



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
AUGUST 2, 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, August 2, 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 the 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. Niel Strong, City Administrator Troy Fitzgerald, City Attorney John Penrod, and Building Secretary Jackie Nostrom. Also present were: Building and Grounds Director Alex Roylance, Finance Director Bruce Riddle, Power Director Leon Fredrickson, Community Development Director Fred Aegerter, Recreation Director Charles Keeler, Public Works Director Brad Stapley, Public Safety Director Finlayson, and Operations Manager Rod Oldroyd.

CALL TO ORDER

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

INVOCATION AND PLEDGE

Power Director Leon Fredrickson offered the invocation. Cl. Packard led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

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

APPROVAL OF THE MINUTES

There were no minutes for approval.

MAYOR'S COMMENTS

Mayor Clyde welcomed scouts from Troops 1460 and 128. He invited members of the public to fill out a "Request To Speak" to the Council if they desired.

CEREMONIAL AGENDA

1. Presentation of the August 2011 Mayor's Awards

Mayor Clyde indicated that the City has implemented a "Communities That Care" program to recognize students for their outstanding citizenship in order to encourage healthy lifestyles. He asked Cl. Packard to hand out the awards and introduced Suzy Young, the City's CTC Coordinator, to announce the nominees. Ms. Young called Ms. Anna Dickinson to come forward. She read the nomination from Marilee Moon, Youth Services Librarian, as follows: "Anna Dickinson has been a volunteer for me since I worked as a librarian at Grant Elementary School, 5 years ago. When I became the Children's Librarian at the Springville Library, she has

continued to volunteer once a week for several hours every summer without me asking her. Anna always has a cheerful attitude, and is willing to do anything I ask. She is a good role model to other students within the community. This last year, she joined the Springville City Youth Council, and quickly became the leader of the rest of volunteers. She is very dependable and always shows up when she says she will. Anna is a very hard worker, and over the years, she has helped with a big variety of jobs including checking in and re-shelving books, helping with program preparation, program counts, and program implementation. She is good with children, and always makes things fun for them when she helps them with crafts or games.” Ms. Dickinson was presented her award to the applause of the audience.

Ms. Young introduced Ms. Emily Rogers and read the nomination from Springville City’s Youth Services Librarian, Marilee Moon, “Emily Rogers has been a volunteer in the summer once a week at the Springville Library for the past four years. Emily always has a positive attitude, and is willing to do anything I ask of her, including wearing silly hats, and cutting out little kid craft projects until her fingers might fall off. Throughout the years, Emily has helped with many projects at the library, including helping with program preparation, program counts, and program implementation, as well as other various jobs around the library. Emily is a great mentor and example to other students, and we couldn’t have such a great summer reading program without her help.” Emily Rogers accepted her award to applause from the audience.

Suzy Young called Ms. Leksi Rosenberg to the front. The nomination from Marilee Moon, Youth Services Librarian, was read to the audience. “Leksi Rosenberg has been a volunteer at the Springville Library for the past three or four summers, where her primary jobs have been handing out prizes to excited kids who have participated in our summer reading programs, helping with program preparations, and summer reading sign-ups. Leksi is very creative and very good with drawing things, and making things with her hands. She created a treasure map this year for the adult summer reading program, and has helped with other artistic endeavors around the library. Leksi is also patient, and is always nice to everyone. She is a great role model for her peers, and helps to make our summer reading program great.” Applause was given and the recipients were given their gifts.

2. Art City Days Skate Park Competition

Suzy Young announced the winners for the Art City Days Skate Park. The Upper Division Competition winners are: 1st place – Anthony Peterson. Ms. Young read “With only three years of skating under his belt, Anthony has already shown tremendous potential in the sport and has rapidly climbed to the top among his peers by successfully garnering the number one spot in the Art City Days Skate Park upper division competition in June, 2011. If there is a key to his success, it is Anthony’s attitude. If he wants to learn a new trick, he resolutely sees himself in his own eyes accomplishing the feat before actually doing it, and then he just “goes for it”. His philosophy is “if you want to do it, stay with it until you do it.” Perseverance pushes him to not only practice, but to also recognize his potential. Two years ago, Anthony broke his collar bone while attempting a difficult stunt. His friends had to make him stop skating and seek medical attention at a community hospital. Immediately after his initial treatment and against the doctor’s orders, Anthony resumed his passion on the skateboard. On yet a different occasion, another wipe-out resulted in crutches. Still undaunted, Anthony immediately got back on his board, using the crutches to push him along. Not only was it not a wise move, it was equally as unproductive, and so Anthony was forced temporarily to suspend his skating until conditions improved.”

2nd Place Winner in the Upper Division is Jordan Anderson. Suzy read the following: “This 9th grader at Springville Jr. High started skating just five years ago, enticed and motivated by skateboarding friends. His mother and father have been very supportive even though his mother worries constantly about Jordan’s safety on the board. Four or five weeks ago, this young, undaunted skater took a painful fall and dislocated his knee cap, forcing him to seek medical attention. A leg brace and strong orders from the doctor to stop skating for a few weeks induced absolutely no cessation in his skating. On returning from the doctor’s office and gingerly getting out of the car, Jordan jumped back on his bamboo-deck skateboard and continued where he had left off an hour or two before. In addition to the usual bruises and scrapes, Jordan has smashed his face and broken thirteen bones, including his nose and collar bone over the past five years. He categorically states, “It doesn’t matter if I hurt myself - I will skate anyway. If I end up in a wheelchair, I’ll just put skates under it and keep going.” And he will!”

3rd Place Upper Division Winner is Riley Brown. Ms. Young indicated that “Although Riley placed 3rd in the Upper Division Skate Park Competition this year at Springville Art City Days, skating is not his first or greatest passion; snowboarding trumps all other hobbies and interests at the present time. Riley’s dreams and aspirations go well beyond the skateboard and include a more pragmatic and compassionate desire. On graduating from high school next year, Riley hopes to attend Universal Technical Institute (UTI) in Phoenix, Arizona and then return to the Provo/Orem area as a specialized auto mechanic until he can earn enough money to matriculate in Utah Valley University where he wants to pursue a career either in pre-school teaching or special education. Riley has an autistic younger brother, and as a loving sibling, Riley wants to do all he can to assist his handicapped brother. Riley is a unique skater in that he has “invented” a move that he has never seen anyone else perform. He calls it a “back-side 180° airwalk”. He accidentally discovered this difficult move while practicing one day. His uniqueness doesn’t stop there. Riley has worked his way through his skating passion and has balanced it with an equally impressive love for helping others and is working hard to place himself in a position where he can do just that.”

1st Place Lower Division Winner is Sully Kratochvil. Suzy Young read “Sully has overcome a lot to be where he is now and has paid a hefty price for success and achievement winning 1st place in the Lower Division Skate Boarding Competition at the 2011 Springville Art City Days – stricken with asthma for much of his life and burdened with a lingering hearing problem (couldn’t hear at all during one period of his childhood). As with any significant achievement, Sully has practiced nearly every day for approximately seven years, giving up other enticing childhood activities to be where he is today and what he has achieved so far. During the past four months, Sully has nursed a serious foot problem that took him out of the school system during those painful, long months. Sully is a solid “A” student. Since commencing at age six, his illustrious path that will hopefully and eventually lead him to one of his life’s ambitions – to “go pro,” Sully has purchased, used, and worn out over 50 sheets of 4’x8’ plywood for his practice runs. He has financed his investment over the years by mowing lawns and doing indoor chores. His mother, Kim, has been one of his greatest fans and ardent supporters, always enthusiastic and encouraging. Sully’s twenty-five year old brother, also a skate boarder, set the example and blazed the trail. Sully’s keen interest in skateboarding has led him to undergo a six-month project of taping, editing, and compiling film of all the boys in Springville who skate.”

2nd Place Lower Division Winner is Nathan Petersen. Ms. Young stated “Nate, who will begin the ninth grade this month at Spanish Fork Jr. High, took second place in the Lower

Division Skate Park Competition this past June during Art City Days festivities. Encouraged by his friends to enter the contest, he had no idea that he would win anything nor did he have any expectations. Ironically, his friends who had energetically eyed the competition for some time and enticed Nate to enter, did not place at all in the winners' circle, but gifted Nate did. Nate loves stake boarding along with water boarding, snowmobiling, dirt biking and Lacrosse. The former, however is his greatest love. Yet with a mature balance in his life, Nate has chosen not to pursue a dream towards the Olympics or the "pros". His dreams, at least at this point in his life, are pointing him in a challenging, medical direction of becoming an anesthesiologist. In school, Nate loves science, especially chemistry. In addition, he enjoys Spanish and is quite fluent in that language. Since the fourth grade, this young man studied Spanish. His dad, not only a loyal fan of Nate's skating, is also Nate's tutor in this romance language, but now, Nate speaks the language better than his father. Speaking of dreams, Nate secretly dreams of traveling someday to some exotic, Spanish-speaking island somewhere in the world where he can practice and perfect the language."

3rd Place Lower Division Winner is Tailer Rohwer. Ms. Young reported that "Three years ago, Tailer's grandparents, at the suggestion of his older brother Anthony gave him a skateboard for his 11th birthday. From that special occasion, this young skater has practiced virtually every day since then and has worn out 20 to 30 boards, replacing most of them with his own funds accrued by working for his grandfather. Obsessed with the sport, Tailer spends most of his free time learning and perfecting new tricks. He confidently claims that this single focus has not impacted his school grades. He enjoys school and especially loves his cooking and physical education classes. Tailer loves being active. During the summer months, Tailer wakes up around 11:00 a.m. By noon he is on his board at the skate park where he submits his consummate energy and determination to learning and becoming. He dreams about and works toward becoming a professional in the sport of skate boarding. His hero is Dillon Redier, a pro. He doesn't give up that effort until 9:00 p.m. and does not take time out to eat once he is on the practice field. On one occasion last summer, Tailer fell and broke his wrist. It didn't occur to him to stop until he healed; he just paused long enough to have a cast placed over the injured part, got back on his skate board, and continued his lust for life in the fast lane. This young man is a fast learner. He takes his cue from his older brother, Anthony, and with a desire to merely have fun, works and works until he has conquered the difficult and achieved the impossible." All winners of the Skate Park Competition received their awards and photographs were taken.

PUBLIC COMMENT:

There was no public comment.

CONSENT AGENDA*

3. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
4. Approval of the Arts Grants as recommended by the Arts Commission – Charles Keeler, Recreation Director
5. Consideration to approve 2012 Fireworks Contract – Charles Keeler, Recreation Director
6. Approval of **Resolution #2011-18** to modify the comprehensive fee schedule – Bruce Riddle, Finance Director (Amended Agenda)

CL. BIRD MOVED TO APPROVE THE CONSENT AGENDA WITH THE ADDITION OF THE RESOLUTION TO MODIFY THE COMPREHENSIVE FEE

SCHEDULE. CL. OLSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: CL. JOLLEY – AYE; CL. OLSEN – AYE; CL. STRONG – AYE; CL. PACKARD – AYE; CL. BIRD – AYE. THE MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

7. Resolution providing for the holding of a special bond election on November 8, 2011 on the question of the issuance and sale of not more than \$21,000,000 principal amount of general obligation bonds of the City; and providing for related matters – Troy Fitzgerald, City Administrator

City Administrator Troy Fitzgerald informed the Council that Springville City has been considering a recreation facility and has been in the process of an action plan since March 2010. Staff's recommendation is for City Council to approve a Resolution on an election to consider the construction of a recreation center and to also approve a resolution to consider an increase of 0.1% to the local sales tax rate. Updated information regarding the facility's bond would total \$21,000,000, and for the average home value of \$165,000, the tax increase would come to the total of \$99 annually or eight dollars a month. Mayor Clyde requested to see the concept drawings. City Administrator Fitzgerald shared a presentation regarding the recreation center facility and asked if there were any questions. Cl. Jolley clarified that the Council is referring to both the tax and the bond obligations. He felt that adding the tax increase with the bond would be considered unfavorable. Cl. Packard commented that the residents should be aware of the costs that are associated with having a recreation center, and the City would have to receive the tax increase as well as the bond. It was clarified that the bond was to actually construction the facility, and the tax increase is to fund the operation of the facility. Mayor Clyde noted that one advantage that non-residents would also be paying the increase of tax so the whole burden would not be placed solely on the residents.

Director Alex Roylance indicated that the architect noted that the outdoor component could be considered a future development of the project if the City needed to adjust the size of the facility to help with the cost. The indoor component is currently designed with the doors that fold open so the feature could be utilized throughout the entire year. Cl. Bird commented that over the years, the City has been trying to upgrade the swimming pool because the current facility is outdated, and the majority of the residents in the community are relatively young. Building the recreation center is a great idea and is feasible for the City to accommodate, but the citizens need to be aware that the facility will not bring in revenue for the City. Both the bond and the tax increase would have to be in place for the City to accommodate the center. Mayor Clyde asked if the public would like to comment it would be permissible.

Resident Leon Lee wanted clarification on the amount of the bond. City Administrator indicated that the bond amount would be for \$21,000,000 for the onsite improvements, but the help of the school district, and the City's funding being added, the project would total \$26,000,000.

Citizen Lisa Willey, board member from the Parks and Recreation, commented that of her personal taxes 69% go directly to Nebo School District and 16% goes to Springville City. If you look at the picture as a whole, it isn't adding very much.

Resident Tim Metler questioned the plan for the current facility. Mayor Clyde indicated that it would be demolished and the cost would be included in the amount budgeted for the facility.

CL. JOLLEY MOVED TO APPROVE RESOLUTION # 2011-19 PROVIDING FOR THE HOLDING OF A SPECIAL BOND ELECTION IN SPRINGVILLE CITY, UTAH AT THE SAME TIME AS THE MUNICIPAL GENERAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$21,000,000 GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING A RECREATIONAL FACILITY AND RELATED IMPROVEMENTS; PROVIDING FOR THE HOLDING OF A PUBLIC HEARING AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; DECLARING OFFICIAL INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND PROVIDING FOR RELATED MATTERS. CL. BIRD SECONDED THE MOTION. CL. STRONG – AYE; CL. BIRD – AYE; CL. JOLLEY – AYE; CL. PACKARD – AYE; CL. OLSEN – AYE . THE MOTION CARRIED UNANIMOUSLY.

8. Resolution providing for the conduct of a special election on November 8, 2011 on the question of imposition of a .1% local sales and use tax for the purpose of financing recreational, cultural and related facilities, paying debt service on any bonds issued to finance such facilities, and paying ongoing operating expenses of such facilities; and providing for related matters – Troy Fitzgerald, City Administrator

CL. BIRD MOVED TO APPROVE RESOLUTION #2011-20 PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION IN SPRINGVILLE CITY, UTAH AT THE SAME TIME AS THE MUNICIPAL GENERAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF IMPOSING A .1% SALES AND USE TAX FOR THE PURPOSE OF FINANCING RECREATIONAL, CULTURAL AND RELATED FACILITIES, PAYING DEBT SERVICE ON ANY BONDS ISSUED TO FINANCE SUCH FACILITIES, AND PAYING ONGOING OPERATING EXPENSES OF SUCH FACILITIES; AND PROVIDING FOR RELATED MATTERS. CL. OLSEN SECONDED THE MOTION. CL. BIRD – AYE; CL. JOLLEY – AYE; CL. PACKARD – AYE; CL. STRONG – AYE; CL. OLSEN – AYE.

9. Consideration of an Ordinance amending §3-7-109 of the Springville City Code regarding vicious animals – John Penrod, City Attorney

City Attorney John Penrod noted that the current code gives the judge no ability to let the animal to stay with the family. The Code states that the animal shall be removed from the City by the owner within twenty-four hours, or the animal shall be destroyed. We would like to change the ordinance from a “Shall” to “May”. The vicious animal code applies to all species of animals. The judge would have the ability to order the dog be put down, remove the animal from the City boundaries, or the judge could have an alternative order. Cl. Olsen commented that it is a necessary change to our current City Code. Cl. Strong questioned who could determine whether a dog is considered vicious or not. Cl. Bird reiterated that adding “May” to Springville City Code would help the citizens that feel their dog isn’t “vicious”. City Attorney John Penrod added that the codes definition of vicious it also includes the act of being repetitive.

CL. BIRD MOVED TO APPROVE **ORDINANCE #16-2011** THAT AMENDS THE SPRINGVILLE CITY CODE §3-7-109 TO ALLOW THE JUSTICE COURT JUDGE MORE FLEXIBILITY WHEN DEALING WITH VICIOUS ANIMAL CASES. CL. OLSEN

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

10. Consideration to accept wetland property located near the SR75/I-15 Exchange – John Penrod, City Attorney.

John Penrod reported that Springville City has been asked by NJN Development Group to accept a 3-acre donation of wetland property located west of the SR75 and I-15 exchange. The group wants to donate the property because it has no benefit to them, but potentially it could offset other wetland property. City Administrator added that the parcel was subdivided in 1997; however our current City Code wouldn't allow the property to be subdivided to make an undevelopable parcel. Cl. Jolley indicated that the property could be utilized by the City. City Attorney John Penrod added that nothing could be built on the land because it has been deemed wetlands, and to receive approval for construction on the parcel would have to come from the Army Corp of Engineers. Administrator Fitzgerald pointed out that if a citizen felt that the land wasn't being properly maintained there could potentially be liability for the City. Cl. Jolley questioned staff's recommendations. Attorney John Penrod stated that the staff didn't have a recommendation.

Citizen Karen Ifediba questioned whether the current owner had to pay taxes on the property. Administrator Fitzgerald replied "yes". Ms. Ifediba commented that the current owner should have to keep paying taxes on their property. Resident Don Pendleton commented that the land is next to Maverick and the State Liquor Store and questioned if owning the property would bring any liability to Springville City. Attorney Penrod indicated that it is an isolated piece of property; and exposure of the property is minimal, however, there will always be liability when owning any piece of property. Cl. Jolley commented that NJN Development Group should give the property to the State because of its location right next to the interstate.

CL. OLSEN MOTIONED TO DENY THE ACCEPTANCE OF APPROXIMATELY 3.225 ACRES OF WETLAND PROPERTY LOCATED NEAR THE SR-75/I-15 EXCHANGE. CL. JOLLEY SECONDED THE MOTION. ALL PRESENT VOTED AYE WITH THE EXCEPTION OF CL. STRONG WHO RECUSED HIMSELF.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

There were no reports.

CLOSED SESSION

11. *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. PACKARD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:28 P.M. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.