



**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SPRINGVILLE, UTAH  
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET  
JULY 5, 2011 – 7:00 P.M.**

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, July 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. Benjamin Jolley, Cl. Dean Olsen, Cl. J. Niel Strong, City Administrator Troy Fitzgerald, City Attorney John Penrod, and City Recorder Venla Gubler. Also present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Finance Director Bruce Riddle, and Public Works Director Brad Stapley. Cl. Packard was excused.

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE**

Cl. Strong offered the invocation. Former Mayor Delora Bertelsen 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. JOLLEY MOVED TO APPROVE THE MINUTES OF JUNE 21, 2011 AS WRITTEN. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

**MAYOR'S COMMENTS**

Mayor Clyde asked if there were any scouts or students in the audience. There was none.

**CEREMONIAL AGENDA**

1. **Presentation to the City Council of a newly published book regarding the 65-year history of the Springville Playhouse** – Delora Bertelsen, Chair of the Arts Commission

Former Mayor Delora Bertelsen came to the podium and asked the members of the Playhouse Board in the audience to stand. She introduced each member to the Mayor and Council. She reported that the Board was here today for a couple of reasons. One is to share the 65-year history of the Playhouse (since 1947). She offered a synopsis of the book by Ellen Anson, and noted that the material had been provided by the Historical Society. The second reason is that sales of the book will be used to help raise fund for the Rivoli improvements. The

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book has been sent to the Rivoli Committee. She expressed appreciation for the Council's support to the Playhouse for so many years. The Council and Ms. Bertelsen discussed memories of the Playhouse and its members. Administrator Fitzgerald asked the cost of the book. Ms. Bertelsen replied that the book will be sold for \$10.00.

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

Attorney Penrod reported that he would be presenting the nominations instead of Ms. Young. Mayor Clyde explained the purpose of the awards and the CTC Program. Cl. Jolley jointed Attorney Penrod to present the awards.

Attorney Penrod called Ms. Sarah Herring to the front of the chamber. He read the nomination from Ms. Herring's teacher, Melissa Jarrett, as follows: "I am nominating Sarah because she is a new student to Reagan Academy and she is already showing leadership qualities. She makes an extra effort to overcome her difficulties in reading and spelling by doing extra homework. She is always excited to share her progress with others and she never gives up always trying hard rather than making excuses. She is a motivated, hardworking, and dedicated student. She consistently shows respect and dignity toward everyone around her. She makes us PROUD!" The audience applauded as pictures were taken.

Mr. Oliver Harlow was called to the front. Attorney Penrod read the nomination by teacher, Susan Bird. "Oliver is such a great student. He quietly goes about his work and is always doing what he is supposed to do. I can always count on him to be on task whether working on an assignment or after he finishes. He loves reading and works hard to finish his work so that he can read. He listens and follows directions. He is a good example to his classmates. Oliver is the kind of student that I love having in my classroom." There was applause, and pictures were taken.

Ms. Brynn Patten was named as the next recipient. The nomination by her teacher, Shana Huffaker, was read to the audience by Attorney Penrod. "Brynn is kind to all of her classmates. She is friends with everyone. She always has a smile on her face, and she has a great attitude about everything. Brynn helps those around her who need help with their school work. She also helps a kindergarten student with reading every week. She is a good example and a great influence on her peers." Pictures were taken and the audience offered their applause.

The nomination by teacher, Shalyce Peck, for the final nominee, Mckella Goff, was read by Attorney Penrod. "Mckella is a bright learner and works well with others. She is always willing to do her best and works hard at improving in all areas of study. She has made wonderful progress in her reading skills and has worked hard all year on them, including giving up many of her specialty classes in order to become better. She has good discussion skills when talking about a subject and is able to add many important details and great insights. Mckella is very observant and can learn good behaviors that will help her to be her best self. Mckella is well known among her peers and is well liked and taken care of by her peers. She is a wonderful help to her teachers and the students around her. She has achieved great success this year and will continue to as she applies what she has learned this year and in the future." More pictures were taken of the group and there was more applause. Mayor Clyde thanked the students and their families for coming.

**3. Presentation by the Miss Santaquin Royalty regarding Orchard Days**

There was no presentation.

**4. Presentation by the Fiesta Days Rodeo Association and Royalty**

Mr. Steven Money introduced himself and Mr. Mike Davis and Mr. Carl Peterson as the Rodeo Presidency. He reported that to help kick off the celebration, they are inviting the Councilmembers and citizens of nearby cities to become participants. He introduced Rodeo Queen Hannah Nielsen and her attendants, Jessica Parson, and Brandy Morrison. They listed the events and information about where to get tickets. They encouraged citizens to get their tickets soon because the rodeo usually sells out, and this year, the rodeo is part of the Silver Tour so there would be top contestants participating. They handed out ticket vouchers for the Council and chips and salsa. Mayor Clyde thanked them for the invitation.

#### **PUBLIC COMMENT**

There was no public comment.

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

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

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

#### **PUBLIC HEARINGS**

6. **(Continued to July 19, 2011) Public Hearing regarding a proposed Ordinance amending the Official Zoning Map from Business Park (BP) to Light Industrial Manufacturing (LIM) on two parcels located at 1295 & 1365 West 1650 North – Fred Aegerter, Community Development Director**
7. **(Continued to July 19, 2011) Public Hearing regarding a proposed Ordinance adopting Article 5 of Chapter 5, Title 11, Accessory Apartment Overlay Zone, for single family dwellings in certain areas – Fred Aegerter, Community Development Director**

#### **REGULAR AGENDA**

8. **Consideration of an Ordinance amending “no solicitation sign” restrictions for charitable organizations in Title 7, Chapter 6 of the Springville Municipal Code – Venla Gubler, City Recorder**  
Presentation

Recorder Gubler reported that a charitable organization recently pointed out that the Municipal Code restricts contact with homeowners who have a sign posted saying, “No Solicitation/Trespassing/etc.” These groups feel they have been invited, or they have an on-going relationship with the homeowner. She proposed dealing with this concern by adding the word “uninvited” to the statute defining “advocating.” Questions about the change and how it may affect the concerned groups were asked and answered. Mayor Clyde asked if there was other comment. Ms. Ifediba asked if this statute applies fast offering collectors. Attorney Penrod replied that it technically does.

CL. BIRD MOVED TO APPROVE ORDINANCE #13-2011 AMENDING §7-6-103 OF THE SPRINGVILLE MUNICIPAL CODE REGARDING “UNINVITED” SPEECH OR CONDUCT INTENDED TO INFORM, PROMOTE, OR SUPPORT RELIGIOUS BELIEF, POLITICAL POSITION, OR CHARITABLE ACTIVITIES. CL. JOLLEY SECONDED THE

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MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. OLSEN – AYE; CL. JOLLEY – AYE; CL. BIRD – AYE; AND CL. STRONG – AYE. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT (CL. PACKARD).

**9. Consideration of an agreement between Springville and CUWCD regarding the reconstruction of 400 East between 400 North and Main Street – Brad Stapley, Public Works Director**

Director Stapley reported that the City entered the original agreement with CUWCD two years ago to repair and restore 400 East from where it connects to Highway 89 on the north and south ends of town due to their pipeline construction project. Since the project was completed, the City has found significant settlement problems on the northern portion of the roadway. He has been negotiating with CUWCD to find a solution, which was discussed at the last Council meeting. The existing new pavement will be removed up to 4-inches and soft spots fixed, and the existing old pavement will be removed down to 2-inches. The entire roadway will be repaved. The project has a ceiling of \$249,000, which CUWCD will add to the City's loan. However, the due date of the loan is December 2012, and he had asked CUWCD to extend the loan period one year. CUWCD has agreed. He is proposing two motions—one to approve the project, and another to extend the loan period.

Cl. Strong asked about landscaping issues at 400 East 400 South and 400 East 800 South. Director Stapley replied that he would ask, but the 800 South facility is city property, not CUWCD. He reported that the landscaping at the south entrance to Highway 89 was completed today. Cl. Bird asked if the two motions could be combined into one motion. This was confirmed. Mayor Clyde declared a conflict of interest and recused himself from the vote. The warranty on the work was discussed.

**CL. JOLLEY MOVED TO ENTER INTO A JOINT PROJECT BETWEEN CENTRAL UTAH WATER CONSERVANCY DISTRICT AND SPRINGVILLE CITY TO REPAIR AND RECONSTRUCT 400 EAST BETWEEN 400 NORTH AND MAIN STREET IN AN AMOUNT NOT TO EXCEED \$249,089.59 AS OUTLINED IN EXHIBIT A ATTACHED HERETO, AND AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO INITIATE AND COMPLETE THE PROJECT; AND IN CONJUNCTION WITH THE ABOVE REPAIR/RECONSTRUCTION PROJECT, AUTHORIZE THE MAYOR TO EXECUTE AMENDMENT #1 TO “AGREEMENT BETWEEN SPRINGVILLE CITY AND CENTRAL UTAH WATER CONSERVANCY DISTRICT REGARDING EMERGENCY RESPONSE IN EVENT OF FAILURE OF SPRINGVILLE REACH, SPANISH FORK TO PROVO RESERVOIR CANAL PIPELINE, UTAH LAKE SYSTEM” (SEE EXHIBIT B) EXTENDING THE DUE DATE OF THE CITY'S NO INTEREST LOAN WITH CUWCD FOR IMPROVEMENTS REQUESTED BY THE CITY ON 400 EAST BETWEEN HIGHWAY 89 AND MAIN STREET, FROM DECEMBER 15, 2012 TO DECEMBER 15, 2013. CL. BIRD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. JOLLEY – AYE; CL. BIRD – AYE; CL. STRONG – AYE; AND CL. OLSEN – AYE. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT (CL. PACKARD).**

**MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

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Mayor Clyde reported a citizen complaint about weeds at Clyde Park. Director Fredrickson presented pictures of a recent trip to the Horse Butte Wind Project in Ammon, Idaho. Attorney Penrod offered an update on the library project.

**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**

CL. STRONG MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:02 P.M. CL. OLSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE. fa