



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
SEPTEMBER 20, 2011 – 7:00 PM**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, September 20, 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: City Recorder Venla Gubler; Community Development Director Fred Aegerter; Operations Manager Rod Oldroyd; Building and Grounds Director Alex Roylance; Recreation Director Chuck Keeler; Public Works Director Brad Stapley; Library Director Pam Vaughn; Finance Director Bruce Riddle and Public Safety Director Scott Finlayson.

CALL TO ORDER

Mayor Clyde called the meeting to order at 7:00 PM, welcomed everyone and expressed his appreciation for their attendance.

INVOCATION AND PLEDGE

Cl Strong offered the invocation. Cl Olsen led the attendees in the Pledge.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

CL STRONG MOVED TO APPROVE THE AUGUST 2, 2011 AS WRITTEN. CL JOLLEY SECONDED THE MOTION. THE VOTE TO APPROVE THE MEETING MINUTES WAS UNANIMOUS.

MAYOR'S COMENTS

Mayor Clyde welcomed the scouts from Troop 64. Manager Oldroyd distributed certificates to each of the scouts.

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CEREMONIAL – Lt. Mark Buffington of the Utah National Guard to present the Community Contract to the Council.

Administrator Fitzgerald reported that Lt. Buffington was not yet present.

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. Hafen requested to speak at the Public Comment. Mayor Clyde stated that Mr. Hafen could do so.

Mr. Gene Stulce approached the Mayor and Council members. He explained that he had been parking his semi-truck behind his home (690 South 2100 East) for many years. He reported that he has spoken to City Attorney John Penrod who explained that the truck had to be parked 75 feet back on private property. Mr. Stulce stated that he has now been parking the truck on private property. He explained that the truck was 65 feet long and with the 75 feet required setback, he would be three-feet short of the required distance. He reported that Mr. Hafen has agreed to let him cut three-feet into the hillside to meet the distance requirement. Mr. Stulce indicated that there had been a truck route sign located at 849 South 2080 East, but the sign has been taken down. He explained that he had been parking his truck at his property south of town, but because of vandalism he moved the truck to his residence.

Cl Olsen asked Mr. Stulce to describe the use of his vehicle in a typical week. Mr. Stulce explained that he typically leaves his home at about 3:30 AM to make a once-a-week trip to Colorado. He picks up wood shavings and returns to Springville the same day between 7:00 and 10:00 PM. He stated that he did not park the truck at the south location because of weather and time of departure. Mr. Stulce reported that in his conversation with City Attorney Penrod, the City had not received any complaints about his truck being parked at his residence.

Mayor Clyde questioned what instigated Mr. Stulce to approach the Council. Mr. Stulce indicated that the Code Enforcement Officer had cited him for the truck parking. City Attorney Penrod explained that Mr. Stulce was cited for parking on a road that was not a truck route. Mayor Clyde explained that 20 years ago complaints about trucking parking and traffic were brought to the City. He reported that the Council members created an ordinance restricting semi-type trucks traffic and parking to identified truck routes. The idea was not to mix heavy vehicles with residential neighborhoods. Mayor Clyde added that basically, Mr. Stulce has been out of compliance for 20 years. He stated that although the neighbors were okay with Mr. Stulce parking his truck there, the ordinance did not allow it and he did not have a good remedy to suggest. Mayor Clyde stated that the truck should be parked in a commercial zone and there cannot be exceptions, but this could be studied and discussed.

Mr. Stulce reiterated that approximately 15 years ago, his area was a truck route. Mayor Clyde stated that he did not know why that area would be or had been considered as a truck route. Mr. Stulce responded it was because of his storage yard. Mayor Clyde indicated that staff would research to see if it had been approved as a truck route.

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Mr. John Hafen approached the Mayor and Council members and stated that he attended the meeting to speak in Mr. Stulce's behalf. He informed the Council that he lived to the south of Mr. Stulce and stated that the truck has not been a nuisance nor has it harmed the esthetics of the neighborhood. He stated that a logical solution would be to allow Mr. Stulce to park his truck at his home because that has not negatively impacted the neighbors. Mr. Hafen encouraged the City to allow Mr. Stulce to do that. He added that he appreciated everyone's comments and stated that generally, the parking restrictions for the City were good.

Mayor Clyde thanked Mr. Stulce and Mr. Hafen for their comments. Cl Strong confirmed that there had been a stock yard and pasture where the homes are now. He recalled that because of that use, trucks had been parked there. Cl Strong indicated that Mr. Stulce's situation was different because Mr. Stulce parks on the road. Regardless of a decision that may be made, Cl Strong indicated there were extenuating circumstances because of the unusual location. He reported that the road narrows down and if a truck is parked on the street it can be difficult to drive through the area. He added that one truck parking on the street would only encourage others to do the same. Cl Bird indicated that the road narrows down because there is only half a road there. He recalled that at the time of development, Mr. Stulce did not want the subdivision to go in. Mr. Stulce had to tear down his barn and has been using the property for his business.

Mr. Hafen questioned if Mr. Stulce could be consider as 'grandfathered'. Mayor Clyde stated that staff would look into this. Cl Bird asked if Mr. Stulce had enough property to pull his truck off the road. Mr. Stulce reported that he intended to pave an area behind his home to park the truck, but economics dictate that he would have to do that at a later date. He reiterated that he thought he had been within the law for the last 20 years, emphasizing the fact that the truck route sign had been posted, but he did not know when it had been removed.

BOARD OF CANVASSERS

City Recorder Gubler approached the Mayor and Council members to report that the primary election was held and her presentation involved reviewing information from each precinct. She informed everyone that the candidates were: Richard Child, Dean Olsen; Christopher Creer; Tim Metler; Karen Ellingson; and Richard Maughan.

Mayor Clyde thanked Recorder Gubler for her report. He congratulated those who had the courage to run for office, as well as all the candidates.

CL BIRD MOVED TO CERTIFY THE RESULTS OF THE MINICIPAL PRIMARY ELECION HELD SEPTEMBER 13, 2011 AS PRESENTED. CL OLSEN SECONDED THE MOTION.

ROLL CALL VOTE:

CL STRONG – AYE

CL BIRD – AYE

CL JOLLEY – AYE

CL PACKARD – AYE

CL OLSEN – AYE

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Administrator Fitzgerald expressed his appreciation to Recorder Gubler, the employees and poll workers who helped with the elections. He indicated the election had been done without a lot of worry. Administrator Fitzgerald reported that the City had budgeted \$12,000 for the cost to hold the election. He informed the Mayor and Council members that the Springville Youth City Council was trying to organize a 'Meet the Candidates' night. Manager Oldroyd confirmed that the meeting would be on Thursday, October 22, 2011 in the Council Chambers. (Recorder Gubler was excused.)

Administrator Fitzgerald informed the Mayor that the representative from the Utah National Guard was in attendance to present the Community Contract to the Council.

Lt. Mark Buffington approached the Mayor and Council and stated that he was honored for the opportunity to be in Springville. He indicated that the Utah National Guard had a formal declaration of support for service members and their families. He reported that the Community Contract had been designed to create a relationship between cities and those individuals. Lt. Buffington presented the framed covenant to be hung in the City building and reported that a copy of the same would also hang in the National Guard building in Draper. Lt. Buffington read the Springville Utah Community Covenant:

“We Recognize:

The commitment and sacrifice that service members and their families make for our community
The strength of service members comes from their families
Families must be supported by the community
The strength of the community comes from each and every resident

We Are Committed To:

Building partnerships that support that strength, resilience, and readiness of soldiers and their families
Support families through programs and volunteer efforts to mitigate the impact of deployments
Remember and honor all service members who have served and sacrifice on our behalf”

Lt. Buffington presented the framed document to Mayor Clyde. Mayor Clyde asked Lt. Buffington to report on the Springville Armory. Lt. Buffington reported that the 1457 Corp of Engineers was housed at the Springville Armory. Mayor Clyde thanked Lt. Buffington for his presentation.

CONSENT AGENDA

- 1. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))**
- 2. Approval of a contract with Utah Retirement Systems to allow all firefighters to be eligible for Long Term Disability benefits – Henry Clinton, Fire Chief**

CL PACKARD MOVED TO APPROVE THE CONSENT AGENDA AS FOLLOWS:

APPROVAL OF ALL CITY PURCHASE ORDERS PROPERLY SIGNED;

APPROVAL OF A CONTRACT WITH UTAH RETIREMENT SYSTEMS TO ALLOW ALL
FIREFIGHTERS TO BE ELIGIBLE FOR LONG TERM DISABILITY BENEFITS.

CL JOLLEY SECONDED THE MOTION. THE VOTE TO APPROVE WAS UNANIMOUS. THE MOTION CARRIED.

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PUBLIC HEARINGS

- 3. Public Hearing to receive input with respect to (i) the issuance of up to \$21,000,000 general obligations bonds, if approved by eligible voters at a special bond election to be held in the City on Tuesday, November 8, 2011 for the purpose of paying the cost of acquiring, constructing, furnishing, and equipping a recreation center and related improvements and (ii) the potential economic impact that the improvements, facility, or property for which the bonds pay all or part of the cost will have on the private sector – Alex Roylance, Building and Grounds Director**

Director Roylance approached the Mayor and Council members and presented background information for the recreation center. He explained that the best way to fund the project would be with a GOB, General Obligation Bond.

Mayor Clyde reported that the pictures displayed were concepts; i.e. the competition pool; recreational pool; and outdoor water feature. He reported that he had been questioned about meeting rooms at the facility and the Ad Hoc Committee had come up with some ideas, but the ideas were not in concrete. He explained that there may be one large and one smaller gymnasium; an exercise area; walking tract; and a variety of other features. Mayor Clyde indicated that the drawings may not be what would happen, but it was a good indication of what the City was working towards. He reported that a bond would be the best way to fund this project and stated that the proposed 0.1 percent RAP tax would be allowed by the State Law. Mayor Clyde indicated that the bond would be up for a vote at the general election. He reported that the City has spent a minimal amount of money thus far.

PUBLIC HEARING

Mayor Clyde opened the Public Hearing and invited anyone to approach the Council members with concerns or comments regarding the recreation center bond.

Mr. Tim Metler approached the Mayor and Council and explained that he has spoken to the public about the recreation center. He stated that additional information needed to be distributed to the public. Mayor Clyde thanked Mr. Metler for his comments. He reported that an Ad Hoc Committee had researched and put together a study about the recreation center. The same Ad Hoc Committee was re-organized at the beginning of the year. Director Roylance reported that the Ad Hoc Committee held Open Houses specifically for the recreation center. Mayor Clyde indicated that if the bond passes, the committee would meet again to discuss and then make a recommendation to the City Council. He reiterated that the recreation center had not been designed as yet. He informed those in attendance that an Open House would be held on October 12, 2011 at the Civic Center from 6:00 PM to 9:00 PM. Mayor Clyde reported that the location was still being discussed, but he was in favor of the location to the west by the LDS ball diamonds.

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

If passed, Cl Packard questioned how long the bond would be effective for. Mr. Matt Dugdale, representing GK Baum, stated that he believed the bond would be effective for one year and additional authorization from the Council may be required. Attorney Penrod stated that he would find the information and get back to Cl Packard.

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REGULAR AGENDA

- 4. Consideration of a request by Raymond V. Morris of R.V. Morris Properties, L.C. for a waiver of protest as required by City Code section 11-6-120 regarding the Morris Electric site located at 275 West 900 North in the LIM – Light Industrial Manufacturing Zone – Fred Aegerter, Community Development Director**

Director Aegerter indicated that the request for a waiver of protest was for the curb, gutter and sidewalk located at 275 West 900 North. He explained that the applicant may request for waiver if those improvements are not on either side of his property. Director Aegerter added that the ordinance allows for the request. He added that the City Engineer could either recommend for or against the request. The site plan was reviewed and an administration approval was granted. Director Aegerter stated that the recommendation to the Council would be to approve the request.

CL OLSEN MOVED TO APPROVE THE PROPOSED WAIVER OF PROTEST AGREEMENT. CL BIRD SECONDED THE MOTION. THE VOTE TO APPROVE THE WAIVER OF PROTEST WAS UNANIMOUS.

- 5. Consideration of a Resolution which sets a standard for deviation from fees established in the Consolidated Fee Schedule – Troy Fitzgerald, City Administrator**

City Administrator Fitzgerald explained that the proposed Resolution had been written to grant some flexibility to deviate from established fees to handle customer service issues, i.e. reduction of library fees; etc. Cl Packard questioned if the ten percent would be per year or per occurrence. Administrator Fitzgerald responded that it would be per occurrence. Cl Packard stated that as a Council member he would like to see a monthly or quarterly report to review the trend of waiving fees and where they are being waived. He questioned if that should be included in the Resolution. Mayor Clyde stated that he did not think it should be included in the Resolution, but staff would prepare a report when requested to do so by the City Council.

Cl Strong stated that he felt this might be creating a monster to only collect a few dollars and thought this might be an accounting nightmare. He added that it could cost more for not much and stated that he was not in favor of tracking the discount. Mayor Clyde stated that tracking needed to be reasonable and not on immaterial things. Cl Strong commented that the problem with reporting pointed to the mechanics of it and not in the reduction of fees. Director Riddle indicated that it would depend on what level of reporting the City Council wanted to see. He added that he did not foresee this as a big issue because there would not be many transactions. Cl Olsen stated that it would also rely on the integrity of the individual.

CL PACKARD MOVED TO APPROVE RESOLUTION #2011-23, WHICH SETS A STANDARD FOR DEVIATION FROM FEES ESTABLISHED IN THE COMPREHENSIVE FEE SCHEDULE PER OCCURRENCE. CL BIRD SECONDED THE MOTION.

ROLL CALL VOTE:

CL STRONG – AYE

CL BIRD – AYE

CL JOLLEY – AYE

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CL PACKARD – AYE
CL OLSEN – AYE

Mayor Clyde reported that the motion passes.

MAYOR, COUNCIL ADMINISTRATIVE REPORTS

There were no reports.

CLOSED SESSION

The closed session was held prior to the Regular Session.

ADJOURNMENT

CL JOLLEY MOVED TO ADJOURN THE MEETING. CL BIRD SECONDED THE MOTION. MAYOR CLYDE ADJOURNED THE REGULAR SESSION OF THE SPRINGVILLE CITY COUNCIL AT 8:09 PM.

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