



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JULY 19, 2011 – 7:00 PM**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, July 19, 2011 at 7:00 pm** 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, on the City's website, on the State of Utah's website and delivered to members of the Council, media and interest citizens.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Cl. Dean Olsen; Cl. Mark Packard; Cl. Ben Jolley; Cl. Phillip Bird; Cl. Niel Strong; City Administrator Troy Fitzgerald; City Attorney John Penrod and Community Development Executive Secretary Darlene Gray.

Also present were: Community Development Director Fred Aegerter; Operations Manager Rod Oldroyd; Building and Grounds Director Alex Roylance; Recreation Director Chuck Keeler; Power Superintendent Brandon Graham; Finance Director Bruce Riddle and Public Safety Director Scott Finlayson. Cl. Ben Jolley was excused.

CALL TO ORDER

Mayor Clyde called the meeting to order at 7:00 PM, welcomed everyone and appreciation for their attendance. He indicated that Cl. Ben Jolley was excused.

INVOCATION AND PLEDGE

Mr. John Hafen offered the invocation. Director Roylance led the attendees in the Pledge. Mayor Clyde expressed his appreciation for time spent on a past City Council with Mr. Hafen.

APPROVAL OF AGENDA

CL BIRD MOVED TO APPROVE THE MEETING AGENDA AS WRITTEN. CL STRONG SECONDED THE MOTION. THE VOTE TO APPROVE THE AGENDA WAS UNANIMOUS.

Cl Jolley was excused for a family commitment.

APPROVAL OF MINUTES

CL BIRD MOVED TO APPROVE THE JULY 5, 2011 AS WRITTEN. CL OLSEN SECONDED THE MOTION. THE VOTE TO APPROVE THE MEETING MINUTES WAS UNANIMOUS.

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PUBLIC COMMENT

Mayor Clyde indicated that comments for agenda items would be taken during the meeting. If there was something not on the agenda that someone would like to address, those comments would be taken at this time.

Mr. Andy Shelline approached the Council Members and thanked them for the opportunity to speak. Mr. Shelline turned everyone's attention to a chair he brought to the meeting. He reported that the group was very proud of getting the chairs. Thanks to the help of a business in the City, 300 of these chairs had been obtained and another business loaded the chairs and brought them to Springville. The chairs, from the 1937 period, are art deco; made of cast iron with a wooden back and leather seats. Mr. Shelline reported that Director Keeler researched the chairs and found that they are worth approximately \$30-40,000. He stated that he would like permission to put the chair in the lobby of the Civic Center for people to sit in. If interested and for a donation to the "Save the Rivoli" fund, people could have names plates attached to the back of the chairs. The Council Members agreed to grant permission for the chair to be displayed in the lobby.

Mayor Clyde asked where they found the chairs. Mr. Shelline reported that there were over 1,000 chairs stored at Ogden High School and they allowed the committee members to pick the ones they wanted. He indicated that one gentleman would be restoring the chairs for the theater. Cl Bird stated that continued donations would help with the restoration of The Villa Theater and asked Mr. Shelline if a donation amount for the name plate had been set. Mr. Shelline responded that donation amounts would be \$150 and \$250. Mayor Clyde stated that a \$150 donation might be for the name plate and a \$250 donation for the location of the chair. He expressed his appreciation for efforts put forth in the restoration of the theater.

In parting, Mr. Shelline reported that Central Bank has provided the building where the chairs are stored and the other donor did not want their name revealed.

CONSENT AGENDA

1. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5))
2. **Approval of a bid award and contract for tree trimming along the City's power line rights-of-way** – Leon Fredrickson, Power Director

CL OLSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. CL PACKARD SECONDED THE MOTION. THE ROLL CALL VOTE WAS AS FOLLOWS: CL STRONG – AYE; CL PACKARD – AYE; CL BIRD – AYE; AND CL OLSEN – AYE. THE MOTION CARRIED.

PUBLIC HEARINGS:

3. **(Continued from July 5, 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

Director Aegerter approached the Council Members and Planning Commissioners. He reported that the applicant, Mr. Daniel Ellertson, was interested in providing a wide range of uses for potential tenants. He indicated that the applicant is on the Industrial Park Board and felt more options were important. Director Aegerter explained the *Springville City Council Regular Meeting: July 19, 2011*

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differences between the BP – Business Park and LIM – Light Industrial Manufacturing zones; storage, landscaping requirements, etc. He reported that the Planning Commissioners reviewed the proposed amendment and the unanimous recommendation was to approve the rezone request.

Cl Packard asked what Mr. Ellertson’s reasoning was for the rezone. Director Aegerter responded that the primary reason was the outdoor storage, but added that the uses for both zones are very similar. City Administrator Fitzgerald stated that the LIM zone offered more uses. Mayor Clyde asked if Mr. Ellertson owned the property. Director Aegerter reported that Mr. Ellertson owned one parcel, but was representing the owner of the other parcel. He added that Mr. Ellertson was also on the Industrial Park Board. City Administrator Fitzgerald reported that the Industrial Park Board had been discussing their requirements, so the applicant perhaps knew more. Cl Packard stated that he also sits on the Industrial Park Board and reported that there were no changes. He indicated that there were some businesses in the Industrial Park that were not in compliance and the issue they were struggling with was how to have the City and Board working together. The City might give approval to a business, but the business does not comply with the CC&Rs. Mayor Clyde stated that the only thing the City can enforce is the ordinance; CC&Rs are recorded against the property and the property owners are required to enforce them. Cl Packard reported that the City originally set up the Park Board to have certain standards and added that the Park Board has talked about an overlay zone.

Director Aegerter commented that in reviewing the protective covenants, the primary difference between the two zoning designations was landscaping as well as outdoor storage. He stated that the challenge was that the protective covenants had not been enforced and there had been several requests to rezone properties in the industrial park. Mayor Clyde commented that property owners adjacent to the industrial park thought they also had covenants, but they were not part of the industrial park. He asked if there were other properties in the industrial park that were restricted by the CC&Rs. Director Aegerter identified the properties north of 1650 North.

PUBLIC HEARING

Mayor Clyde opened the Public Hearing and invited anyone to approach the Council Members with concerns or comments regarding the rezone request. With no one approaching the Council, CL Strong moved to close the Public Hearing. Cl Bird seconded the motion. The vote to close the Public Hearing was unanimous.

CONSIDERATION

CL STRONG MOVED TO APPROVE ORDINANCE #14-2011 AMENDING THE OFFICIAL ZONING MAP FROM BP – BUSINESS PARK TO LIM – LIGHT INDUSTRIAL MANUFACTURING ON TWO PARCELS LOCATED AT 1295 AND 1365 WEST 1650 NORTH. CL BIRD SECONDED THE MOTION. THE ROLL CALL VOTE WAS AS FOLLOWS: CL STRONG – AYE; CL PACKARD – AYE; CL BIRD – AYE; AND CL OLSEN – AYE. THE MOTION CARRIED.

- 4. (Continued from July 5, 2011) Public Hearing regarding a proposed Ordinance adopting Article 5 of Chapter 5, Title 11, Accessory Apartment Overlay Zone, for single Family dwellings in a certain area – Fred Aegerter, Community Development Director**

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Director Aegerter approached the Council Members and reported that the applicant, Mr. and Mrs. Kenneth Shelly have proposed an amendment to the zoning map and Title 11 text. He reviewed the history of the accessory apartment.

Director Aegerter explained that the Planning Commission had discussed looking city-wide at policy relating to accessory apartments. He reported that the Shelley's had submitted building plans, but problems arose and they had to submit again. Because of the delay in resubmitting plans, the Shelley's were unable to use the accessory apartment. The Shelley's approached the City and paid the application fee to include their area in allowing accessory apartments.

PUBLIC HEARING

Mayor Clyde opened the Public Hearing and invited those who would like to address the Council to come forward.

Mr. Jim Dosedall who resides at 849 South Highway 89 explained that he is a friend of Ms. Alvarado and was troubled by the absurdity of her situation, so he has attended the meeting to understand the process. He expressed his appreciation for the City's efforts, but would offer suggestions that relate to accessory apartments. Mr. Dosedall explained that first, Ms. Alvarado's home was in the older part of town where there were a lot of families who have raised their families and now have open space that they would like to rent out. Secondly, he would address the parking issue, questioning if the property owner could have a legal accessory apartment if they can provide off-street parking equal to the number of residents in the home. Third, Mr. Dosedall stated that regulations that don't matter should be avoided; i.e. parking spaces that have to be covered. He indicated that the older parts of town have deep narrow lots and if the property owner can provide off-street parking that could be a trade-off for the frontage requirements. Mr. Dosedall stated that if Ms. Alvarado can provide the off-street parking, but not met the frontage requirement, there should be a trade-off. He questioned how the character or pulse of a neighborhood could be measured. He commented that he hoped the council members could come to a well thought-out conclusion to protect the citizens from encroachment and government rules. He suggested making the ordinance as simple as possible and one that fits all circumstances. Mr. Dosedall submitted a written copy of his comments. (See attached).

Ms. Pat Tranchell approached the council members and identified herself as a neighbor to the Shelleys. She reported that she has lived in the R1-8 zone for 22 years. Ms. Tranchell indicated that Mr. Shelley was an unusual and uniquely gifted builder. In building the accessory apartment, he met every Code, passed all the inspections and she recommends their proposal be passed. She reported that the Shelley's had plenty of off-street and frontage parking. Ms. Tranchell stated that she represented fifteen neighbors and they felt the Shelley's were excellent neighbors and passing the ordinance would benefit their neighborhood.

Mr. Ken Shelley approached the council members and explained that when they moved to Springville they wanted to build an apartment but they missed the deadline by twelve days. He explained that the Building Official felt bad and told him not to rent out the apartment until he could get this straightened out.

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CL STRONG MOVED TO CLOSE THE PUBLIC HEARING. CL PACKARD SECONDED THE MOTION. THE VOTE TO CLOSE THE PUBLIC HEARING WAS UNANIMOUS.

CONSIDERATION

Mayor Clyde informed those in attendance that accessory apartments in general had been discussed in Council's earlier Work Session.

Cl Bird stated that he had no concerns with the proposed Ordinance change, but he was concerned that the proposal was geographic specific and added that other areas could have been involved. He reported that a citizen had petitioned a similar thing in a different part of town, but she was turned down. Cl Bird recommended incorporating language to include other areas of the City.

Cl Packard suggested looking at the whole picture and not using a piece-meal approach. He stated that the Code, parking, etc. should be reviewed and not do something now only to change it later.

Cl Strong addressed his comment to Mr. Shelley, stating that one thing confusing to the council members was finding Ms. Alvarado was represented and she was supposed to be included in this proposal. Mr. Shelley responded that he had heard from a friend of Ms. Alvarado's, but then did not hear anything more. Cl Strong stated that rather than make a decision on the proposed amendment leaving out the geographic area, it would be better to regroup again and decide how to reorganize. He indicated that the demographics of his neighborhood was not unlike those of Plat A adding that accessory units be allowed because they serve a need. His thought was to take more time to reevaluate the Code. Cl Strong stated that he agrees with Mr. Shelley's cause, but wanted to expand to other areas of the city rather than respond in a piece-meal fashion. He stated that he would like to see a consolidation of efforts into the ordinance that would last for a long time. Cl Strong stated that there was a serious problem with non-compliant accessory apartments all over town and the City was not able to enforce the Code because it did not know how to unless through citizen complaints. He stated that there were several issues facing the City Council and they were trying to understand those issues for the entire community. Cl Strong indicated that he wanted Mr. Shelley to know the many aspects of the issues and that they were trying to do the best they could to help the community, but it had been difficult. He reported that when a citizen was well-meaning and jumped through hoops and was trying to obey the law, but because of a technicality, they had been turned down because of the rules, that concerned him. Cl Strong stated that he supports the Shelleys, but his thought to the City Council was to revisit the ordinance and bring in other areas that may benefit from the same ordinance change.

Cl Olsen expressed his thanks to the Planning and Zoning Department for the time they put into research and analysis of the proposed change to the ordinance. He added that he also concurred with the thoughts expressed by Cls Packard and Strong.

Mayor Clyde asked Director Aegerter why 90 feet frontage of frontage was required and could off- road parking be an exception. He questioned if the Planning Commissioners discussed these issues and why the lot size would have to be 10,000 square feet. He indicated that he would be interested in having a map with dots identifying

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where there were accessory apartments. Director Aegerter stated that it would be a difficult task to gather city-wide information. The numbers would be based on discussion with individuals who live in different areas of the City.

City Administrator Fitzgerald questioned if the areas that allowed the accessory apartment was in the R2 zoning designation. Director Aegerter stated that in 2001, it was the R2 and R4 zonings. Mayor Clyde commented that by helping to meet financial needs, the City was trying to allow for lower income housing as well as identifying areas. He added that there were already existing accessory apartments and the City would be looking at a way to make them legal or define a reason why they would not be legal. One reason for not being legal would be because the homeowner could not provide adequate parking, which is an irritation to neighbors when others park in front of their houses. He questioned how large of a lot could handle parking for more than one family. City Administrator Fitzgerald stated that many of the units may also be legal, non-conforming because they have existed since earlier zone designations allowed them. Director Aegerter asked if the Mayor was referring to the area identified by Mr. Shelley or city-wide. Mayor Clyde asked if the requirements would be the same as in Plat A. Director Aegerter indicated that they would be the same requirements. Mayor Clyde asked if a property did not have 90-feet of frontage, then they could not have an accessory apartment. Director Aegerter indicated that was correct. Mayor Clyde asked if the Planning Commissioners had discussed the frontage requirement. Director Aegerter responded that they had discussed the 90-feet relative to parking. They looked at the convenience of parking and how many stalls might be available on the street. Mayor Clyde asked if the idea was to have a few parking spots out front for at least two residents. Director Aegerter indicated that it was. Mayor Clyde stated that he would like to look at a more city-wide approach and asked why the Commissioners passed this on. Director Aegerter explained that rather than delay the applicant, the Commissioners passed this on. They indicated that other areas could be looked at and studied at a later time. He reported that the vote to recommend approval was unanimous.

Cl Strong stated that he would make a motion to continue the ordinance change for one month or two weeks. Cl Packard stated that sending this back to the Planning Commission would take a lot of time. City Attorney Penrod commented that it could take up to three months. Director Aegerter questioned what the Council and Mayor wanted the Planning Commission to look at in an ordinance and asked if the Council wanted him to discover how many lots have an apartment. Mayor Clyde questioned if the City was really trying to solve a problem or just put a band aid on it. He questioned if some of the illegal apartments could possibly be legal because they could have the right amount of parking or space. Director Aegerter commented that all the points were well taken and agreed that it would be better to look at the issue comprehensively. Cl Strong reiterated that he would move to continue the ordinance change. Mayor Clyde stated that a motion would be needed to send the item back to the Planning Commission. Cl Strong added that it would be for a more comprehensive review. City Attorney Penrod asked if it would be for the entire city. Cl Strong stated that there were accessory apartments all over town and in his mind there would have to be other measures to bring illegal apartments under control; e.g. identifying them; charging a registration fee; a declaration of accessory apartment; generating revenue for compliance costs; etc. which would need a separate motion. He stated that there may be other areas other than those he knows of that need to be reviewed.

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Mayor Clyde questioned if Cl Strong was opposed to the area and the 90 feet of required frontage. Cl Strong responded that he was opposed to the 90 feet of frontage because a lot of lots have really narrow, deep lots and he did not want to see someone penalized because they have less than 90-feet of frontage, but have a lot of property behind their house. Cl Packard stated that a lot of property behind the house did not mean residents could park in the back. CL Strong stated that they would have to have access to off-street parking. Mayor Clyde commented that the people who live there park in the back, but their visitors don't. Cl Strong indicated that he would be open to a better suggestion. All he wanted to do would be to extend the review for an appropriate period of time so the Council could evaluate the parts of the community for the ordinance change.

CL STRONG MOVED TO CONTINUE THIS PARTICULAR AGENDA ITEM TO ALLOW THE PLANNING COMMISSION TO REVIEW THE LOT SIZE AND THE GEOGRAPHIC AREA THAT WILL BE INCLUDED IN THE ORDINANCE CHANGE. CL OLSEN SECONDED THE MOTION.

CL PACKARD MOVED TO AMEND THE MOTION TO REFER THE ITEM BACK TO THE PLANNING COMMISSION TO REVIEW ALL OF SPRINGVILLE FOR ACCESSORY APARTMENT USE WITH NECESSARY REQUIREMENTS. Cl Bird asked if the motion needed a second. Mayor Clyde questioned if the amendment to the motion would strike Cl Strong's motion. He stated that Cl Packard's motion seemed like a new motion. City Attorney Penrod indicated that it sounded as though Cl Strong was including the R1-8 and R1-5 zones and Cl Packard was adding the entire city to the motion. Mayor Clyde stated that CL Packard wants to amend the motion to include the entire city for all zonings for accessory apartments. He asked City Attorney Penrod if that would be a proper amendment. City Attorney Penrod indicated that it would be. Mayor Clyde stated that his question was whether the Council wanted to continue the item or just send it back to the Planning Commission. City Administrator Fitzgerald stated that he understands that the that the Council did not want to take action tonight but to send it back to the Planning Commission. Mayor Clyde indicated that there was an amendment to the motion and called for a second.

CL BIRD SECONDED THE AMENDMENT TO THE MOTION. WITH NO FURTHER DISCUSSION, THE VOTE TO THE AMENDMENT WAS AS FOLLOWS: CL STRONG - NAY; CL PACKARD - AYE; CL BIRD - AYE; AND CL OLSEN - AYE. MAYOR CLYDE INDICATED THAT THE MOTION CARRIED THREE (3) AYES TO ONE (1) NAY.

Mayor Clyde called for a vote on the original motion as amended to send the item back to the Planning Commission to look at the entire city.

THE ROLL CALL VOTE WAS AS FOLLOWS: CL STRONG - NAY; CL PACKARD - AYE; CL BIRD - AYE; AND CL OLSEN - AYE. THE MOTION CARRIED THREE (3) AYES TO ONE (1) NAY.

- 5. Public Hearing regarding a proposed Ordinance adopting §11-6-500, et. seq., regarding wind energy conversion systems (WECS) and amending §11-4-301, Land Use Matrix, of the Springville Municipal Code – Fred Aegerter, Community Development Director**

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Director Aegerter approached the Council Members and explained that the City does not currently have regulations for wind energy systems except as an accessory use with height restrictions. Director Aegerter reviewed the land use impacts and explained that this item has been before the Planning Commission several times with the discussion regarding lot size. He added that all the information was included in the meeting packet. Director Aegerter reported that site visits were made to Alpine City; Payson; Saratoga Springs; and West Mountain in connection with locations of towers.

Director Aegerter summarized the proposed ordinance and indicated that the wind energy systems could be allowed in all zones except the historic district. The setback would be no less than 50-percent of the height with a maximum height of 55-feet and located 27.5 feet back from any property line. The sound level would be limited to 60-decibels. Director Aegerter reported that the Commissioners voted four in favor and two against. The two opposed had esthetic concerns.

Cl Strong stated that the community may have CC&Rs that did not prohibit or recognize TV antennas, but wind driven turbines were not even thought of, what would prevent the home owner from putting in a 55-foot high tower. Director Aegerter responded that it was a matter of CC&Rs v. Code. If the CC&Rs did not address the towers and a tower's specification passed the City Code, the home owner could install the tower. The Home Owners Association would have to amend their CC&Rs. He stated that there were few communities that have chosen not to allow the wind turbines.

Mayor Clyde thanked Director Aegerter for the information presented.

PUBLIC HEARING

Mayor Clyde opened the Public Hearing.

Mr. Doug Fowkes approached the Council Members and stated that he lives at 820 East 1125 North. He commented that, as this request is put into perspective, people are taught to be self-sufficient, free from debt; have food storage, but they are chained to energy and electricity from the City. He indicated that he was proposing self-sufficiency and reminded the Council that the City's General Plan states that it would pursue conservation; renewable energy, etc. Mr. Fowkes stated that he was asking the Council to be part of the future. He reported that the safety issues had been dismissed and the biggest issue with the Planning Commissioners was with esthetics. He stated that the vote was four in favor and two against and felt that the two against didn't like the way the turbines looked. He stated that he didn't necessarily like the way telephone and power poles look, but they are necessary. Mr. Fowkes reiterated that esthetics was a big issue, but the benefits outweigh the problem with esthetics. Mr. Fowkes indicated that the turbines are space-age looking.

Mr. Fowkes stated that the setback policy was in the ordinance moves the tower away from a neighbor's yards. He commented that the turbines would take strain off what the City needs to provide electricity for the community and would also put energy back into the grid. He asked the Council members to put the request into perspective on how nice it would be to be self-sufficient and eliminate an electric bill. He stated that the Planning Commission did a lot of research and spent a lot of time and effort. He indicated that a great job was done

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regarding setbacks and his only comment is that the Code talks about setbacks in residential areas generally. Mr. Fowkes reported that he has a property line that borders on BLM land and he felt all setbacks should be kept within the property, except when a property line borders on non-residential property. He suggested adding to the setback requirements *“The base of the tower shall be set back a distance no less than 50 percent of the total extended height from a property line, excluding property lines that border on non-residential areas ... “*

Cl Bird asked Mr. Fowkes if, in keeping within the parameters of the Ordinance, what kind of power he could generate with the wind driven system. Mr. Fowkes reported that the newer systems use half the wind that the old ones did. He reported that the newer systems generate 1.2 megawatts with three miles-per-hour wind. Mr. Fowkes estimated that a wind turbine at his home would eliminate or cut his electric bill by half. He added that the new machines were worth it.

Ms. Karen Ifediba approached the Council Members and stated that there should be no between property lines next to privately owned v. BLM land. She reported that Springville is the furthest east city within the County and added that unlike Alpine or Spanish Fork, Springville does not have the same type of wind volume. Ms. Ifediba suggested that prior to installation of a wind energy system, a wind volume test be a part of the ordinance. As far as esthetics, which a value cannot be put on, what may look good and current neighbors may not object, but homes change hands. She commented that a value cannot be placed upon esthetics and indicated that Springville had by passing the sign ordinance dealt with esthetics and this does too. She thanked the Council Members for their time.

Mr. McKay Winkel approached the Council Members and indicated that they had purchased the East Bay RV Park off exit 251. He reported that they have been contemplating energy solutions to make area lights more efficient. He reported that they have twelve acres and asked that the Commissioners allow more than two turbines per parcel, which would benefit them. He added that Mr. Fowkes suggested area lights that fall outside of the 50-percent distance, but if the setback requirements were different for commercial properties, he would like it to be closer than 50-percent for area lights.

CL PACKARD MOVED TO CLOSE THE PUBLIC HEARING. CL BIRD SECONDED THE MOTION. THE VOTE TO CLOSE THE PUBLIC HEARING WAS UNANIMOUS.

Mayor Clyde questioned how tall a power pole was. Director Fredrickson explained that the poles were 35-feet in total length, but they could be 30 to 65-feet above ground. He stated that there were larger metal poles that were 55-feet. Mayor Clyde questioned if the ordinance allowed for blade length. Director Aegerter responded that the Ordinance only addressed the height. City Administrator Fitzgerald stated that the tower height was limited to 55-feet, which included the blades. Mayor Clyde asked if the applicant would need a building permit. Cl Packard reported that he had the opportunity to sit through the discussion at the Planning Commission meeting and stated that he was in agreement with the minority regarding esthetics, especially in the residential areas. He stated that if the turbines were allowed on every parcel, it would not be in the best interest as a whole. Commercial parcels would be different. Cl Packard stated that he was not in favor of the proposal and would exclude residential

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parcels. He indicated that he would like to hear more from the Planning Commissioners about commercial sites and how the turbines would fit into an energy plan.

Mayor Clyde asked Director Fredrickson to explain how energy would be put back into the City's power system and if this was required by law. Director Fredrickson explained that the City has a net metering policy that would allow 1.2 watts to be put back into the system. He indicated that this was not what the law required, but that the City has been proactive. Director Fredrickson reported that two residential customers have installed solar panels. City Administrator Fitzgerald added that there are requirements for specialized meters. Mayor Clyde questioned what happens when power is not needed. Director Fredrickson explained that if there was a constant supply of three mile-per-hour wind and a 1,200 watt generator operating continually, 1.2 kilowatt hours would be generated, but a house used 20 to 30 kilowatts per day. A wind generator would produce enough power for only their house. Cl Olsen commented that flag poles were 35-feet in height and stated that he did not have an issue with the 50-foot setback adding that the turbines had a low decibel rating. He questioned if the excess power from the device could be stored in solar panels. Director Fredrickson explained that the excess power flows back into the city grid and can be used anywhere. The net metering system keeps track of how much power is pushed back in to the system. Mayor Clyde commented that the turbine system would reduce the user's bill but not put anything back into the system. Cl Olsen asked what the diameter of the tower would be. Mayor Clyde asked if there would be a limitation of tower size. Director Aegerter responded that the diameter was set by the industry standard. He added that an issue would also be trees in the area of the turbines.

Cl Bird stated that he did not have many objections, but did not know about recouping the cost. He indicated that there was quite a bit of wind where he lives. He added that he liked the look of the new turbines and the esthetics did not bother him.

CL BIRD MOVED TO APPROVE ORDINANCE #16-2011 ADOPTING TITLE 11, CHAPTER 6, ARTICLE 5 OF THE DEVELOPMENT CODE OF SPRINGVILLE CITY, REGARDING WIND ENERGY CONVERSION SYSTEMS AND AMENDING SECTION 11-4-301 THE LAND USE MATRIX OF SPRINGVILLE CITY CODE 1991. CL OLSEN SECONDED THE MOTION. THE ROLL CALL VOTE WAS AS FOLLOWS: CL BIRD – AYE; CL PACKARD – NAY; CL OLSEN – AYE; CL STRONG – NAY; MAYOR CLYDE – AYE. THE MOTION PASSED.

Cl Olsen reported that Mr. and Mrs. Hafen had been waiting to receive an award and suggested that this be done at this time. Mayor Clyde and the Council Members were in agreement. Cl Olsen reported that Mr. Hafen had given 20-years of service to the City and Mrs. Hafen had given her support to Mr. Hafen. Therefore, both were being awarded. Cl Olsen presented the award to the Hafens reading the inscription "Presented to John M. Hafen in grateful recognition for years of outstanding voluntary service to Springville City." Mr. Hafen stated that it was appropriate to honor those who have served the City. He indicated that so many individuals who serve the City; i.e. Council Members and supporting staff. He stated that it took everyone to make the City go and everyone deserves a pat on the back. Mr. Hafen commented that Springville is a premier city and thanked everyone for their unselfish work. Mayor Clyde apologized for the delay. He indicated that he had the

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opportunity to sit with Mr. Hafen on the City Council and Mr. Hafen had taught him a lot of things. Mayor Clyde expressed his appreciation for the opportunity to serve with Mr. Hafen.

REGULAR AGENDA

6. Discussion on the Recreation Center location, construction budget, and operations budget – Alex Roylance, Buildings and Grounds Director and Charles Keeler, Recreation Director

City Administrator Fitzgerald explained that there had been a presentation and a specific set of recommendations at an earlier meeting.

Director Keeler approached the Council Members. He reported that the consulting firm, Ballard King had submitted an analysis indicating the annual operating budget would be set at \$1,893,637 and the revenue is projected to be \$1,494,989 making the subsidy range \$398,648. He reported that in a worst case scenario, the subsidy would be \$452,695, and in a best case scenario, the subsidy would be \$334,600. Director Keeler reported that the numbers were based upon everyone paying a full rent for services provided. CI Packard asked if adjustments would be made to Ballard Kings' estimate. Director Keeler indicated that adjustments would be made and added that it would be a benefit to give the School District additional use.

Director Keeler reviewed Ballard King recommendations:

- Facility should be built so operating cost equal amount of cost
- View and operate the facility as a business. Do everything to maximize revenues and limit costs. Anything that can be viewed as an entitlement should be avoided. (no automatic transfer)
- Don't mix capital costs with operational costs. (if choose to go into joint venture of building, cost of running facility will still be there)

Director Keeler reported that each element in the facility would operate at different times. He stated that every dollar given away would have to be subsidized. CI Packard asked how much Ballard King suggested charging the swim team now as opposed to what they would be charged in the new facility. Director Keeler responded that Ballard King would charge \$70 per hour for six lanes. In the new facility, the charge would be \$102 per hour. City Administrator Fitzgerald reported that right now, the swim team is paying \$15 per hour.

Director Roylance approached the Council and distributed a list of recommendations from staff. He indicated that most issues had been addressed in the staff report. He also reported that Mr. Brent Ward was in attendance and available to answer any questions.

Director Roylance reviewed the following:

Site location: a 13-acre site south of 400 South and west of 950 West. He reported that PRI and/or the School District property would be the best location. He indicated that PRI had been receptive to this location. Director Roylance stated that staff recommends remaining in the area south of 400 South and west of 950 West. He reported that they had the opportunity to talk to a representative from PRI and have begun negotiations and PRI seemed receptive to the City's request. CI Olsen asked if the sewer pipe would be needed regardless for future development. Director Roylance indicated that it would be. He asked if the Council would rather install the

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sewer line the full length or only enough to service this project and that those that follow would have to bear the cost for the rest of the pipe. Mayor Clyde stated that those who develop later would bear the cost of what the City installed; a way to pay the cost back, which is the challenge on Main Street, because the City would have to pay the money for the property and there would be no way to re-coop the costs for the improvements.

Project budget

Staff recommendation: \$24 million budget for on-site improvements. Funding would come from:

- \$21 million bond
- \$1 million from Park Bond reserves
- \$2 million support from Nebo School District
- Eight-lane pool model

Mayor Clyde stated that the City was going to conduct a survey. City Administrator Fitzgerald reported that the School District would still be open to the \$2 million support.

Without the School District support

- \$22 million bond
- \$1 million from Park Board reserves
- Six-lane model

City Administrator Fitzgerald reported that off-site costs had been considered, but the City did not have the cash so different options were being looked at. He indicated that there were more reserves for roads, but not for the sewer. He stated that questions to answer would be how much for the impact fees; how much for project fees; and how to deal within the \$24 million budget. He stated that the City could bond more for that part of the project, but the water line on 1200 West could be funded through the water fund and allow the project fund to handle the sewer. Cl Packard stated that the water fund was \$1.5 million. City Administrator Fitzgerald indicated that amount would take the project through 900 South, but would not have to be done. Cl Packard questioned how much was in reserves for the sewer. City Administrator Fitzgerald indicated that there was no money in reserve for the sewer. He reported that the bond associated for the waste water plant was higher than the income. City Administrator Fitzgerald indicated that staff was comfortable with the solution to off-site issues, but the total budget would be more like \$26 to \$26.5 million. Mayor Clyde question if the project was bonded, how would it be paid back. City Administrator Fitzgerald indicated that it would be a revenue bond against the sewer; i.e. the water line under 1200 South would be paid from by road monies. City Administrator Fitzgerald stated that the biggest issue regarding the sewer lines would be \$1 million to do the trunk lines. He added that the current evaluation of property values could be less than \$1 million.

Director Roylance continued his presentation.

Operation of the Center

- Having a RAP (Recreation, Arts and Parks) tax on the November ballot to generate an additional \$250,000 to \$350,000 of potential revenue for operations expenses. He reported that Cl Jolley suggested looking at next November which would still be before the center opening.
- Building and running a center that will have the best opportunity to have an acceptable level of subsidy for the City; still providing a quality facility for the citizens.
- Ballard King estimates \$292,648

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- Best case scenario \$334,600
- Worst case scenario \$452,695

City Administrator Fitzgerald reported that with a loss per year of \$240,000 - \$250,000, the current facility would have to be closed. Mayor Clyde suggested that there should be a more detailed analysis with a recommended staff proposal. He asked what the time line would be to get a bond on the election by November. City Administrator Fitzgerald indicated that August 1st would be the deadline. CI Bird asked if the City would have to have the RAP tax issues at the same time as the recreation center bond. City Administrator Fitzgerald indicated that the City would have to figure out where the monies were coming from first. He added that the RAP tax would be an additional .1 percent to sales tax which would generate \$250,000 to \$300,000 per year. Mayor Clyde questioned how much would be allowed. City Administrator Fitzgerald indicated that Orem City does .1 percent. Director Riddle stated that Cedar Hills also has .1 percent. He added that Salt Lake and Southern Utah counties can exercise that option. Director Keeler added Weber County also has the tax. City Administrator Fitzgerald indicated that it would be a conservative amount. He asked for direction from the Council. Mayor Clyde stated that people were interested in an outdoor feel to the facility; e.g. a leisure area inter mixed with the outdoors; a water feature or splash pad, etc. He questioned what the cost would be for providing glass for better lighting. Mr. Ward stated that he could look at a roof opening, but doors that open would be more affordable. He added that they did discuss an eighteen-inch splash pool. He reported that Provo added an outdoor feature that attracts a lot of people. The feature doubled the use of that facility.

CI Packard questioned how expensive an opening roof would be. Mr. Ward stated that a roof opening would be very expensive, particularly because of the climate (snow). He stated that generally, they span about 75-feet. He stated that there were other solutions that might accomplish the same tasks; i.e. Sky lights or retractable doors. Mayor Clyde reported that the Washington City pool has retractable doors and some sort of translucent type roof. Mr. Ward explained that there were products that could accommodate that; e.g. Cal-wall roof; solar tube, cylinder aluminum tube with lighting, which would be more economical than the Cal-wall. He stated that there is something that would draw people to the outside, i.e. a splash pool. He added the facilities with inside/outside pools had the heaviest use of water was in zero to eighteen inches.

City Administrator Fitzgerald reported that he has been talking to survey experts and has included the question of indoor-outdoor pools of the citizens. He indicated that the response was strong reporting that 39- percent ranked outdoor pools as a one or two rank inclusion and 69-percent ranked indoor with one or two rankings. He stated that bond support was stronger for an indoor facility rather than outdoor one. Mayor Clyde stated that was trying to have an indoor leisure pool, but outdoor features; sun, open doors, etc. City Administrator Fitzgerald indicated that those were all design issues.

Mayor Clyde expressed his concern with the sliding doors that only open 50 percent. He suggested building the outdoor facility into the plan. Mr. Ward commented on the importance of technology because it brings people and keeps them coming back. City Administrator Fitzgerald asked the Mayor how he would like them to proceed. Mayor Clyde asked what \$21 million bond would raise taxes by. Director Roylance reported that taxes would raise \$9.90-per-month for a home valued at approximately \$200,000. Mayor Clyde stated that the average home in Springville was valued at approximately \$160,000, so roughly the tax would be \$10 per month. City

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Administrator Fitzgerald reported that the quotes given were last year's figures; this year's were not available. Mayor Clyde stated that a RAP tax would have to be done. CI Packard expressed his concern with the RAP tax. He stated that all tax information and cost should be brought to the front regarding not only there would be the increase in their property tax but also a RAP tax. Mayor Clyde reiterated that the property tax increase would be approximately \$10-per-month and the 0.1-percent increase in sales tax. He indicated that the tax would not start until the facility was opened. City Administrator Fitzgerald reported that he would have all the information ready for the August Council meeting.

Mayor Clyde asked Director Keeler if the revenue number was for considering an eight-lane pool. Director Keeler stated it would be based on generating \$18,000 for a six-lane pool. City Administrator Fitzgerald stated that the revenue would be approximately \$20,000 from the eight-lane pool. He reported that CI Jolley indicated that he would delay the implementation of the RAP tax.

Mayor Clyde questioned if PRI would be willing to work with the City. Director Roylance indicated that they would. City Administrator Fitzgerald added that there may be some chance that PRI would come out in support of the Bond Measure because of their interest in having the center on their land and PRI would drive other development. Mayor Clyde indicated that he has had a good discussion with Kent Money, PRI President, and he felt there was a good relationship there. He stated that he knew that CI Strong was a big proponent of having the recreation center on South Main Street. CI Strong stated that the South Main Street location would provide an opportunity of making a huge impact on a part of the community that needs help. He reported that 75-percent of the community could go to a facility on South Main Street via a bike, the bus or by walking, but questioned when that could happen at the 950 West location. City Administrator Fitzgerald stated there would be questions of revenue impacts; population imbalance; etc. Mayor Clyde commented that if the facility were near the West Side School, most would still have to drive. CI Strong stated that participation from residents of Mapleton and Spanish Fork would not be lost at the South Main location. He expressed his concern with the cost of property at the 950 West location. He stated that he thought it would be very do-able to locate at the property on South Main Street because he felt the Nebo School District property was inflated. He commented that the old school needs to be torn down and the District has over-estimated the value of the property. City Administrator Fitzgerald stated that the raw value of the ground was not the issue. The challenge is whether or not the School District would give up the property with improvements. CI Strong responded that it would be advantageous to get the \$2 million from the District and then pay it back to them for the land. He added that the serious problem would be the appraisal. CI Strong stated that he liked the 950 West location, but the impact on Main Street would be greater, adding that he was committed to the South Main Street location.

Mayor Clyde reported that the School District would be in favor of donating the property as part of their share or it could be easily abandoned. CI Strong stated that the City would have to obtain an appraisal. Director Roylance indicated that they have assessed the value by using the County's valuation. City Administrator Fitzgerald stated that the election was 100-days away and they don't have a concept plan out. CI Strong stated that he did feel there was a sense of urgency. If the City were to meet the November election deadline for the bond, the City would be in a crunch and would have to make a lot of decisions. He stated that the City was taking every spare cent to meet a commitment where there is still a lot of question marks; i.e. \$5 to 6 million cash flow. He

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questioned why the City was trying to make a decision now, but realized it was because construction prices are down. Mayor Clyde indicated that they have been talking about this for a long time. Cl Strong agreed, but stated that they did not have to be irresponsible. He indicated that he was in favor of the RAP tax. Mayor Clyde reiterated how the City had to be up front with bond costs, etc. He reminded the Council Members that every group of young people that attended the Open House at the Junior High School wanted the recreation center. Cl Strong stated that he wanted it too, but was not sure that the timing was right. Mayor Clyde stated that he thought the \$10-per-month and the 0.1-percent RAP tax would cover the expenses for an eight-lane pool. The City would be able to hold events that other communities would not be able to hold. Cl Strong reiterated his feeling that the South Main property would be an ideal chance to kill two birds with one stone. Mayor Clyde stated that there was still opportunity for commercial development there. Cl Strong reported that the property was already positioned well on freeway property and the traffic flow in front of the recreation center would be equal to the traffic flow on 400 South.

Cl Olsen expressed his support to Director Roylance and stated that Cl Packard had excellent suggestions. Cl Bird stated that he agreed with most of what has been said, but also agreed with Cl Strong; the recreation center on South Main Street would enhance Springville tremendously. He indicated that he would like to check the property values and also thought the proposal presented concerning site locations would promote growth and development. He expressed his concern with the eight-lane pool and outdoor feature. He stated that having access to the outdoor from indoor would be important and the City would be making a mistake not building an eight-lane competition pool. He added that this would be a financial challenge.

Mayor Clyde asked if everyone was in support of having the proposal ready for the November election. City Administrator Fitzgerald asked if the outdoor feature should be presented to the public as part of the outdoor design. Mayor Clyde stated that it should be, as well as how it would open to the outdoors.

Cl Strong stated that if he was the only one who wanted the facility on South Main Street, he would support the recreation center being constructed on 950 West. He added that he hoped everyone would pause and think about what it could do for the City if the Main Street property were utilized. He commended that intangible value could not be measured.

Mayor Clyde assigned staff to research the South Main property and come back with a better feel of cost there. City Administrator Fitzgerald asked if the Council Members were comfortable with information going out to the residents. Mayor Clyde suggested getting a vote first during the August meeting. City Administrator Fitzgerald stated that they have received strong reaction against a telephone survey. If they push the telephone survey asking for opinions, the data won't be accurate. He reported that two versions would be provided from the survey; information that the City won't be able to rely on, but they would still have valid information. Mayor Clyde asked how much the survey would cost. Director Roylance indicated the cost would be approximately \$3,600. Cl Packard stated that he would hate to pay out that money if the information is unreliable. City Administrator Fitzgerald added that opinions would shift. He indicated that the survey would be fine tuned and ready the following day.

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CL Olsen asked what the total acreage of the West Side School was and how much was owned by the School District. Director Roylance responded that there was a little over seven acres. Mayor Clyde stated that the City might want to acquire another six acres. City Administrator Fitzgerald indicated that there were ten acres total. Cl Olsen asked if eminent domain would be involved. City Attorney Penrod indicated that could be a possibility.

MAYOR, COUNCIL ADMINISTRATIVE REPORTS

There were no reports

CLOSED SESSION

City Attorney Penrod indicated that a short Closed Session would be necessary to discuss pending or reasonably imminent litigation.

CL STRONG MOVED TO ADJOURN THE CITY COUNCIL MEETING AND CONVENE IN CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PENDING OR REASONABLY IMMINENT LITIGATION. CL BIRD SECONDED THE MOTION. THE VOTE TO ADJOURN TO A CLOSED SESSION WAS UNANIMOUS.

The Council adjourned to the closed session at 9:54 PM.

ADJOURNMENT

The Council reconvened at 10:08 PM.

CL BIRD MOVED TO ADJOURN THE REGULAR SESSION. CL STRONG SECONDED THE MOTION. THE VOTE TO ADJOURN WAS UNANIMOUS. MAYOR CLYDE ADJOURNED THE MEETING AT 10:08 PM.