde observed that his idea was to dedicate more space to facilitate community events, not to make the newsletter bigger. He commented that it would be nice to have space for community-sponsored events, but a judgment would have to be made on who would qualify. The newsletter space could not be opened to everyone, just community-wide events. Cl. Jolley suggested that event organizers, or the City, has other options, like a Facebook site for local community events or space in the Daily Herald by going to a local reporter. He commented that he was not opposed to opening up space in the newsletter, but would be opposed to advertisements. He reported that most people appreciate getting the facts without advertising. He agreed that there would be management issues as well, so he would limit the space and have links to a website or Facebook page. The Council discussed limiting entries to one line in the calendar as a public forum, and directing readers to electronic media for more information. Administrator Fitzgerald suggested that the City has linking ability on the online calendar as well. He offered to have City staff brainstorm this idea and come up with ways to enhance

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electronic publishing. Mayor Clyde cautioned that although there are advantages to good communication, it has to be monitored. Cl. Jolley suggested that most electronic media has the ability to accept or reject content.

Administrator Fitzgerald reported some cities have started accepting passport applications, and a staff member has asked if Springville would consider this service. He noted that good revenues are reported. He asked if the Council was interested. The Council gave their permission to investigate adding this service to those delivered by City Staff.

Director Stapley reported that the City has received notice of a Wood Springs Irrigation Company shareholders' meeting scheduled for Thursday night at 7:00 p.m. He noted that the City is a voting member, and asked who would like to represent the City's interests. Cl. Bird suggested that Cl. Strong is the City's water company expert and should attend. Cl. Jolley agreed. The vote was unanimous. Cl. Strong was appointed to attend this meeting to represent the City.

Director Stapley reported that he had asked Utah County about filling the debris basin at the mouth of Hobble Creek Canyon with water. He was told that the State has jurisdiction over water containment structures, but the basin was not designed for permanent containment. They also reported that the level would have to be low in order to have storage capacity to take debris. After discussion, Director Stapley was asked to contact the State with the request.

CLOSED SESSION

6. *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*

CL. JOLLEY MOVED TO TEMPORARILY ADJOURN THE CITY COUNCIL MEETING AT 8:35 P.M. AND CONVENE IN A CLOSED SESSION AS PROVIDED BY U.C.A. 52-4-205 FOR THE PURPOSE OF DISCUSSING PENDING OR REASONABLY IMMINENT LITIGATION. CL. BIRD SECONDED THE MOTION. CL. OLSEN, CL. JOLLEY, CL. PACKARD, CL. BIRD, AND CL. STRONG VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COUNCIL WAS RECONVENED BY CONSENSUS AS 8:45 P.M.

ADJOURNMENT

CL. PACKARD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:45 P.M. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.