



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
APRIL 5, 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, April 5, 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, Operations Manager Rod Oldroyd, Museum Associate Director Natalie Petersen, Finance Director Bruce Riddle, Buildings and Grounds Director Alex Roylance.

CALL TO ORDER

Mayor Clyde opened the meeting at 7:03 p.m. by welcoming the public.

INVOCATION AND PLEDGE

Ms. Karen Ifedaba offered the invocation. Mr. Aaron Clay led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

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

APPROVAL OF THE MINUTES

CL. BIRD MOVED TO APPROVE THE MINUTES OF MARCH 15, 2011 AS WRITTEN. CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Clyde introduced the Public Comment section of the agenda and instructed those wishing to speak to the Council to fill out a form available in the lobby. He turned the time over to Operations Manager Oldroyd for the Mayor's Award presentation.

CEREMONIAL AGENDA

1. Presentation of the April 2011 Mayor's Awards – Suzy Young, CTC Coordinator

Operations Manager Oldroyd observed that it was a pleasure to be present and to stand in for Ms. Young. He reported that there was one award. He introduced Ms. Kaya Hartley, a student at Merit College Preparatory Academy. He reported that Ms. Hartley was nominated by the administrator at the school, Ms. Kathryn Chapman. Ms. Chapman wrote in her nomination as follows:

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“Kaya Hartley is actively engaged in making the world a better place. Her enthusiasm and optimism are contagious! She is a peacemaker, a great listener, and very in tune with meeting the needs of those around her, whether that be at home, in her school, or community. She has demonstrated vision, initiative, and compassion in leading many projects, and getting many of her friends more involved in the community by working on projects with her. Kaya has served in youth leadership positions in school and church, and is currently serving as the Student Body Secretary at Merit Academy, and in the Young Women’s presidency in her local church group.

After hearing about the plight of children in Africa a few years ago, she started IMPACT, through which she created, marketed, and sold t-shirts to raise money for the Invisible Children Charity in war-torn Uganda. She was recently accepted into *Youth Making a Difference*, an international charity focused on developing youth leadership through service to orphans in India. She has been working on the Public Relations team for this group, and has been involved in individual and group fundraising projects all year. The group will travel to India this spring to provide hope and services to the children there.

She has been involved in service with family and church throughout her life; making and delivering meals to the homeless, visiting the elderly, working at food kitchens, cleaning parks and people’s homes and yards, and various other projects. When she sees a need, she volunteers her time and talents; ranging from a one-time service to an ongoing need such as babysitting a child for a parent who needs the help. She organized and ran a fundraiser with friends to help the needy in Uganda, Africa. She cleaned up Hobble Creek Canyon Park and painted a local church with a school group. At the Springville Museum of Art, she has served at the reception desk; greeting public and answering phones, has assisted with many programs and special events; setting up and cleaning up, assisting children in creating special art projects at monthly Community & Family Nights, and preparing and selling food at the Annual Children’s Art Festival.

Kaya’s friendliness, integrity, and genuine interest in others enable her to serve more effectively. She is creative and dedicated in her service to others. Friends have described her as constantly looking for someone who needs a little help, and always finding ways to make everyone more included. Kaya loves people and often sacrifices to meet their needs. She desires to make a career of serving and helping others, and is a great example of a person who strives to make the world a better place within her sphere of influence.”

The audience offered their applause as Ms. Hartley was presented her award and gift. Pictures were taken. Mayor Clyde commented that these awards are given as part of the City’s “Communities That Care” program. There is typically a large group here, but the program director recently had a baby, and just returned to work. He explained that the awards are intended to showcase the outstanding youth in the community and to promote healthy behaviors.

PUBLIC COMMENT

Mayor Clyde reported that he had three requests to speak. He explained the rules for public comments and asked Ms. Kirsten Quist to come to the podium first.

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Ms. Kirsten Quist reported that she would like to have a 4-foot privacy fence with a 2-foot addition on top that meets the 70-percent visibility requirement on her corner lot near Hobble Creek. She reported that her daughter is five-years-old and already 4-foot tall. She is concerned that her children would scale a 4-foot tall fence, but a taller fence requires 70-percent visibility. She is also concerned that her children would injure themselves with an open fence. She would like to maximize her yard space and privacy while making the fence safer for her children. Mayor Clyde replied that she needed to make a request to planning in order to change the ordinance. He directed her to the Planning Department. Cl. Bird asked her preferred fence materials. Ms. Quist replied that she would like to have vinyl. She added that she had talked to the Planning Department and they require an application fee of \$700 for an ordinance change. Cl. Bird and Cl. Strong indicated that they would waive the fee. The Council discussed the intent of the fence ordinance with Director Aegerter. Administrator Fitzgerald reported that he has spent a painful few weeks with the budget, and the purpose of the fee is to cover the City's costs. Mayor Clyde directed Ms. Quist to the Planning Department and noted that the fee is waived for this application.

Mr. Ron Hatfield reported that he would like to make the Council aware of a disconnect between the City and the library contractor regarding timely approval of change orders. He explained his dilemma and asked the Council to create a timeline in order to facilitate change orders. Mayor Clyde directed Mr. Hatfield to Attorney Penrod to discuss his claim. Mr. Jeff Johnson supported Mr. Hatfield's claim with a similar claim.

Mr. Edward Dickerson reported that he was trying to sell his business on the south end of Springville. He had one buyer interested, but his buyer was told by the City that he would be required to build a wall along the north side of the property. He added that this had squashed the deal. He wants to know why the City would require a wall. He noted that this entails a huge expense. Mayor Clyde speculated that it might be required because there was a change in use. Attorney Penrod offered to meet with Mr. Dickerson. Mayor Clyde commented that he understands Mr. Dickerson's frustrations, but the Council does not know how to solve his issue. He directed Mr. Dickerson to Attorney Penrod.

CONSENT AGENDA*

2. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
3. **Approval of an Interlocal Agreement between Mapleton City and Springville City for a sewer connection at 1645 West 2000 North in Mapleton, Utah into Springville's sewer system** – John Penrod, City Attorney
4. **Approval of an agreement with the Utah National Guard for property at the Spanish Fork/Springville Airport** – John Penrod, City Attorney
5. **Approval of a Class A Beer License for Sunroc's Gas Station and Convenience Store at 395 South Main** – Venla Gubler, City Recorder
6. **Approval of Resolution #2011-03 accepting an amendment to the Springville City Cafeteria Plan** – Doris Weight, City Treasurer

Mayor Clyde welcomed scouts and students. He asked scouts to stand, introduce themselves, and give their troop number. There were scouts from Troops 1456, 1471, 925, 916, 64, and 1460.

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CL. OLSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. CL. JOLLEY 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.

PUBLIC HEARING AGENDA

- 7. Public Hearing to consider an Ordinance amending Section 11-6-115(4)(c) allowing temporary use fast food huts up to 100 square feet in size** – Fred Aegerter, Community Development Director

Director Aegerter reported that this ordinance is proposed to enlarge the size of a temporary fast food hut. He informed the Council that the current limitation in the City code is 40-square-feet. This proposal increases the size to 100-square-feet. He reported that the primary concern is that these temporary uses are typically placed in parking lots, and take up customer parking spaces. The Planning Commission discussed this issue and unanimously recommended to approve the amendment. Mayor Clyde opened the public hearing. There was no comment.

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

CL. JOLLEY MOVED TO ORDINANCE #06-2011 AMENDING SECTION 11-6-115(4)(C) OF THE SPRINGVILLE MUNICIPAL CODE ALLOWING TEMPORARY USE FAST FOOD HUTS UP TO 100 SQUARE FEET IN SIZE. CL. BIRD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. PACKARD – AYE; CL. JOLLEY – AYE; CL. BIRD – AYE; CL. STRONG – AYE; AND CL. OLSEN – AYE. THE MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

- 8. 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 1250 West** – John Penrod, City Attorney

Attorney Penrod reported that this Reimbursement Agreement addresses improvements the Church installed in 1200 West for the Dry Creek Stake Center. He presented a site plan on the overhead and pointed out 1200 West on the left side. He noted that 1200 West is a fully-funded road in the Streets Master Plan. He added that Reimbursement Agreements are usually entered before the improvements are installed, but the Church opted to wait until after the fact.

Attorney Penrod reported that there are two parts to the proposed agreement—over-sizing costs for secondary, culinary, and storm drain pipelines and the street. He explained that over-sizing is a refund of the difference between size of pipe required to serve that development and the size found in the Master Plan for additional development. He noted that the breakdown of amounts for each improvement cost. The cost of the agreement is covered by impact fees. The agreement would reimburse the Church \$27,489.39 for oversizing costs and \$14,834.00 for road improvements within 30 days. The remaining amount of \$314,210.19 would be reimbursed out of impact fee collections limited to 40-percent of the collections after previous reimbursement agreements have been paid or 10-years, whichever occurs first.

Mayor Clyde asked about the Streets Master Plan and confirmed that some roads are fully-funded. Attorney Penrod verified this statement. Mayor Clyde asked why the City does not pay to over-size the standard road. Attorney Penrod replied that the 67-foot road is the standard

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road for the Master Plan as approved by the Council. Cl. Olsen confirmed that the City would have paid the same amounts before they were installed if the Church had asked. This was verified.

CL. OLSEN MOVED TO APPROVE ENTERING INTO A REIMBURSEMENT AGREEMENT WITH THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS THAT WOULD REIMBURSE THE CHURCH \$356,533.58 FOR ROAD, WATER, PRESSURIZED IRRIGATION, AND STORM DRAIN IMPROVEMENTS INSTALLED IN 1200 WEST AS PART OF THE DRY CREEK STAKE CENTER. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

9. Consideration of a Change Order Request for the Springville Public Library Project – John Penrod, City Attorney

Attorney Penrod reported that this change order is for the south side of the project and includes the parking lot, street improvements, and landscaping. He explained that the City purchased the building there after the project started. The change order is for \$115,000 and adds 7-days on the contract completion date. Administrator Fitzgerald commented that the amount is less than what was budgeted in anticipation of this project. The budgeted amount was \$135,000. Mayor Clyde asked how many change orders have been approved for this project so far. Attorney Penrod replied that the City has approved four change orders for a total amount of \$119,000. The change orders include \$90,000 for the extra earthwork. The substantial completion date would be July 25 if this change order were approved. Mayor Clyde asked if there were other change orders pending. Attorney Penrod replied yes, but the amounts were not significant. He invited the Council to talk to him for more information on change orders.

CL. JOLLEY MOVED TO APPROVE THE EXECUTION OF CHANGE REQUEST NO. 27.3 FOR AN AMOUNT NOT TO EXCEED \$115,000 FOR IMPROVEMENTS IN 100 SOUTH AND TO EXTEND THE NEW LIBRARY PARKING LOT TO 100 SOUTH. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Mayor Clyde asked if there were reports. Cl. Bird reported complaints from users of the Canyon Road Trail about being nearly run over by long-boarders. He suggested that the trail is heavily used by bicyclists, pedestrians, and dog owners who are endangered by teens on long boards. He added that Provo City banned long board users from the Provo Canyon Trail after a serious incident. It was noted that the Trail mostly lies within the County jurisdiction and would require a request to them. Administrator Fitzgerald observed that the City could ban certain users within its jurisdiction. Mayor Clyde asked Administrator Fitzgerald to investigate the problem and come back with a recommendation. There were no other reports.

CLOSED SESSION

10. *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

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CL. PACKARD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:08 P.M. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

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