

THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE



**AGENDA FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
MARCH 03, 2015 – 5:15 P.M.**

MAYOR AND COUNCIL DINNER – 4:45 P.M.

The Mayor and Council will meet in the Council Work Room for informal discussion and dinner. No action will be taken on any items.

CALL TO ORDER- 5:15 P.M.

COUNCIL BUSINESS

1. Calendar
 - March 08 – Daylight Savings
 - March 10 – Work/Study Meeting 5:15 p.m.
 - March 17 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
 - April 05 – Easter Sunday
 - April 07 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
2. Discussion on this evening's Regular Meeting agenda items
 - a) Invocation – Councilmember Conover
 - b) Pledge of Allegiance – Councilmember Sorensen
 - c) Consent Agenda
 2. Approval of City purchase orders required to be signed per Springville City Code §2-10-110(5)
 3. Approval of Minutes – June 10, 2014 and June 17, 2014 Work/Study meeting; January 20, 2015 Regular Council meeting.
3. **DISCUSSIONS/PRESENTATIONS**
 - a) Discussion of Cemetery Policies – Alex Roylance, Building and Grounds Director
 - b) Wayne Bartholomew Pond Budget – Alex Roylance, Building and Grounds Director
 - c) Aquatic Center Activity Exploratory Committee Update – John Penrod, Assistant City Administrator/City Attorney
 - d) Secondary Water Utility – Brad Stapley, Public Works Director
 - e) Training – John Penrod, Assistant City Administrator/City Attorney
4. **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder of Springville City, does hereby certify that the above notice and agenda was posted within the Springville City limits on February 26, 2015 at Springville City Hall, on the City Hall Notice Board, on the Springville City website at www.springville.org/agendasminutes on the Utah Public Notice Website at <http://www.utah.gov/pmn/index.html> and provided to at least one newspaper of general circulation within the geographic jurisdiction of the public body
/s/ Kim Rayburn, City Recorder

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

5. CLOSED SESSION

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

ADJOURNMENT

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**AGENDA FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
MARCH 03, 2015 – 7:00 P.M.**

CALL TO ORDER

INVOCATION AND PLEDGE

APPROVAL OF THE MEETING'S AGENDA

MAYOR'S COMMENTS

PUBLIC COMMENT: *Audience members may bring any item not on the agenda to the Mayor and Council's attention. Please complete and submit a "Request to Speak" form. Comments will be limited to two or three minutes, at the discretion of the Mayor. State Law prohibits the Council from acting on items that do not appear on the agenda.*

CEREMONIAL/PRESENTATION AGENDA

1. Presentation of Springville High School Sterling Scholars – Shannon Acor, CTC Coordinator

CONSENT AGENDA*

2. Approval of City purchase orders required to be signed per Springville City Code §2-10-110(5)
3. Approval of Minutes – June 10, 2014 and June 17, 2014 Work/Study meeting; January 20, 2015 Regular Council meeting.

PUBLIC HEARING

4. Consideration of amendments to the Land Use Map of the General Plan from Medium Density Residential to Commercial and the Official Zone Map from the R1-5 Single-Family Residential Zone to the CC-Community Commercial Zone for the property located at 363 South 200 East – Fred Aegerter, Community Development Director

REGULAR AGENDA

5. Consideration of an Ordinance enacting regulations regarding Mobile Food Businesses – John Penrod, Assistant City Administrator/City Attorney
6. Consideration of approving a Resolution that establishes a business license fee for Mobile Food Businesses – John Penrod, Assistant City Administrator/City Attorney

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

This meeting was noticed in compliance with Utah Code 52-4-202 on February 26, 2015. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

- Kim Rayburn, City Recorder

The next regular Council Meeting will be held on March 17, 2015 at 7:00 p.m. in the Civic Center Council Chambers, 110 South Main Street, Springville, unless otherwise noticed. In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

*The Consent Agenda consists of items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Council. The Agenda provides an opportunity for public comment. If after the public comment the Council removes an item from the consent agenda for discussion, the item will keep its agenda number and will be added to the regular agenda for discussion, unless placed otherwise by the Council.

CLOSED SESSION

7. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

ADJOURNMENT

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**MINUTES FOR THE WORK/STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
MULTIPURPOSE ROOM, 110 SOUTH MAIN STREET
JUNE 10, 2014 – 5:15 PM**

6

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, June 10, 2014 at 5:15 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

12

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Council Member Richard Child, Council Member Craig Conover, Council Member Christopher Creer, Council Member Dean Olsen, Council Member Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/Finance Director Bruce Riddle, Assistant City Administrator/City Attorney John Penrod, and City Recorder Kim Rayburn.

18

Also present were: Administrative Services Manager Rod Oldroyd, Community Development Director Fred Aegerter, Power Director Leon Fredrickson, Public Works Director Brad Stapley, Public Safety Director Scott Finlayson, Buildings and Grounds Director Alex Roylance, Recreation Director Charles Keeler, Museum of Art Director Dr. Rita Wright, and Golf Pro Sonny Braun and Juan Garrido Water Reclamation and Storm Water Superintendent.

24

CALL TO ORDER

Mayor Clyde welcomed the Council, staff, and audience as he called the meeting to order at 5:15 p.m.

26

Recreation Director Charles Keeler gave an update on the Art City Days 2014 celebration. He noted 2100 attended the Nestle 5k run; 400 attended the talent show, and 1200 attended the rodeo. He said the duck, dunk and dive was well attended. The Skate Park had plenty of attendees, but no entrants in the skateboard competition. A new item this year at the Children's Arts Festival was food trucks and was very well attended.

32

Operations Manager Oldroyd reported a survey of the splash pad snow shack over 400 attending the splash pad 99.9% were in favor of the snow shack. Councilmember Conover asked if others not attending were surveyed. Mayor Clyde replied other parks have concessions. Councilmember Conover stated there needs to be a better job of surveying other snow cone shacks. Councilmember Sorensen stated it was discussed in Council last week and the decision was to keep it for this year.

38

COUNCIL BUSINESS

1. Calendar

40

- June 7-14 – Art City Days

- June 14 – Grand Parade 10:00 a.m.
- June 14 – Flag Day
- June 15 – Father’s Day
- June 17 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- June 21 – First Day of Summer

2. **DISCUSSIONS/PRESENTATIONS**

a) **Wastewater, Residents Not Connected to Sewer** – Juan Garrido, Water Reclamation and Storm Water Superintendent

Superintendent Garrido reviewed premises not connected to the sanitary sewer permitting process and explained residents with septic tanks are required to apply for a special permit for the temporary use of alternate sewage disposal systems on such conditions as the City Council shall deem appropriate for protection of the City and the health of the residents of the area. All such special permits shall expire and the holder thereof shall be required to connect the premises to the City’s sewer system when the permit holder’s sewer service lateral can gravity flow to any existing public sewer main with available capacity that is located within 250-feet of the property line.

Superintendent Garrido noted the Springville City Ordinance has gone through the DWQ Public Comment process. There were no comments and they are awaiting the written approval from the State. The Permit form has been created to start “permitting” the septic systems. Superintendent Garrido explained they are researching ways to record the septic system with the Utah County Recorder and are working on a strategy to register the 142 known sites within a four month period. He noted there is no fee at this point and it is not on the fee schedule.

Superintendent Garrido explained the Wastewater Department will look at each location and decide if it’s necessary to hook into the City sewer system. If they stay on septic they will need to keep up with the maintenance. He advised as soon as final research from the County Recorder is received the property owners will be notified and assisted. The current Ordinance does have some exceptions. Mayor Clyde commented he would like to see residents given plenty of time to change over if necessary.

b) **Pool Presentation on a Plan to Replace the Springville City Pool** – City Administrator Troy Fitzgerald

Administrator Fitzgerald reviewed with the Council discussions from the last council meeting. He explained Wasatch County is looking to build a facility similar to what the City has been looking into and reviewed their design with the Council. He noted the cost for the Wasatch facility is more than what the City has been looking to spend. Administrator Fitzgerald discussed options other cities have done, and asked for feedback on what Springville wants. He also reviewed a pool worksheet with various costs involved and different ways of financing.

Councilmember Sorensen noted there have been discussions from other entities about a south county facility and stated the old Santana raceway property would be a good location. Mayor Clyde replied there is a challenge of where to locate such a facility and which cities are willing to participate.

80 Councilmember Sorensen stated he would like to talk with other City Councilman and get their
81 opinions.

82 Mayor Clyde expressed he would like to see an outdoor recreation pool. He noted the downsides
83 are putting funds into the existing pool, the need for more staff and closing the outdoor pool in the
84 winter months.

85 City Administrator Fitzgerald asked for recommendations from the Council. Councilmember
86 Conover commented he has received feedback from citizens that they would like a pool facility. He
87 noted locating the facility on the west side of the City would give other cities better access. Also, he
88 asked what would be used more a competitive pool or a recreational pool.

89 Councilmember Sorensen expressed to keep the School District in mind and the City should not
90 have to fit the bill for other cities. He proposed the City should design what is best for the community.
91 He stated maybe a competition pool is not the answer money used for seating during competitions could
92 be put it into other areas like outside facilities that citizens can use.

93 Councilmember Conover agreed and stated a general obligation bond will not likely pass. He
94 expressed taking out the competition pool and do what is right for the citizens, go family oriented and
95 recreational based.

96 Mayor Clyde remarked if the City builds a lesser facility the attendance will go to other cities
97 and asked the Council what type of facility do they want?

98 Council discussed the possibility of using current school buildings and the impact to pool patrons
99 and the school if the pool is closed. Mayor Clyde stated the School District needs to be contacted about a
100 possible contribution. Councilmember Sorensen said he will contact the Nebo School District Board and
101 discuss options. Mayor Clyde stated this will need to be discussed further in another work session.
102 Administrator Fitzgerald asked what information the Council would like to see at the next meeting.
103 Councilmember Sorensen said he would like to see what land is available. Administrator Fitzgerald
104 instructed operational cost is also a big item to consider.

106 c) **Training – John Penrod, Assistant City Administrator/City Attorney**

107 Attorney Penrod reviewed the RDA west of I15. He explained tax increment and benefits of a
108 project that allows tax increment.

109 **3. MAYOR, COUNCIL, ADMINISTRATIVE REPORTS**

110 a) **Discussion with Department Directors**

111 Sonny Braun, Golf Pro reported the golf course is working on a discount card for play Sunday-
112 Thursday after 11:00 a.m.

113 John Penrod, City Attorney reported the City owns a home on Canyon Road and the City is
114 looking to put an intersection in the area, he explained the house is vacant and not rentable and would
115 like the Councils feedback on razing the home. Public Works Director, Brad Stapley explained they are
116 looking at different options for the intersection one of them is a roundabout. Mayor Clyde stated he
would like to see what the traffic flow will be with a new roundabout.

118 Attorney Penrod commented he met with Reagan Signs regarding a billboard they would like to
120 move further into the City and explained if there is not a mutual agreement on the new location of the
122 billboard by State Code they will get the location they want. He noted the location they are looking at is
the highest traffic count in the City and explained they own most of the billboards along Interstate 15
and want to keep a smaller sign on Main Street. Council asked Attorney Penrod to get an appraisal and
bring it back for their review.

124 Director Stapley remarked the Water Board met at the pressurized irrigation pond this morning
and the pond is full. He explained Burt Springs water was used to fill the pond and no culinary water
126 was used, noting the pond is beautiful and nice. He went on to explain the upper pond needs to be
dredged and they are looking at adding more sand to the narrow area of the beach.

128

b) Commission, Board, and Committee Minutes and Recommendations

- 130 i. Emergency Preparedness Committee minutes for April 17, 2014
ii. Golf Committee minutes for May 05, 2014
132 iii. Parks and Recreation Board minutes for April 24, 2014
iv. Planning Commission minutes for March 25, 2014
134 v. Water Board minutes for May 13, 2014

There was no discussion of the board minutes.

136

c) Mayor and Council Reports

There was no discussion

138

4. CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

140 *The Springville City Council may temporarily recess this meeting and convene in a closed
session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or
142 lease of real property, as provided by Utah State Code Annotated §52-4-205.*

142

There was no closed session.

144

ADJOURNMENT

146

COUNCILMEMBER OLSEN MOVED TO ADJOURN THE WORK/STUDY CITY
COUNCIL MEETING AT 6:50 P.M. COUNCILMEMBER SORENSEN SECONDED THE MOTION,
148 AND ALL PRESENT VOTED AYE.



**MINUTES OF THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JUNE 17, 2014 – 5:15 P.M.**

6

8 The following are the minutes of the Work/Study Meeting of the Springville City
Council. The meeting was held on **Tuesday, June 17, 2014 at 5:15 p.m.** in the Springville City
Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of
10 this meeting, as required by law, was posted in the Civic Center and on the City's website, and
delivered to members of the Council, media, and interested citizens.

12

14 COUNCILMEMBER CHILD MOVED TO APPOINT COUNCILMEMBER CREER
AS MAYOR PRO TEM AND TO GIVE HIM THE AUTHORITY TO SIGN DOCUMENTS
FROM PREVIOUS MEETINGS. COUNCILMEMBER OLSEN SECONDED THE MOTION,
16 AND ALL PRESENT VOTED AYE.

18 Mayor Pro Tem Creer presided. In addition to Mayor Pro Tem Creer, the following were
present: Councilmember Richard Child, Councilmember Christopher Creer, Councilmember
20 Dean Olsen, Councilmember Chris Sorensen, Assistant City Administrator/Finance Director
Bruce Riddle, Assistant City Administrator/City Attorney John Penrod, and City Recorder Kim
22 Rayburn.

Also present were: Power Director Leon Fredrickson, Building and Grounds Director
24 Alex Roylance, Recreation Director Charles Keeler, Administrative Services Manager Rod
Oldroyd, and Museum of Art Director Dr. Rita Wright. Excused from the meeting; Mayor
26 Wilford W. Clyde, Councilmember Craig Conover and City Administrator Troy Fitzgerald

28 **MAYOR AND COUNCIL DINNER – 4:45 P.M.**

30 *The Mayor and Council will meet in the Council Work Room for informal discussion and
dinner. No action will be taken on any items.*

32 **CALL TO ORDER TIME:**

34 Mayor Pro Tem Creer welcomed the Council, staff, and audience as he called the meeting
to order at 5:16 p.m.

36 **COUNCIL BUSINESS**

1. Calendar

- 38 • July 1 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- July 4 – Independence Day (City Offices Closed)
- 40 • July 8 – Work/Study Meeting 5:15 p.m.
- July 15 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

- 42 • July 24 – Pioneer Day (City Offices Closed)
- 44 • July 28 – Springville World Folkfest Street Dance 8:00 p.m.

44 Mayor Pro Tem Creer asked that a walk-through of the new junior high school be added
46 to the calendar for June 30, 2014.

48 **2. DISCUSSION ON THIS EVENING’S REGULAR MEETING AGENDA ITEMS**

- 50 a) Invocation – Councilmember Olsen
- 50 b) Pledge of Allegiance – Councilmember Child
- 52 c) Consent Agenda
 - 52 2. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
 - 54 3. Approval of Minutes – March 11, 2014 Joint City Council Work/Study Meeting and the Economic Development Advisory Commission
 - 56 4. Approval of Tree Trimming Contract – Brandon Graham, Power Distribution Superintendent
 - 58 5. Approval of Pole Contract – Brandon Graham, Power Distribution Superintendent
 - 60 6. Certified Property Tax Rate for FY2014-2015 – Bruce Riddle
 - 62 7. Approval of a Resolution that appoints Craig Conover and Chris Sorensen to the Taxing Entity Committee for the Redevelopment Agency of Springville City – John Penrod, Assistant City Administrator/City Attorney
 - 64 8. Approval of Appointment to the Sign Ad Hoc Committee; Mike Snelson, John Garfield, Brian Johnson, Ann Anderson, Sharon Ewing, and Jeannie Bate
 - 66 9. Approval of Re-Appointment to the Planning Commission – Brad Mertz and Frank Young

68 Mayor Pro Tem Creer asked if there were any questions regarding the regular agenda.
70 There was none.

70 **3. DISCUSSIONS/PRESENTATIONS**

72 a) **400 South Lane Striping** – Brad Stapley, Public Works Director
74 Noah Gordon City Engineer reported on the restriping project from Main Street and 400 South to 400 East. He explained it as one of the most traveled areas in the City between Main Street and 400 East.

76 Previously the diagonal parking was removed excluding the area of 300 East and 400 South until the time traffic volumes increase or September 2014; at that time the City Council can vote to have it removed. Engineer Gordon mentioned by eliminating parking on 400 South it will help with traffic flow.

80 Engineer Gordon reviewed funding of the entire project explaining funding for widening and restriping through MAG will have to wait until 2018 when funds are available. He reported
82 in order to do the project immediately the City would need to provide the funding and proposed

84 doing a slurry seal, which has two benefits; it will eliminate the old striping and prolong the life
of the road. Another option is to work with UDOT and MAG with the City contributing a 7%
match.

86 ~~b) Code Enforcement Policy—Fred Aegerter, Community Development Director~~

88 Item moved to August 5, 2014

90 c) **Review the new State laws from this last legislative session** – John Penrod,
Assistant City Administrator/City Attorney

92 Attorney Penrod gave a review of the recent legislative session.

94 Attorney Penrod informed the Council an individual is interested in purchasing 9 acres of
City owned property in the industrial park. He would like feedback from the Council, noting it
96 would involve getting an appraisal of the property and updating the ordinance. Also, a portion of
the property is wetlands and can be sold as wetlands. Attorney Penrod was directed to move
98 forward and get an appraisal of the property.

100 d) **Training** – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod reviewed Due Process with the Council.

102
4. **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

104 Attorney Penrod informed the Council; Regan Signs will have a presentation of what the
sign will look like at 900 North Main at 9:00 a.m. at that location for those that would like to
106 attend.

108 5. **CLOSED SESSION**

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110 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*

112 There was none.

114 **ADJOURNMENT**

COUNCILMEMBER CHILD MOVED TO ADJOURN THE WORK/STUDY
116 MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:15 P.M. COUNCILMEMBER
OLSEN SECONDED THE MOTION, ALL VOTED AYE.



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JANUARY 20, 2015 – 7:00 P.M.**

6

The following are the minutes of the Regular Meeting of the Springville City Council.
8 The meeting was held on **Tuesday, January 20, 2015 at 7:00 p.m.** in the Springville City Civic
Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this
10 meeting, as required by law, was posted in the Civic Center and on the City’s website, and
delivered to members of the Council, media, and interested citizens.

12
14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were
present: Councilmember Rick Child, Councilmember Craig Conover, Councilmember
Christopher Creer, Councilmember Dean Olsen, Councilmember Chris Sorensen, City
16 Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod,
Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

18 Also present were: Lieutenant Dell Gordon, Administrative Services Manager Rod
Oldroyd, Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley,
20 Power Director Leon Fredrickson and Museum of Art Director Dr. Rita Wright

22 **CALL TO ORDER**

Mayor Clyde welcomed everyone and called the meeting to order at 7:02 p.m.

24 **INVOCATION AND PLEDGE**

26 Mayor Clyde offered the invocation, and Councilmember Child led the Pledge of
Allegiance.

28 **APPROVAL OF THE MEETING’S AGENDA**

30
32 COUNCILMEMBER OLSEN MOVED TO APPROVE THE MEETING’S AGENDA
AS WRITTEN. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL
VOTED AYE.

34 **MAYOR’S COMMENTS**

36 Mayor Clyde welcomed the Council, staff and audience. He observed scouts in the
audience and asked them to stand and introduce themselves. Scouts from Troop #122 were
38 recognized.

42 **PUBLIC COMMENT**

44 Mayor Clyde introduced the Public Comment section of the agenda. He asked if there were any requests.

46 Mayor Clyde invited Daniel Salazar to speak. Mr. Salazar asked the Council with the separation of church and state can you have a public prayer. City Attorney Penrod replied the Supreme Court upheld prayer during Government public meetings. Mayor Clyde thanked Mr. Salazar for his comments.

50 **CEREMONIAL AND PRESENTATION AGENDA**

52 1. **Presentation of the Mayor's Awards** – Shannon Acor, CTC Coordinator

54 Mayor Clyde asked Councilmember Olsen to help with the awards. CTC Coordinator Acor presented this month's Mayor's Award to the following youth.

56 Daniel Salazar, was nominated by a group of students from Springville High School. They stated Daniel is a super great guy. He is courteous to other students and helps support several clubs and organizations at Springville High school.

58 Rebecca Morrison was nominated by Mike Brown, Principal of Springville High School. Mr. Brown wrote, Rebecca is an honor student, president of the SHS National Honor Society and tries to complete 100 hours of community service each year.

60 Mallory Murdock was nominated by Monica Linton, Springville High School Counselor. Ms. Linton wrote, Mallory is a dynamic member of the HOPE Squad at the High School. She has chosen to attend extra training events and stayed after school to provide suicide prevention training to the teachers.

64

66 2. **Kiwanis Club report on their Sub for Santa Program**

68 Russell Moss, President of the Kiwanis Club shared information with the Council on what the Club does for the community. Kent Wolf a Kiwanis Club member and Assistant Key Club Advisor at Springville High School gave an overview of the last year. Mr. Wolf explained the Kiwanis Club has helped over 300 families and 600 children with various fund raisers such as a Sub-for-Santa 5K race, food drives and their annual scone booth during Art City Days.

72 Mayor Clyde thanked the Kiwanis Club for helping the community and giving students an opportunity help as members of the Key Club.

74 **CONSENT AGENDA**

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

78 4. Approval of Minutes – November 04, 2014 City Council Meeting

80 5. Approval of the appointment of Lesa Hyer to the Aquatic Activity Center Ad Hoc Committee.

82 6. Approval of a declaration of surplus property – Bruce Riddle, Assistant City Administrator/Finance Director

84 COUNCILMEMBER SORENSEN MOVED TO APPROVE THE CONSENT
AGENDA AS WRITTEN.

86 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE MOTION
PASSED UNANIMOUSLY.

88 **REGULAR AGENDA**

90 7. **Consideration of the renaming of the collector street that runs from 1200 West and
1325 South to Devon Glen Drive (550 North) and ending at Hobble Creek** – John
Penrod, Assistant City Administrator/City Attorney

92 Attorney Penrod reported on the recommendation from the Planning Department and
explained currently the street has four different names or designations. There is also a gas line
94 the runs underneath the street. The name that is recommended for the entire street is West Fields
Way and as property is developed it will connect as one street.

96 Mayor Clyde noted there were some requests for public comment on this item and asked
those wanting to comment to step forward.

98 Joe Memmott, 859 Mattea Lane; Mr. Memmott stated it is a tremendous burden on
homeowners to change to a new name and asked the Council to choose a name that exists in the
100 area to lessen the burden on some. He expressed there was an opportunity to make the change
fifteen years ago.

102 Tanya Roylance, 837 Mattea Lane; Ms. Roylance conveyed there is a natural separation
off of 400 south and requested a different name be used to unify the streets and suggested
104 Frontier Elm Trees, Frontier Street or Elm Street.

106 Andrea Hadlock, 1178 West 1325 South; Ms. Hadlock stated she is concerned about
those that live on the road that runs east to west and combining a road that runs north and south
as an east to west. She expressed by using a grid system it is easy to find an address. Ms.
108 Hadlock proposed that 1325 South be left off of the change.

110 Heidi Bayles, 871 Mattea Lane; Ms. Bayles stated she has lived at this address for three
years. She expressed she would like a different name and proposed, Riparian Way or Bucolic
which means lovely rural setting.

112 Jeff Dabs asked about the historical context of Westfield's Way. Mayor Clyde replied
the area was known as the Westfield's and Mattea Lane came from owners of the property.

114 Mayor Clyde asked for clarification of the streets involved.

116 Councilmember Conover expressed his biggest problem is with the letter that was mailed
from the Planning Department and does not appreciate the intent of stating how the Council will
vote.

118 Councilmember Creer advised to make the change when it becomes all one street and to
leave 1325 South out of the change.

120 Lieutenant Gordon commented that Public Safety works best with a grid system for
responding to emergencies and would like to see it stay with the north, south, east, west, intact.

122 Administrator Fitzgerald replied staff will work on ways to minimize the impact and
notify residents when the Planning Department reconsiders making changes.

124 Councilmember Sorensen expressed he appreciates the Planning Commission for their
125 approach to make things uniform and consistent.

126

127 COUNCILMEMBER CONOVER MOVED TO DISAPPROVE THE RENAMING OF
128 THE STREET KNOWN AS 550 WEST, WOODSPRINGS DRIVE, 750 WEST, MATTEA
LANE, AND 1325 SOUTH TO WESTFIELDS WAY.

130 COUNCILMEMBER CREER SECONDED THE MOTION. THE MOTION PASSED
UNANIMOUSLY.

132

133 8. **Consideration of approving a Real Estate Purchase Agreement to purchase the**
134 **property located at 17 Brookside Drive, Springville, Utah** – John Penrod, Assistant
City Administrator/City Attorney

136 Mayor Clyde explained the seller of the property has asked if this item could be moved to
February 3, 2015.

138

139 COUNCILMEMBER CONOVER MOVED TO CONTINUE ITEM#8 TO THE
140 REGUALR CITY COUNCIL MEETING ON FEBRUARY 3, 2015.

141 COUNCILMEMBER CHILD SECONDED THE MOTION. THE MOTION PASSED
142 UNANIMOUSLY.

144 9. **Consideration of approving an Interlocal Agreement with Utah County wherein**
145 **Springville City will receive a grant to construct a pedestrian bridge near the City's**
146 **Community Park** – John Penrod, Assistant City Administrator/City Attorney

147 Attorney Penrod reported grant monies have been approved to provide funds to build a
148 pedestrian bridge across Hobble Creek on the Southside of the City's Community Park.

149 Councilmember Sorensen asked how it will affect the possible realignment of Hobble
150 Creek. Attorney Penrod replied the realignment will be further to the west and will not affect the
bridge.

152 Director Stapley explained the project manager will be the Public Works Director at the
County because it runs through the County.

154 Kent Wolf asked if the funds include the entire cost of the bridge. Attorney Penrod
replied it does.

156

157 COUNCILMEMBER CREER MOVED TO APPROVE AN INTERLOCAL
158 AGREEMENT WITH UTAH COUNTY WHEREIN THE COUNTY WILL PROVIDE THE
CITY WITH \$157,000 GRANT TO INSTALL A PEDESTRIAN BRIDGE ACROSS HOBBLE
160 CREEK ON THE SOUTH SIDE OF THE CITY'S COMMUNITY PARK.

161 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE MOTION
162 PASSED UNANIMOUSLY.

164 10. **Consideration of approving an Interlocal Agreement with Utah County wherein**
165 **Springville City will receive a grant to make improvements to the 800 East 400**
166 **South intersection** – John Penrod, Assistant City Administrator/City Attorney
167 Attorney Penrod reported on the Interlocal Agreement with Utah County. There was no
168 further discussion.

170 COUNCILMEMBER CREER MOVED TO APPROVE AN INTERLOCAL
171 AGREEMENT WITH UTAH COUNTY WHEREIN THE COUNTY WILL PROVIDE THE
172 CITY WITH A GRANT OF \$590,000 TO MAKE IMPROVEMENTS TO THE 800 EAST 400
173 SOUTH INTERSECTION.

174 COUNCILMEMBER SORENSEN SECONDED THE MOTION. THE MOTION
175 PASSED UNANIMOUSLY.

176
177 Ron Francom asked about a plan to consider a roundabout for this intersection. Mayor
178 Clyde replied staff is looking at the possibility of a traffic light.

179 Kent Wolf asked what is planned for the outside areas of the intersection.
180 Councilmember Conover replied landscaping will be put into place.

182 11. **Consideration of the future direction of the (CTC) Communities That Care**
183 **Program** – John Penrod, Assistant City Administrator/City Attorney

184 Attorney Penrod explained to the Council three options for the CTC Program. Procure
185 funding for the program from other sources, continue with business as usual or break ties with
186 the County and not receive the additional funding from the County.

187 Attorney Penrod recounted the accomplishments of the program and stated it is worth
188 keeping. He outlined various options including the SOARS program noting the Mayor's awards
189 is part of the program and could continue with this method. He also explained focusing on
190 mental health and developing a relationship with NAMI, do public awareness campaigns,
191 continue the Take Back events and town hall meetings.

192 Councilmember Olsen asked on a scale of 1-10 the likelihood of getting more money
193 from the County. Attorney Penrod replied the County would want them to start over and do an
194 assessment that will take time. Attorney Penrod noted working with the County has been good.

195 Councilmember Sorensen asked how the same program can run with fewer hours from
196 the Coordinator. Attorney Penrod replied it can be maintained however, they would need to
197 focus on getting more volunteers. Councilmember Sorensen stated he would agree with not
198 continuing with the County but questions being able to run the program on fewer hours.

199 Mayor Clyde asked how the County funds the program. Attorney Penrod explained the
200 funding comes from State and Federal funds and is given to the County to disburse. Mayor Clyde
201 asked who setup the CTC model. Attorney Penrod stated it was setup by the University of
202 Washington.

203 Attorney Penrod explained the Legal Department has taken one full time position and
204 combined it into two part time positions leaving some funding to go towards the CTC program.

206 Councilmember Sorensen asked if there was other funding available. Attorney Penrod
replied if the City joined a coalition like CADCA it's possible the City could qualify for other
208 monies. Mayor Clyde suggested regrouping and approaching people that have been involved in
these programs.

210 Councilmember Sorensen stated he would like to hear from Shannon Acor, the CTC
Coordinator. Ms. Acor replied it will be difficult to reduce the hours and the program does good
things. She expressed the need to get volunteers involved and participating.

212
214 COUNCILMEMBER SORENSEN MOVED TO APPROVE PROVIDING A
SUBSTANCE PREVENTION PROGRAM WITHOUT COUNTY FUNDING.

216 COUNCILMEMBER CREER SECONDED THE MOTION. THE MOTION PASSED
UNANIMOUSLY.

218 **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

There was none.

220
222 **CLOSED SESSION**

12. *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.

226
228 **ADJOURNMENT**

230 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE CITY COUNCIL
MEETING AT 8:42 P.M. COUNCILMEMBER CHILD SECONDED THE MOTION, AND
ALL VOTED AYE.



STAFF REPORT

DATE: February 25, 2015

TO: Honorable Mayor and City Council

FROM: J. Fred Aegerter, Community Development Director

SUBJECT: CONSIDERATION TO AMEND THE GENERAL LAND USE MAP FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL AND AMEND THE OFFICIAL ZONE MAP FROM R1-5 RESIDENTIAL TO CC-COMMUNITY COMMERCIAL ON THE PROPERTY LOCATED AT 363 SOUTH 200 EAST.

RECOMMENDED MOTION

Motion #1 – General Plan Land Use Map Amendment

Move to approve Ordinance No ____-2015 amending the Land Use Map element of the General Plan from Medium High Density Residential to Commercial on the property located at 363 South 200 East, contingent upon the two properties being combined into one parcel.

Motion #2 – Official Zone Map Amendment

Move to approve Ordinance No ____-2015 amending the Official Zone Map R1-5 Single-Family Residential to CC-Community Commercial on the property located at 363 South 200 East, contingent upon the two properties being combined into one parcel.

SUMMARY OF ISSUES/FOCUS OF ACTION

1. Does the proposed request meet the requirements of Springville City Code, regarding amendments to the General Plan?
2. Does the proposed request to rezone this property meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to the Title and Zone Map?
3. Does the request maintain the intent of the General Plan?

BACKGROUND

The existing dental office of Mark Fullmer DDS is located at 225 East 400 South. The site currently has zero off street parking, requiring patrons to park along 400 South and 200 East streets. In the near future, parking along 400 South will no longer be an option.

Mr. Fullmer has purchased the property at 363 East 200 East, which is directly behind his office, and would like to construct a small parking lot for his patrons that will connect via a walkway behind the dental office.

The existing home would be removed and the proposed parking lot would abut, but not connect to, the existing parking lot to the east due to an approximate three foot the grade difference between the two properties.

Prior to 2003 the property was zoned commercial. The City conducted a city wide zone map amendment making the boundary consistent with the current use of the properties.



DISCUSSION

The dental office falls within the museum corridor, which includes a mix of small-scale businesses, professional offices and residences. The character of this area is important to its success and it's co-existence with the residential neighborhoods surrounding it. Future uses should be of similar scale and provisions for pedestrian traffic should also be considered to help retain and expand the synergy that currently exists in that area

General Plan - Land Use and Population -Objective 4

- Provide conveniently-located commercial and professional office uses to serve the residents of Springville and surrounding areas.

The synopsis of this section of the General Plan discusses the need for commercial expansion within established areas in the community and where opportunities for expansion need to be balanced with creating stable residential areas. The opportunity for redevelopment becomes an important option for some commercial properties that do not function well and are obsolete in many ways.

Minimum Zoning Regulations

The CC-Community Commercial minimum lot area is 20,000 square feet. The dental office parcel has 5,663 square feet and the proposed parking lot parcel contains 10,890 square feet. If

the parcels are not combined, there is the risk that the parcel could be sold off separate to be used for other possible commercial uses. Staff's recommendation to the Commission was that the two parcels be required to be combined recognizing that even though the two together are just under the minimum required (16,553 sq. ft.), they would be more conforming than the present situation.

Proposed Parking Lot Site Plan

Attached is a concept plan of the proposed parking lot. If the zoning amendments are approved, the applicant may apply for an Administrative Approval for the parking facility. A 15-foot landscaped transitional buffer will be required along the north property boundary that will include at a minimum, one evergreen tree and five shrubs every 20 linear feet along with a six-foot solid fence. A street frontage landscape border will also be required with a minimum three-foot screening consisting of a berm, wall or hedge row or combination.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the proposed amendments on February 24, 2015 in where a public hearing was held. A summary of the comments/discussion is below.

Ms. Karen Ifediba of 450 South 100 East was recognized and stated that she resides in the general neighborhood and knows firsthand what the parking is like. She mentioned parking will be a bigger problem when on street parking is restricted along 400 South from Main to 400 East.

Mr. Curtis Eppley of 314 South 100 West was recognized and stated that he is in favor of the amendment recognizing the parking would be safer for the citizens and agreed that the properties should be combined.

Commissioner Baker mentioned that she also lives in the area and had heard from neighbors across the street that were not in favor, due to not wanting to see the home torn down. She was also concerned with what the residents directly north of the proposed parking lot would think having a parking lot adjacent. Commissioner Baker acknowledged that additional parking is needed.

Commissioner Nolte stated this is a situation where we are paying for the mistakes of our past, but feels parking needs to be provided for the citizens.

COMMISSION ACTION:

Motion #1 – General Plan Land Use Map Amendment

Commissioner Mertz moved to recommend approval of the proposed General Plan Land Use Map amendment from Medium Density Residential to Commercial on the property at 363 South 200 East and finding the recommendation is in keeping with the intent of the General Plan, contingent upon the two parcels being combined. Commissioner Young seconded the motion. Approval was unanimous.

CITY COUNCIL AGENDA

March 3, 2015

Commission Vote

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Craig Huff	X	
Frank Young	X	
Genevieve Baker	X	
Joyce Nolte	X	
Michael Clay	X	
Brad Mertz	X	
Carl Clyde	X	

Motion #2 – Official Zone Map Amendment

Commissioner Young moved to recommend approval of the proposed amendment to the Official Zone Map from the R1-5-Residential zone to CC-Community Commercial on the property at 363 South 200 East and finding the recommendation is in keeping with the intent of the General Plan, contingent upon the two parcels being combined. Commissioner Nolte seconded the motion. Approval was unanimous.

Commission Vote

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Craig Huff	X	
Frank Young	X	
Genevieve Baker	X	
Joyce Nolte	X	
Michael Clay	X	
Brad Mertz	X	
Carl Clyde	X	

ALTERNATIVES

1. Adopt the general plan/zoning amendment/ordinances as proposed;
2. Amend and adopt the proposed general plan/zoning amendment/ordinances;
3. Reject the proposed general plan/zoning amendment/ordinances.

Laura Thompson
City Planner

Attachments

ORDINANCE NO. ____-2015

AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN THAT RECLASSIFIES THE PARCEL LOCATED AT 363 SOUTH 200 EAST FROM MEDIUM HIGH DENSITY RESIDENTIAL TO COMMERCIAL.

Be it ordained by the City Council of Springville, Utah:

Section 1: The following described area, as shown on the Generalized Future Land Use Map of the Springville City General Plan and shown on the attached Exhibit A, shall be changed to the following respective land use classifications as shown on Exhibit A (attached) from Medium High Density Residential to Commercial.

Section 2: The Zoning Administrator shall cause the Generalized Future Land Use Map of the General Plan to be amended to show the change made by Section 1 above.

Section 3: The foregoing amendment was submitted to and considered by the Planning Commission after which a public hearing was held by the Planning Commission on February 24, 2015 which was noticed as required by law and which gave all interested parties an opportunity to be heard. The Planning Commission thereafter submitted the same to the City Council with its recommendation that the amendment be made. The City Council held a public hearing on March 3, 2015, notice of which was given as required by law. At said hearing all interested parties were given an opportunity to be heard.

Section 4: This amendment shall become effective with the signature of the Mayor.

Approved by the City Council of Springville, Utah this 3rd day of March, 2015.

Wilford W. Clyde, Mayor

ATTEST:

City Recorder

EXHIBIT "A"



ORDINANCE NO. ____-2015

AN ORDINANCE REZONING THE PROPERTY AT 363 SOUTH 200 EAST FROM THE R1-5 SINGLE-FAMILY RESIDENTIAL ZONE TO THE CC-COMMUNITY COMMERCIAL ZONE AND AMENDING THE OFFICIAL ZONING MAP.

Be it ordained by the City Council of Springville, Utah:

Section 1: To the extent that the following area, as shown on Exhibit "A" is in any zone other than the R1-5 Single-Family Residential Zone, the following described area is hereby rezoned from its existing zone to the CC-Community Commercial Zone, and hereafter all rules and regulations applicable to the CC-Community Commercial Zone shall apply within said area.

Section 2: The Community Development Director shall cause the Official Zoning Map of the City to be amended to show the rezoning made by Section 1 above.

Section 3: The foregoing zone change was submitted to and considered by the Planning Commission on February 24, 2015, after a public hearing notice of which was given as required by law. The Planning Commission thereafter submitted the same to the City Council with its recommendation that the zone change be made. The City Council held a public hearing on the matter on March 3, 2015, notice of which was given as required by law. At said hearings, all interested parties were given an opportunity to be heard.

Section 4: All ordinances, resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5: This ordinance shall become effective one day after publication hereof in the manner required by law.

Section 6: The City Recorder shall cause this ordinance or a short summary hereof, to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

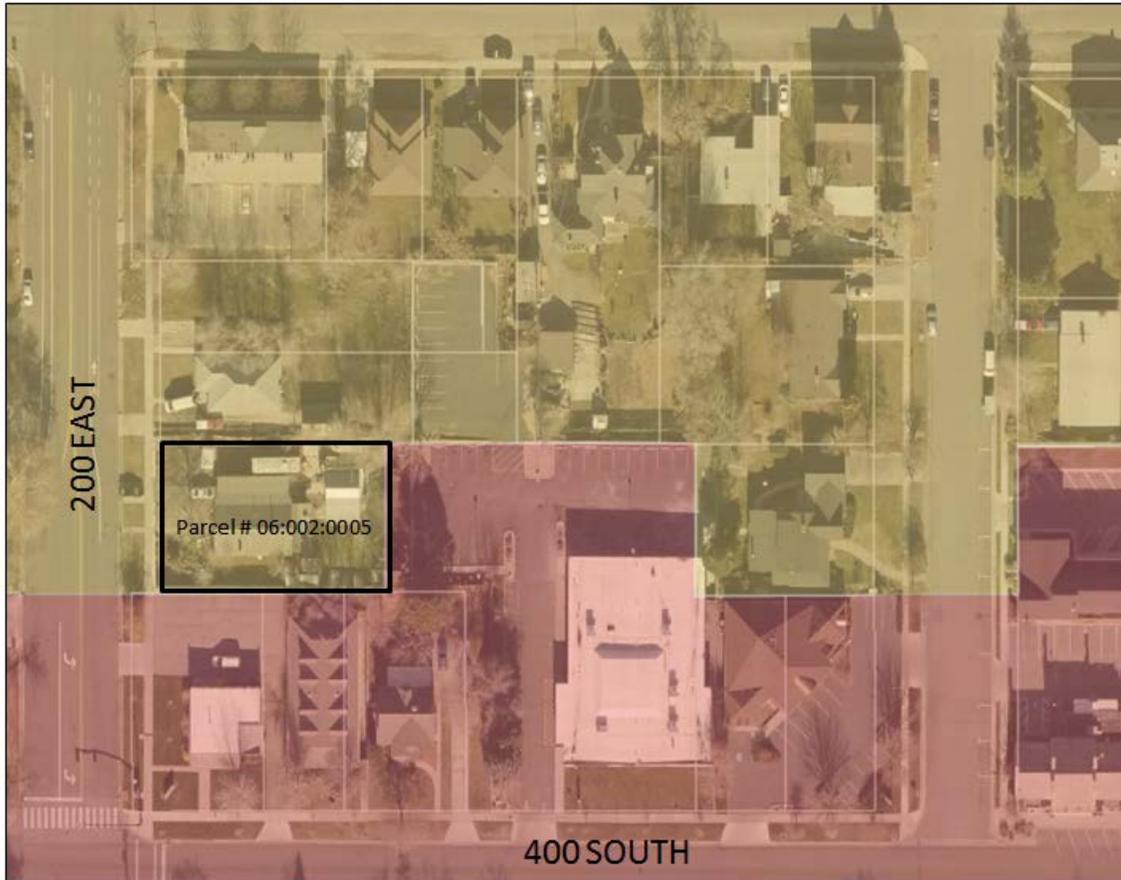
Adopted by the City Council of Springville, Utah, this 3rd day of March, 2015.

Wilford W. Clyde, Mayor

ATTEST:

City Recorder

EXHIBIT "A"





STAFF REPORT

DATE: February 12, 2015

TO: The Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF APPROVING AN ORDINANCE FOR MOBILE FOOD TRUCK BUSINESSES.

RECOMMENDED ACTION

Motion to Approve Ordinance No. _____ that establishes rules and regulations for mobile food businesses.

BACKGROUND

Several months ago, the City Council directed staff to establish an ordinance that would govern food trucks in Springville. In drafting the proposed ordinance, staff has researched other cities' ordinances, received City Council input, discussed ideas with at least one food truck business, and reviewed the provisions with several staff members.

The following is a summary of provisions in the proposed ordinance:

Definition. Mobile food business includes businesses that serve food or beverage from a motorized vehicle or trailer. It includes vending carts and ice cream trucks. It does not include farm stands, itinerant merchants, and any other use that is governed by other ordinances.

Business License. Mobile food businesses must obtain a business license unless the business has a license from another municipality and does not more than eight days of business per month in Springville.

Where. Mobile food businesses may do business (1) on private property and (2) all non-UDOT roads (UDOT roads include Main Street, 400 South and 1400 North). Food trucks may not operate (a) on public streets during Art City Days, Heritage Days or any other recognized City festival, (b) within 100 feet of a restaurant without the restaurant's permission, or (c) next to or in a park without the City's permission.

Application. There are certain items that food trucks must include in their applications for a business license. The items include business and truck information, background checks, County Health Department information, and insurance information.

License Fees. License fees will be set by resolution of the City Council.

CITY COUNCIL AGENDA

Temporary Nature. Food trucks will be limited to temporary operation that includes 12 hours at one place in a 24 hour period and 3 consecutive days within a 7 day period. All food trucks must be removed from the public right-of-way every night. A food truck that serves the employees of a business may do so on a daily basis.

Use of Public Streets. The proposed ordinance has several regulations dealing with the use of public streets with the goal of eliminating potentially dangerous conditions and interference with surrounding businesses, vehicles, and pedestrians.

Operation Guidelines. Food trucks will be required to keep their businesses clean and attractive, remove all trash, keep the trucks in good repair and properly licensed, meet all County health requirements, and not operate as a drive through window.

Professional/Personal Services. Food trucks are not allowed to provide professional or personal services.

Taxes. Food trucks must comply with all sales tax regulations.

Special Events. If a street is shut down for a special event, food trucks must get permission to operate on the closed street.

FISCAL IMPACT

There are costs associated with enforcing any ordinance. The City would receive a business license fee for those food trucks that are required to obtain a business license.

Attachments: Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE ADOPTING TITLE 7, CHAPTER 6, ARTICLE 3, PERTAINING TO THE CREATION OF A NEW “MOBILE FOOD BUSINESSES” ORDINANCE THAT ESTABLISHES THE RULES AND REGULATIONS FOR THESE TYPES OF BUSINESSES.

WHEREAS, Springville City has a duty to preserve the health, safety and welfare of its inhabitants;

WHEREAS, the Springville City Council finds that there have been an increase in interest and demand for mobile food business within the city.

WHEREAS, Springville City does not currently have an official policy on mobile food businesses; and

WHEREAS, in the interest of the health and welfare of its citizens, Springville City deems it appropriate and necessary to regulate the mobile food industry within the City.

NOW THEREFORE, the Springville City Council hereby ordains:

SECTION 1. SECTION ADOPTED: Title 7, Section 6, Article 3 of the Springville City Municipal Code is hereby adopted to read and provide as follows:

CHAPTER 6

PEDDLERS, ITINERANT MERCHANTS, SOLICITORS, CANVASSERS, AND MOBILE FOOD BUSINESSES

Article 3 MOBILE FOOD BUSINESSES

7-6-301: Purpose and Intent.

Mobile food businesses within public streets pose special challenges to the public health, safety and welfare of Springville City residents. It is the purpose and intent of Springville City to provide responsible companies and individuals who engage in the operation of mobile food businesses with clear and concise regulations to prevent hazards to safety, traffic or health, as well as to preserve the peace, safety and welfare of the community.

7-6-302: Definitions.

"Mobile food business" means a business that serves food or beverages from a self-contained unit that is a motorized vehicle or a trailer. The term "mobile food business" shall include vending carts and mobile ice cream vendors. Provisions found in this Section shall not apply to seasonal farm stands, itinerant merchants, and other temporary merchants or uses that are specifically authorized by this Title or other City ordinances.

7-6-303 Mobile Food Business General Requirements.

(1) No person or entity shall operate a mobile food business within Springville City, without first having obtained a business license from the City in accordance with Springville City Code Title 7, Chapter 1. A person or entity is exempt from the requirement to obtain a business license to operate a mobile food business within the City if the person or entity:

(a) has a current business license to operate a mobile food business in another Utah municipality; and

(b) operates less than eight (8) days per month in Springville City.

(2) Mobile food businesses are allowed to vend on private property in Springville, with prior consent from the private property owner.

(3) Mobile food businesses are allowed to operate on all City owned and operated streets within non-residential zones, in compliance with the regulations in this Chapter, with the following exceptions:

(a) Mobile food businesses shall not be allowed to park or operate on City streets during Art City Days, Heritage Days, or other City recognized festivals.

(b) Mobile food businesses are prohibited from operating on highways owned by the Utah Department of Transportation, which streets include Main Street, 400 South, and 1400 North.

(4) It shall be unlawful for any mobile food business to operate within 100 feet of a restaurant without the prior written consent of all restaurants within the 100 feet.

(5) Mobile food businesses will be allowed to park at or next to a City park only with authorization from the Springville City Building and Grounds director.

7-6-304: Application.

(1) An application for a business license to conduct a mobile food business shall be filed in writing with the Springville City business license office as set forth in Title 7, Chapter 1, Springville City Code, prior to the commencement of operation.

(2) In addition to the information required by such section, the license application shall include:

(a) the name and location of the applicant's principal place of business, or residence if no permanent place of business exists;

(b) the number of vehicles to be used in the business, a description of each vehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection; and

(c) If any of the foregoing information changes, the applicant or licensee, as the case may be, shall deliver current information to the Springville City business license office within thirty (30) business days following the change.

(3) The applicant is required to provide an original copy of a background check dated no older than 180 days prior to the date of application issued by the Bureau of Criminal Identification

(BCI) for the applicant and of any employee(s) of the applicant who will work within the City. An application shall not be approved and no license shall be issued or renewed to an applicant if a criminal background check, administrative records search, or application materials uncover information showing either the applicant or any employee of the applicant has a record for any of the following:

(a) a conviction within the past five (5) years of driving under the influence of drugs or alcohol, alcohol or drug related reckless driving, impaired driving, driving with any measurable amount of a controlled substance or metabolite of a controlled substance in the body, or automobile homicide;

(b) any criminal conviction within the past five (5) years for an offense involving violence or theft;

(c) any criminal conviction within the past ten (10) years for an offense involving possession or use of a deadly weapon, a victim under the age of 18, possession of controlled substances with the intent to distribute to another person, or any conviction for a crime of moral turpitude; or

(d) misrepresentation of material facts in an application for a business license.

(5) A valid copy of all necessary licenses or permits required by the State and the Utah County Health Department, including, but not limited to, proof of business name and business owner's or registered agent's name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah that includes the City of Springville as an incorporated city where business is to be conducted.

(6) Each applicant for a license or renewal under this Section shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, showing that there is in full force and effect, for the full term of the license, general liability insurance in an amount not less than two hundred thousand dollars (\$200,000.00) for personal injury to each person, five hundred thousand dollars (\$500,000.00) for each occurrence, and five hundred thousand dollars (\$500,000.00) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000.00) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with the applicant's business. A current certificate of insurance shall be kept on file with the City Recorder at all times that the applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspension or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

7-6-305: License Fees.

No license shall be issued or continued in operation unless the holder thereof has paid an annual business license fee as set by the Springville City Council for each mobile food business.

7-6-306: Business Activity to Be Temporary

(1) All business activity related to mobile food businesses shall be of a temporary nature. The duration of the business activity shall not extend for more than:

(a) twelve (12) hours within a twenty-four (24) hour period at any one (1) location, or

(b) three (3) consecutive days within a seven (7) day period on either public or private property.

(2) All vehicles must be removed from the public right-of-way at the close of each business day.

(3) As an exception to the temporary limitation of Subsection 7-6-306(1)(b), mobile food businesses that are invited to serve a business's employees on the business's property for a time period less than two (2) hours at a time may do so on a daily basis.

7-6-307: Use of Public Right-of-Way.

Each mobile food business offering food within the public right-of-way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license and is a Class B misdemeanor:

(1) Mobile food businesses shall obey all parking and traffic regulations of Springville City Code.

(2) Parking on a park strip or otherwise landscaped area is not allowed.

(3) Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.

(4) The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.

(5) No mobile food business shall occupy required parking stalls of the primary use.

(6) The mobile food business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.

(7) No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.

7-6-308: Design and Operation Guidelines.

Mobile food businesses shall comply with the following design and operation requirements:

(1) Mobile food businesses shall be designed and operated in a manner so as to meet all applicable Utah County Health Department requirements relating to the handling and distribution of food.

(2) The mobile food business shall not have or operate as a drive-through.

(3) All grounds utilized by a mobile food business shall at all times be maintained in a clean and

attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business operates on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.

(4) All garbage or other refuse generated from a mobile food business shall be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.

(5) Mobile food businesses shall be kept in good operating condition and no peeling paint or rust shall be visible on business vehicles.

(6) Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

7-6-309: Professional and Personal Services Prohibited.

Professional or personal services shall not be provided from a mobile food business.

7-6-310: Compliance Responsibility.

All vendors are subject to Springville City sales tax for goods sold within the boundaries of Springville City. Vendors shall be required to keep accurate records of daily sales that occur within the Springville City limits. Springville City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Springville City business license.

7-6-311: Special and Private Events.

If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event or approved private event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

7-6-312: Grounds for Denial, Suspension or Revocation.

Failure to comply with the requirements of this Section shall be grounds for denial, suspension or revocation of a business license.

SECTION 2. EFFECTIVE DATE: This ordinance shall become effective immediately upon passage and posting.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Springville City, Utah this _____ day of _____, 2015.

MAYOR WILFORD W. CLYDE

ATTEST:

KIM RAYBURN, CITY RECORDER



STAFF REPORT

DATE: February 26, 2015

TO: The Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF APPROVING A RESOLUTION THAT ESTABLISHES A BUSINESS LICENSE FEE FOR MOBILE FOOD BUSINESSES.

RECOMMENDED ACTION

Motion to Approve Resolution No. _____ that establishes a business license fee for mobile food businesses.

BACKGROUND

The City Council is considering a proposed ordinance that governs mobile food businesses. If the ordinance is approved by the City Council, a business license fee will need to be established for mobile food businesses. The proposed resolutions sets the business license fee at \$100.

The suggested amount of \$100 was reached through comparing what other cities charge for the same type of business license. Staff looked at the mobile food business license fees for six other cities in Utah County. The six cities charge from \$100 to \$190 for a mobile food business license. The reason that staff recommends going with the lower amount of what cities charge is that the City charges less than \$100 for a standard business license and itinerant business licenses. Accordingly, the \$100 seemed to be a more appropriate fee and closer in line with the cities other business license fees.

FISCAL IMPACT

The City will receive \$100 for each food truck business license. At this time, staff does not know how many business licenses will be processed and, as such, cannot give an accurate amount the City will make off of the business license fee.

Attachments: Proposed Resolution

RESOLUTION NO. # _____

A RESOLUTION APPROVING A BUSINESS LICENSE FEE FOR MOBILE FOOD BUSINESSES.

WHEREAS, Springville City has adopted an ordinance that governs mobile food businesses within Springville City and requires the City Council to approve a business license fee for mobile food businesses; and

WHEREAS, Springville City desires to establish a business license fee for mobile food businesses.

NOW, THEREFORE, be it resolved that the City Council of Springville City establishes and authorizes a business license fee in the amount of One Hundred dollars (\$100) for each mobile food business.

ADOPTED by the City Council of Springville, Utah the ___ day of March, 2015.

Wilford W. Clyde, Mayor

Attest:

Kim Rayburn, City Recorder