



**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SPRINGVILLE, UTAH  
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET  
JUNE 7, 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, June 7, 2011 at 5:15 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. Benjamin 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, Power Director Leon Fredrickson, Operations Manager Rod Oldroyd, Finance Director Bruce Riddle, Public Works Director Brad Stapley, Library Director Pam Vaughn, and CTC Coordinator Suzy Young.

**CALL TO ORDER**

Mayor Clyde welcomed everyone and called the meeting to order at 7:04 p.m.

**INVOCATION AND PLEDGE**

City Attorney John Penrod offered the invocation. Cl. Bird led the Pledge of Allegiance.

**APPROVAL OF THE MEETING'S AGENDA**

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

**APPROVAL OF THE MINUTES**

CL. BIRD MOVED TO APPROVE THE MINUTES OF MAY 3, 2011 AND MAY 17, 2011 AS WRITTEN. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

**MAYOR'S COMMENTS**

Mayor Clyde recognized students, Adam Whiting and Matt Romney, from BYU taking a construction law class. He welcomed citizens in the audience and asked anyone wishing to address the Council to fill out a request in the lobby.

**CEREMONIAL AGENDA**

**1. Presentation by the Art City Days Rodeo Royalty**

The Art City Days Rodeo Royalty presented the Council with a signed poster and were introduced as Queen Elle Covey of Alpine, 1<sup>st</sup> Attendant Heidi Colborn of Springville, and Princess Katie Hood of Mapleton. 2<sup>nd</sup> Attendant Marjorie Ricks was not present. Mayor Clyde thanked them and asked about the rodeo held last Saturday. Ms. Covey reported that the part she

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liked best was the bronc riding. They got to throw candy and t-shirts into the audience, and rode the barrels. Ms. Kami Craudell reported that the rodeo had 172 contestants and 600 to 800 in the audience this year. She added that she had heard a lot of positive comments.

## **2. Presentation of the June 2011 Mayor's Awards – Suzy Young, CTC Coordinator**

Mayor Clyde informed the public that each month the Mayor's Award is presented to young people with outstanding citizenship. The awards are administered by the CTC Coordinator as part of a program to help stamp out substance abuse. He asked Cl. Strong to help with the awards. He introduced Ms. Young.

Ms. Young asked Ms. Isabella Hansen to come to the front. She read the nomination from Ms. Hansen's teacher, Mr. Brett Miller, as follows: "I have had Isabella in my Honors English class all this year. She is one who will contribute to class discussions when those around her aren't so willing. I look forward to reading her writing because it is thoughtful and well prepared. For non-writing projects Isabella's work is always among the most creative in her class. Isabella is an example to her fellow students because she takes her education seriously and isn't afraid to work hard to prove her ability. I congratulate her for this recognition and know she is very deserving of it." Ms. Hansen was presented her award to the applause of the audience.

Mr. Jacob O'Neal was called to the front by Ms. Young. She reported that the nomination was received from Mr. O'Neal's welding teacher, Mr. Brian Ostler. She read, "Jacob O'Neal is a great example of a student who helps those around him. He is always willing to help the beginning welding students. He knows how to talk to people in a positive way. He is always smiling, and making those around him feel better. Jacob has a great attitude, and is always prompt, reliable, and at school." Mr. O'Neal received his award to the audience's applause.

The next awardee called to the front was Ms. Kelsey Fletcher. Ms. Young read the nomination from Ms. Martie Jarvis, the office clerk at Merit Academy, "Kelsey is an amazing person. She is very outgoing, smart, funny, etc. What sets Kelsey apart is her willingness to include everyone. She is friendly and kind to all. She is an incredible influence in the school. She is always a positive influence on her peers. I am proud to nominate Kelsey Fletcher for the Mayor's Recognition Award." The audience offered their applause.

Ms. Young read the next nomination for Ms. Caroline Lewis sent from her teacher, Mr. Royal Waddoups. It said, "Caroline Lewis is a tremendous asset to our school. In my class she is always an active participant, not only by staying attentive, but also by adding her perspective to the issues at hand. She is a good thinker and has ability beyond her years to see issues fairly and accurately. She willingly shares opinions and observations. She also has the ability to help pull a discussion or lesson back on track if it begins to wander or lose clarity. She is always respectful and considerate. Her class work is done on time and done well. She truly sets an example of academic focus for all of us." She was presented her award, pictures were taken, and more applause was given for these special recipients by their friends and family.

Ms. Young extended a special invitation to the Council to participate in the ASAP Committee fundraiser at Art City Days.

## **PUBLIC COMMENT**

There was no public comment.

## **CONSENT AGENDA\***

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3. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
4. **Approval of the appointment of Mr. Michael Jex to the Board of Adjustment**
5. **Approval of the execution of a lease renewal certificate for the term ending June 30, 2012 in regards to the South Utah Valley Municipal Water Association Taxable Lease Revenue Bonds, Series 2008** – John Penrod, City Attorney

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

## **PUBLIC HEARINGS**

6. **Public Hearing to consider a Resolution adopting the Springville City Final Budget for Fiscal Year 2011-2012** – Bruce Riddle, Finance Director

Director Riddle asked the Council to consider the final budget. He offered to walk through the process of budget creation for the record. He reported that the Council met in a retreat on April 26, and adopted the tentative budget on May 3. The May 17 meeting was used to discuss more information and get feedback on utility rates.

Director Riddle highlighted the minor changes that were outlined in the packets and staff reports. The first issue to note is that no general tax increases are proposed. Minor rate increases are included. About \$335,000 in fund reserves are used to balance the budget. This is a necessity for the 27<sup>th</sup> pay period phenomenon. Personnel budgets are flat. Any salary increases are taken from benefits. Capital expenditures are lean. Most appropriations will fund vehicle and equipment expenses to renew and replace the aging fleet. The general fund budget only includes about \$100,000 in additional projects. Enterprise funds do have capital projects funded.

New programs included in the budget are a full-time staffed ambulance response from 7:00 a.m. to 7:00 p.m., 7 days a week beginning spring of 2012. The budget also accommodates expenses for opening the new library.

Director Riddle reported that the enterprise funds are in good condition with a couple of adjustments of the rates. The commercial water customer will see a 4-percent increase; the industrial user will see a 20-percent increase for water and a 6-percent increase for sewer. All users will see a 4-percent increase in their storm water rates. This equates to about \$0.50 per month. He listed the attachments to the budget—the 2012 pay scale, approved positions list, and the comprehensive fee schedule.

Director Riddle directed attention to the first explanatory attachment to the staff report outlining the rate and fee increases. He reported a new golf pass, modifications to the existing fees in recreation, new camps and programs that have not been offered before, increases to swim passes, and a change in the yard light installation fee with the recommendation from the power board. The second attachment is a list of the changes to the tentative budget. Most are format changes like reordering of funds and page numbering changes, but the Council will notice firm quotes on insurance have been included that affect the personnel budgets, and a change in personnel assignments between divisions in the Parks Department. There is also the inclusion of new rate classes in the water and sewer funds, and the inclusion of funds that are rarely changed like the special trusts fund and the community theater fund in the budget. He asked if there were any questions. There was none. Mayor Clyde opened the public hearing. There was no public comment.

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

Mayor Clyde asked if there were any comments from the Council. He observed that the budget had been discussed thoroughly over the last several meetings.

CL. BIRD MOVED TO APPROVE RESOLUTION #2011-08, ADOPTING A BUDGET FOR SPRINGVILLE CITY IN THE AMOUNT OF \$50,648,083 FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012. CL. OLSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. OLSEN – AYE; CL. PACKARD – AYE; CL. JOLLEY – AYE; CL. BIRD – AYE; AND CL. STRONG – AYE. THE MOTION CARRIED UNANIMOUSLY.

**7. Public Hearing to consider a Resolution adopting the Spanish Fork/Springville Airport Final Budget for Fiscal Year 2011-2012 – Bruce Riddle, Finance Director**

Director Riddle reported that the Airport budget has also been considered in previous meetings. He had mentioned an issue related to the management contract. The Airport Board has met twice on the issue and has recommended an increase. This is reflected in the final budget on page 2 line 83-4000-30. The amount approved is double the previous stipend, but it is not effective until January 1, 2012. He reported that the Board gave this issue considerable discussion and settle on an amount less than that requested. However, given the amount of time and work given by the Airport manager, they ultimately felt the increase was justified. An amendment to the contract will be coming to a future Council meeting for approval. The rest of the budget is the same as the tentative budget presented in May. Mayor Clyde asked the requested amount. Director Riddle replied that the request was for \$2,500 a month. The current salary is \$1,000 a month. The increase is for \$2,000 per month total.

Cl. Olsen reported that the airport has seen significant improvement in appearance and management under the new manager. However, they felt that a 150-percent increase was high. He added that if reserves diminish and it becomes financially important, the manager may be asked to take less per month. The manager was told that the cities would not subsidize the airport. The manager would have to take the loss or leave if the budget was heavily impacted. Cl. Olsen assured the Council that the condition of the airport's finances would be monitored closely. Mayor Clyde agreed that the manager does a good job, and that he is very qualified. He opened the public hearing. There was no comment.

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

CL. JOLLEY MOVED TO APPROVE RESOLUTION #2011-09, ADOPTING THE SPANISH FORK/SPRINGVILLE AIRPORT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2012 AS PRESENTED. CL. STRONG SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. JOLLEY – AYE; CL. PACKARD – AYE; CL. OLSEN – AYE; CL. STRONG – AYE; AND CL. BIRD – AYE. THE MOTION CARRIED UNANIMOUSLY.

**8. Public Hearing to consider an Ordinance amending the Municipal Code, Title 11, Chapter 6, Article 500 et. seq. pertaining to the Mixed Use (MU) Zone Overlay – Fred Aegerter, Community Development Director**

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Director Aegerter reported that this item is a follow through from a request received by the Council at their March 15, 2011 meeting. He reminded the Council that the proponent of the Mixed Use Ordinance discussed a revision of the required percentage of commercial needed before the next phase of residential building can be started. The proposal has been reviewed by staff and the Planning Commission, and received a unanimous recommendation for approval. Only one public comment was received, but once the commenter understood the need for the requirement, he was satisfied. Mayor Clyde thanked Director Aegerter and 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. PACKARD MOVED TO APPROVE ORDINANCE #09-2011, AMENDING SECTION 11-5-603(11) OF THE SPRINGVILLE MUNICIPAL CODE REGARDING CONSTRUCTION PERCENTAGE REQUIREMENTS FOR COMMERCIAL SPACE IN THE MIXED USE OVERLAY ZONE. CL. OLSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. PACKARD – AYE; CL. OLSEN – AYE; CL. STRONG – AYE; CL. BIRD – AYE; AND CL. JOLLEY – AYE. THE MOTION CARRIED UNANIMOUSLY.

**9. Public Hearing to consider an Ordinance amending the Municipal Code, Title 11, Section 11-6-213(7)(b)(i) regarding general fence requirements** – Fred Aegerter, Community Development Director

Director Aegerter reported that this item has come back to the Council by way of the Planning Commission at the request of two Council members. He reminded them of the request by Ms. Kristen Quist for a review of the fence ordinance. Director Aegerter reported that the City is charged with the difficult task of performing value judgments regarding the balance of property rights and public safety. He listed the common reasons homeowners want fences. He reported that the fence ordinance was instituted to insure safe sight lines, and to minimize the potential negative visual impacts or hazards of high or unsightly fences, walls, and/or retaining walls. He read a quote entitled “Eyes on the Street.”<sup>1</sup>

“Where fences and walls are necessary, they should be designed to allow some transparency for visual access and to be as unobtrusive as possible. When properly designed, fences and walls can help bind a community together, while serving the purpose of defining territory and controlling access. Fences and walls should not be used to create exclusive, enclosed enclaves.”

Director Aegerter offered a history of Springville’s fence ordinance. He noted that it had been amended many times over the years to try and meet citizens’ concerns. He displayed an aerial photo of the applicant’s property, and offered the current fence ordinance for the Council’s review. He reported that the current ordinance requires a 5-foot setback for a 4-foot solid fence. The applicant’s request is to allow the fence to follow the property line and include transparency for the portion of the fence over 4-feet high. He suggested that the problem with odd-shaped lots is maintaining clear view areas for safety. He added that corner lots are required by the subdivision ordinance to be 10-percent larger because of the fence setback and clear view

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<sup>1</sup> Al Zelinka and Dean Brennan, *SAFESCAPE: Creating Safer, More Livable Communities Through Planning and Design*, American Planning Association, Planners Press, 2001  
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requirements. The usable square footage of a corner lot matches that of interior lots. He explained the clear view requirements.

Director Aegerter presented the pictures submitted by the applicant and explained the proposal. He noted that the applicant is proposing a privacy fence up to 4-foot high and 2-feet of 70-percent transparent fence to make a 6-foot high fence along the property line. He noted that the applicant, Ms. Quist offered the Planning Commission a presentation. There were two comments from the public. Ms. Karen Ifediba recommended not amending the fence ordinance. Ms. Kaitlin Bracken, a student from BYU, felt that Ms. Quist had good points and that the City should find appropriately to amend. The vote by the Planning Commission was a 3-2 recommendation not to amend. Mayor Clyde opened the public hearing.

Ms. Quist, the applicant, offered her presentation to the Council. She reported that her major concern is the safety of her children. She understands the need for openness, safety, and a pleasant appearance for fences, but her home is close to Hobble Creek so she would like to see a compromise that would allow her to accomplish safety and privacy for her home. She offered examples of fenced corner lots that would meet her objective. She reported that her children could scale a 4-foot fence easily. She proposes a 4-foot high privacy fence with a 70-percent transparent panel on top to bring her fence height to 6-feet. She suggested that this compromise does not change the visibility requirements or the setback requirements since the existing fence ordinance allows 4-foot privacy fence setback 5-feet from the property line, or a 70-percent transparent fence up to 6-feet high along the property line. Her proposal combines the two requirements. She asked if the Council had any questions for her. There was none.

Ms. Karen Ifediba commented that she feels the visibility or clear view is affected by Ms. Quist's proposal. She suggested that it is important that drivers have the ability to operate their vehicles in neighborhoods and know that they can see potential hazards. She added that one responsibility of the Council is to protect the public and reduce the potential of hurting children. Mayor Clyde asked if there was other comment. There was none.

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

Cl. Jolley asked Director Aegerter for an explanation of the clear view zone. Director Aegerter explained that the clear view zone is measured 20-feet from the corner in both directions and then a line is drawn across the corner that intersects with both points to create a triangle. Cl. Jolley reported that his first experience with the fence ordinance was "hard to swallow" at first. He also did not like losing so much of his yard to area outside the fence. However, now that he has lived there for a while, it is not as bad as he first thought. He admitted that having a 4-foot fence does take away privacy, but he understands the public safety aspect as well. He reported that his neighbor has a 6-foot fence and this fence makes it hard to see children on the sidewalk as he pulls out from his driveway. He observed that he is comfortable with the current ordinance, but he also likes the concept Ms. Quist has proposed. It provides a level of privacy and still has transparency. He admitted that he was torn.

Cl. Olsen commended Ms. Quist on her presentation and her articulate emails. He reported that he had driven around town and tried to imagine how her proposal would affect the neighborhoods. He is convinced that he should follow the recommended motion from the Planning Commission to deny.

Cl. Strong thanked Ms. Quist for her approach to compromise with the existing ordinance. He noted that the Planning Commission emphasized that the provision would be

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applied to more than Ms. Quist's property; it would be applied across the community. However, he does not see where this provision would be detrimental to the community. He agrees with Ms. Quist that a child less than 4-feet tall would be hidden by a 4-foot fence anyway. He feels this is a good point. He noted that he has an issue with requiring fences to be one-foot behind the sidewalk because too many homeowners do not maintain the landscaping outside the fence. He wishes that this had been addressed with this amendment.

Cl. Bird agreed that the suggested compromise is a good one. He pointed out that the City already allows a 4-foot solid fence, so adding two more feet that can be seen through accomplishes the same purpose. Cl. Olsen confirmed that one of Ms. Quist's children is tall and can easily get over a 4-foot fence. Ms. Quist confirmed that this is her concern. She does not mind the 4-foot privacy fence, but she would like it to be higher to keep her children in the yard.

Cl. Packard observed that he does feel the proposal has a global effect. He feels that the higher fence does make a difference. He knows from experience that even a 4-foot fence makes it hard to see other cars on the street and pedestrians on the sidewalks. Mayor Clyde asked about the discussion at the Planning Commission meeting. Cl. Packard reported that the same issues being talked about by the Council were discussed by the Planning Commissioners.

Mayor Clyde commented that he is concerned that the fence ordinance has been amended regularly. He suggested that consistency is also important. He pointed out that people get upset when they see their neighbor allowed to do something they were prohibited from doing. He agreed that there were things in the fence ordinance that he did not like—for instance, the child that is the least responsible and more likely to run out in front of a car is less than 30-inches tall, and that a 70-percent transparent fence can be made into a solid fence with plants. Director Aegerter agreed that the fence ordinance has been a moving target that has been used repeatedly to address one person's specific concerns rather than the global issues. Mayor Clyde agreed that an ordinance cannot satisfy every individual situation, but he is not sure the current ordinance accomplishes the goals of a fence ordinance. He pointed out to Ms. Quist that her corner lot was made 10-percent larger than her neighbors' lots so that everyone has similarly sized backyards. Many people are lured into buying a corner lot because they see a larger lot, but they don't think ahead about where the fence has to be. Director Aegerter agreed. Mayor Clyde commented that the Council does not have an easy decision. They like to be able to help, but they can't satisfy everyone. The City has tried to accommodate the fence setbacks by making the lots larger. This was not the case in the past—most subdivision lots were the same size, but sold for less. He asked the Council if there was a motion.

CL. OLSEN MOVED TO DENY THE PROPOSAL TO AMEND THE SPRINGVILLE MUNICIPAL CODE REGARDING GENERAL FENCE REQUIREMENTS, FINDING THAT THE PROPOSAL IS NOT IN THE BEST INTEREST OF SPRINGVILLE CITY. CL. PACKARD SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS: CL. STRONG – NAY; CL. BIRD – NAY; CL. JOLLEY – AYE; CL. PACKARD – AYE; AND CL. OLSEN – AYE. THE MOTION CARRIED 3-2.

**10. Public Hearing to consider an Ordinance rezoning property located at approximately 3000 West 400 South and 2300 West 800 North from Highway Commercial (HC) to Agriculture (A1) Zone – Fred Aegerter, Community Development Director**

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Director Aegerter reported that the General Plan Ad Hoc Committee had a discussion on properties that were zoned commercially in the City, but that an owner wanted zoned agriculturally. There are many reasons for why and when the property was zoned commercial, but they are being used for agricultural purposes. The general plan recognizes that these properties will be developed for urban purposes at some future time, but the individual wants them zoned agricultural now for taxing purposes. The Planning Commission reviewed the suggested rezone and has found that there is no conflict with the intent of the general plan. The agricultural zone is a holding zone anticipating urban uses. When that time comes, the property can be rezoned again. They have recommended approval to the City. There was one comment from the public in favor of the proposal. The Council discussed how the property came to be zoned commercial when it was used agriculturally. They noted that the zoning can be changed again at any time. Cl. Strong confirmed that the downzone request was for property tax purposes. Director Aegerter agreed, but noted that there was the existing use, too. The location of the property was examined. It was confirmed that the rezone is being considered at the property owner's request. This was verified. Mayor Clyde opened the public hearing.

Ms. Karen Ifediba commented that much of the Westfields was rezoned by the City Council during the annexation process, but property owners were unaware of the action taken. The same situation existed in areas along South Main and 400 South. Most have returned to the original zoning. This owner has had the same experience. She supports the rezone to the agricultural holding zone. Mayor Clyde asked if there was other comment. There was none.

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

CL. BIRD MOVED TO APPROVE ORDINANCE #10-2011, AMENDING THE OFFICIAL ZONING MAP AT APPROXIMATELY 2300 WEST 800 NORTH FROM HIGHWAY COMMERCIAL (HC) TO AGRICULTURAL (A-1). CL. STRONG SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. BIRD – AYE; CL. STRONG – AYE; CL. OLSEN – AYE; CL. PACKARD – AYE; AND CL. JOLLEY - AYE. THE MOTION CARRIED UNANIMOUSLY.

## **REGULAR AGENDA**

- 11. Consideration of a Resolution of the City Council authorizing the execution and delivery of documents in connection with the amendment of certain terms with respect to the Municipal Building Authority of Springville, Utah Lease Revenue Bonds, Series 2008 – Bruce Riddle – Finance Director**

Director Riddle explained that this action is a formality in connection with the action taken by the Municipal Building Authority. He explained that the City is agreeing to the amendments as presented. He asked if there were any questions. There was none.

CL. PACKARD MOVED TO APPROVE RESOLUTION #2011-10, AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO MASTER LEASE AGREEMENT, A FIRST AMENDMENT TO GROUND LEASE, AND OTHER INSTRUMENTS REQUIRED IN CONNECTION WITH THE MODIFICATION OF CERTAIN TERMS OF THE MUNICIPAL BUILDING AUTHORITY OF SPRINGVILLE CITY, UTAH LEASE REVENUE BONDS, SERIES 2008. CL. BIRD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. JOLLEY – AYE; CL. PACKARD

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– AYE; CL. OLSEN – AYE; CL. STRONG – AYE; CL. BIRD – AYE. THE MOTION CARRIED UNANIMOUSLY.

**12. Consideration of an Ordinance amending Title 2, Chapters 5A and 15 regarding the dissolution of the Wage and Personnel Committee and assigning the duties of the committee to the City Administrator – Rod Oldroyd, Operations Manager**

Operations Manager Oldroyd presented the proposal and explained that this action has been contemplated for some time. He listed the members of the committee and suggested that this is an unnecessary committee. The last time the committee met it was to discuss employee dress standards. He suggested that duties of this committee can be handled more effectively through the personnel manager and the City Administrator, and reduce the number of meetings for staff and the Council. Mayor Clyde asked if this proposal had been discussed with the Employee Association. Administrator Fitzgerald replied that he did not think so. Attorney Penrod reported that State law requires an appeal authority for grievances to be set by ordinance, not by policy. This issue would need to be resolved. Mayor Clyde suggested that it may be better to get the committee functioning as it should rather than eliminating it. He suggested continuing the item to allow additional study.

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

**13. Consideration of an Ordinance amending various sections of Title 7, Business Licensing, regarding assessment of late fees, responsibility for issuing Provisional Orders to Comply, and background checks for residential solicitors – Venla Gubler, City Recorder**

Recorder Gubler presented the proposed changes to the business license ordinance. She noted that the first change is just to correct the language to remove the misconception that the late fee is prorated. The second change removes the Mayor from the “Provisional Order to Comply” process. This allows the Mayor to remain as an advocate for business development and expedites enforcement procedures. The Mayor still remains as the hearing officer for any appeal, and he still signs any Notices of Revocation. The third change requires a background check from a solicitor’s home state if they are non-Utah residents. The current requirement for a Utah BCI check does not check for out-of-state charges and violations. This change would help protect Springville citizens from unwanted intrusions, consumer fraud, and otherwise unfair consumer sales practices and criminal activity, and yet still balance the rights of regulated door-to-door solicitors. She asked if there were questions. There was none.

CL. BIRD MOVED TO APPROVE ORDINANCE #12-2011, AMENDING VARIOUS SECTIONS OF TITLE 7 REGARDING ENFORCEMENT PROCEDURES FOR BUSINESS LICENSING, INCLUDING ASSESSMENT OF LATE FEES, RESPONSIBILITY FOR ISSUING PROVISIONAL ORDERS TO COMPLY AND BACKGROUND CHECKS FOR RESIDENTIAL SOLICITORS. CL. OLSEN 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. (THE ORDINANCE WAS RENUMBERED IN SEQUENTIAL ORDER AS #11-2011 WHEN RECORDED.)

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Cl. Jolley asked what to do if someone comes to the door without a solicitor's license. He was encouraged to call the police. Administrator Fitzgerald commented that the ordinance prohibits solicitors from contacting homeowners with a "no soliciting" sign posted, and this does extend to charitable organizations.

#### **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. STRONG MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 9:04 P.M. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.