



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

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, February 03, 2015 at 7:00 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.

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 and Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Administrative Services Manager Rod Oldroyd, Public Works Director Brad Stapley, Power Director Leon Fredrickson, Museum of Art Director Dr. Rita Wright, Library Director Pam Vaughn and Recreation Supervisor Jake Davis.

CALL TO ORDER

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

INVOCATION AND PLEDGE

Councilmember Child offered the invocation, and Councilmember Creer led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER CREER MOVED TO APPROVE THE MEETING'S AGENDA WITH THE FOLLOWING CORRECTIONS; MOVE ITEM #7 ON THE REGULAR AGENDA TO ITEM #5 ON THE REGULAR AGENDA. COUNCILMEMBER CONOVER SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

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 #1466, #1464, #920 were recognized.

PUBLIC COMMENT

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

Henry Gardner, Kaysville, Utah; Mr. Gardner stated he was a trustee representing property north of the Boy Scouts of Americas, Camp Jeramiah located in right hand fork of Hobble Creek Canyon. He expressed he has a deep respect for the scouts. However, he has some concerns of the happenings at Camp Jeramiah and noted a proposal going to Utah County regarding the camp. He stated they have coexisted with the scouts for some time and expressed last year there have been disruptions of the peace in the area.

Mr. Gardner reported thousands of people are using the property and questions the zoning. He expressed he was concerned the agreement with Utah County was glossed over about what is happening. He asked where the City is a lease holder they look carefully at this and the impact.

Bryce Nusink, 1785 South State; Mr. Bryce Nusink stated he runs livestock on the south end of town and received a notice from the Chief of Police regarding at large livestock. He commented this will run us farmers out and stated the City should consider the tax base, and 5th generation farmers. He asked this be brought to all the citizens' attention.

Brad Nusink, 1785 South State; Mr. Brad Nusink stated he was concerned about the statute of animals at large and the Farmer or Rancher is caught in a dead zone of State and City Code. He expressed being able to defend himself. Mr. Nusink cited he has witnessed kids leaving gates open and walking through his fields and there is not much he can do. He expressed he knows there is a problem and it should be brought up with the Council as a regular item. He asked if Chief Finlayson could address this.

Mayor Clyde indicated time has been given for comment and there is not time to discuss this in depth. Mayor Clyde expressed the City doesn't want animals nor do owners of the animals want them out in the roads. He stated there needs to be a way to keep animals in; Springville has a long history of agriculture in community and there needs to be a way to make it safe for everyone.

Administrator Fitzgerald recounted the law has not changed; the City is receiving more calls and asked for input on how to make it better.

Calvin Crandall, Springville, Utah; Mr. Crandall stated the letter came about because his horses were out and stated a neighbor pushed a fence down; the horses went out then came back in. Mr. Crandall expressed the wording of the letter was a little harsh, work with us we will work with you.

Mayor Clyde affirmed the need to have citizens take responsibility. Chief Finlayson stated 90% of the farmers are compliant it is the 5% that do not comply and the letter was directed towards those few. Mayor Clyde expressed we do want agriculture in our community and appreciate them.

CEREMONIAL/PRESENTATION AGENDA

1. Springville Chamber of Commerce – Jason Packard, President

Mr. Packard, President of the Springville Chamber of Commerce addressed the Mayor and City Council. He detailed areas the Chamber has helped with various City events such as; sponsoring the bike with the Mayor event, an Art City Days booth, Heritage days booth, golf tournament, safe Halloween, painted planter boxes on main street and purchased lights for Christmas decorations downtown and conduction various ribbon cuttings.

Mr. Packard stated they had a luncheon today with 50-60 business owners in attendance and plan on doing them quarterly.

Mr. Packard reviewed a packet with financials and handed a copy out to the Mayor and Council. He expressed Shirlene Jordan has helped tremendously with membership and organizing.

Mr. Packard reviewed other cities in the valley and their contributions to Chamber of Commerce groups in their community. He thanked the City for providing a place for the Chamber and for being able to work with the City. He asked for funding to be able to keep the part time director and sponsor other events.

Councilmember Child commented while he has been on the Council the Chamber has grown and expressed a need to help the Chamber as it will also help the community. Councilmember Creer and Conover agreed.

CONSENT AGENDA

2. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
3. Approval of Minutes – September 16, 2014; October 21, 2014; December 02, 2014; and December 16, 2014 Regular City Council Meetings
4. Approval of a Wetlands Preliminary Jurisdictional Determination Form for 9.16 Acres of Springville owned property in the Industrial Park – John Penrod, Assistant City Administrator/City Attorney

COUNCILMEMBER CONOVER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.

COUNCILMEMBER CREER SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

5. Consideration of purchasing property located at 17 Brookside Drive, Springville, Utah – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod reviewed the project for the 17 Brookside Drive intersection next to Ms. Garcia's home. He noted Ms. Garcia has lived in the home for over fifteen years and has been very accommodating to the City.

Attorney Penrod reviewed the agreement and purchase amount of \$195,000.00 He stated the vacating of the home is agreeable with Ms. Garcia for June 22, 2015. Ms. Garcia will lease the property until the June 22, 2015 date.

Mayor Clyde thanked Ms. Garcia for working with the City.

COUNCILMEMBER SORENSEN MOVED TO APPROVE THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT FOR THE CITY TO PURCHASE THE PROPERTY AT 17 BROOKSIDE DRIVE FOR THE AMOUNT OF \$195,000.

COUNCILMEMBER OLSEN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

- 6. Public Hearing to consider an ORDINANCE #01-2015 amending the Springville City Municipal Code, Title 11, Chapter 6, Article 3 pertaining to sign regulations – Fred Aegerter, Community Development Director**

Mayor Clyde explained the Economic Advisory Commission stated there are some restrictions on signs and asked to have the sign ordinance reviewed.

Fred Aegerter, Community Development Director introduced Mike Snelson who chaired the Sign Ad Hoc Committee.

Mr. Snelson stated he owns the Photo Color Lab here in Springville and noted the Sign Ad Hoc committee held four meetings. Their objective was to create more consistency and help draw more businesses to Springville. He reviewed some of the items discussed.

Councilmember Creer stated the Planning Commission had a question regarding the 80 foot rule. Director Aegerter replied he would review the rule.

Councilmember Child expressed the Sign Ad Hoc committee did a very good job and commended them for their work.

Mr. Snelson stated they had good discussions and recommendations that will be valuable to the City.

Director Aegerter reviewed the Planning Commission recommendations and stated they voted 4 to 3 for the recommended sign ordinance. He noted electronic message signs have received a lot of interest and they will review the recommendations.

Administrator Fitzgerald remarked the ordinance matches the recommendations from the Planning Commission.

Councilmember Conover asked if the number of American flags on a property has been changed. Director Aegerter replied it has been changed to have as many as you want within a certain number of days.

Mayor Clyde opened the public hearing for comment.

William Leavitt; Mr. Leavitt expressed he works for I Signs and noted they have been working with Arby's Restaurant near Interstate 15 just off 400 South. His client is concerned

the sign restrictions are impeding his business. He noted they would like a 65 foot sign and passed out photos of the current sign at Arby's, noting the current sign is under 35 feet and they would like to increase sign height.

Mike Snelson, stated as a business owner, the ad hoc committee did well but feels more needs to be done. He would like to recommend the ordinance be reviewed by a six member committee yearly and state he would be willing to volunteer.

Jason Packard stated he is a six generation banker and has worked with many businesses and with the Chamber of Commerce. He expressed any change would benefit businesses and asked if any changes would affect main street. Mayor Clyde expressed there has been some issues with flag signs, and A-Frames.

Henry T. (Chip) Reynolds, 109 North Main; Mr. Reynolds stated the old ordinance was too restrictive and noted he has experience with retail and commercial real estate. Mr. Reynolds applauded the 65 foot signs along the freeway, stating you only get one chance to be visible from the freeway. He expressed he hoped the new sign ordinance will be considered and believes it would be good for business and Springville.

John Garfield, 1068 South 2200 East, Springville; Mr. Garfield stated he was on the Ad Hoc committee and was the loan descending vote. He expressed he is not antibusiness; he is concerned it will allow more signs, more temporary signs and be antibusiness. He stated there are no pole signs around other communities. He noted Springville is beautiful and not littered with signs. He asked the Council to really look at the sign ordinance and consider the esthetic look of the City. He noted he teaches at a local university and asked his students about signage and noted they deal more with social media. He expressed what is approved today will impact the future and commented as a concerned citizen and a member of the Ad Hoc committee he asks that the ordinance not be approved. He noted the city has not lost any business because of the current sign ordinance.

Jackie Snelson, 1454 East 975 South; She stated she works with small local businesses and believes that signage is helpful to businesses.

Chris Jensen, CEO of Namify; Mr. Jensen stated they make signs and there are many opportunities for attractive signs. He stated he agrees with Mr. Snelson in making the ordinance a "living" thing and review it often.

COUNCILMEMBER CREER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Councilmember Conover expressed currently schools are allowed to use poll signs and electric messaging (EMS) and that is good, but we don't allow for businesses to do the same and they can be beautiful. He stated he was concerned about what happens in District D will that be for monument signs only. Director Aegerter replied businesses can petition to review the sign ordinance. Councilmember Conover stated he would approve higher signs around I15 if reviewed by the Planning Commission.

Director Aegerter noted all zones except for the downtown zone allow up to 50% of signs to be EMS, the museum corridor along 400 South only allows for properties with 200 feet of frontage.

Councilmember Sorensen stated fairness needs to be looked at for businesses in close proximity of I15 and noted reviewing the sign ordinance when issues arise.

Councilmember Sorensen asked about banner signs hanging from soffits and if they can hang forever. Attorney Penrod replied it is a limited duration sign only allowed for six months, there are no permits involved to help control or enforce the timeline. Attorney Penrod stated staff can work to have this done. Director Aegerter expressed it can be difficult to enforce.

Council asked that a review be done of the temporary limited duration signs in the ordinance.

COUNCILMEMBER CONOVER MOVED TO APPROVE **ORDINANCE #01-2015**, AMENDING VARIOUS SECTIONS OF TITLE 11, CHAPTER 6, ARTICLE 3 OF SPRINGVILLE CITY CODE AS RECOMMENDED BY THE PLANNING COMMISSION, AND BRING UP FOR FURTHER REVIEW WITHIN THE NEXT EIGHTEEN MONTHS.

COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CHILD	AYE
COUNCILMEMBER CONOVER	AYE
COUNCILMEMBER CREER	AYE
COUNCILMEMBER OLSEN	AYE
COUNCILMEMBER SORENSEN	AYE

THE MOTION CARRIED UNANIMOUSLY, **ORDINANCE #01-2015** ADOPTED.

Attorney Penrod requested to take item #10 out of order on the agenda and consider it at this time. Mayor Clyde granted the change in order.

7. Consideration of selling 6476 square feet of property at 900 North 300 West, Springville, Utah to White Fir Properties LLC – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod reviewed the purchase agreement and boundary line agreement with the Council and asked for any questions. There were none.

COUNCILMEMBER SORENSEN MOVED TO APPROVE THE EXECUTION OF A PURCHASE AGREEMENT THAT SELLS APPROXIMATELY 6,476 SQUARE FEET OF PROPERTY IN THE AMOUNT OF \$3150.00 TO WHITE FIR PROPERTIES, LLC.

COUNCILMEMBER CHILD SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

8. Public Hearing to consider a Property Purchase Agreement between Springville City and Springville LLC (Look Trailers) wherein Springville City will sell approximately five acres of property located at approximately 1300 West 1650 North, Springville, Utah – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod explained to the Council, Springville LLC (Look Trailers) is located adjacent to the property outlined and are looking to expand. Look Trailers has stated they are willing to purchase the 4.89 acres for the appraisal price of \$352,287.00. Springville will retain the power easement and public utility easements. There are wetlands in the area and a wetland delineation has been done.

Attorney Penrod explained the property cannot be deeded directly because it would be considered a subdivision so they will execute a quit claim deed for all of their property.

Mayor Clyde opened the public hearing for comment. There was no comment.

COUNCILMEMBER CONOVER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER OLSEN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Councilmember Conover asked if they wanted to extend their building. Attorney Penrod replied they do not want to extend the building it is only to extend their trailer storage.

COUNCILMEMBER CONOVER MOVED TO APPROVE THE EXECUTION OF A PURCHASE AGREEMENT WHEREIN SPRINGVILLE CITY WILL SELL APPROXIMATELY 4.89 ACRES OF PROPERTY TO SPRINGVILLE LLC FOR THE PURCHASE PRICE OF \$352,287.00.

COUNCIL MEMBER CHILD SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

REGULAR AGENDA

9. Consideration of an amendment to the SUVAS (South Utah Valley Animal Shelter) Interlocal Agreement – Scott Finlayson, Public Safety Director

Chief Finlayson explained after SUVAS changed their billing from quarterly to twice a year, they have needed to update their bylaws, the amount will not change.

Councilmember Olsen commented since July 2015, approximately \$8,000 has come back to the City from dog licensing.

COUNCILMEMBER CREER MOVED TO APPROVE THE AGREEMENT BETWEEN SPRINGVILLE CITY AND THE SOUTH UTAH VALLEY ANIMAL SERVICE SPECIAL SERVICE DISTRICT FOR THE PAYMENT OF SHELTER FEES INCURRED BY SPRINGVILLE CITY IN ACCORDANCE WITH THE AMENDMENT TO THE INTERLOCAL AGREEMENT.

COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10. Consideration of a Resolution adopting a filing fee for Declaration of Candidacy or Nomination Petition – Kim Rayburn, City Recorder

Councilmember Conover commented to leave the filing fee for Declaration of Candidacy as is, Councilmember Creer concurred. No action was taken.

11. Consideration of an agreement between Springville City and the City of Fun Carnival – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod explained the previous contract had expired and reviewed the proposed agreement with the Council.

COUNCILMEMBER CONOVER MOVED TO APPROVE THE EXECUTION OF AN AGREEMENT WITH CITY OF FUN CARNIVAL, INC. TO PROVIDE AND OPERATE THE ART CITY DAYS' CARNIVAL.

COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

12. Consideration of leasing property located at approximately 811 East 900 South to Eric Nord – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod explained Mr. Eric Nord has expressed an interest in leasing City owned property that is adjacent to his home at approximately 811 East 900 South. Mr. Nord has agreed to maintain the property and pay \$500.00 annually to lease the property, he will also be required to maintain a small insurance policy for the property. Attorney Penrod noted the property has been designated as a future site for a roundabout and the City would need to give Mr. Nord 60 days' notice in the event the property was needed.

Mayor Clyde asked if the agreement allows Mr. Noord to terminate the lease. Attorney Penrod replied it did not and could be changed. Mayor Clyde suggested he be given the option on a yearly basis to terminate the lease.

Councilmember Sorensen expressed \$500.00 may be too much because he will be maintaining the property and suggested \$100.00. Attorney Penrod replied it is similar to other leases the City has done. Mayor Clyde suggested language in the lease stating the property will need to be maintained.

COUNCILMEMBER SORENSEN MOVED TO APPROVE THE EXECUTION OF A LEASE WITH ERIC NORD THAT WILL ALLOW HIM TO UTILIZE PROPERTY LOCATED AT 811 EAST 900 SOUTH, WHICH PROPERTY IS IMMEDIATELY WEST OF MR. NORD'S RESIDENCE FOR \$100.00 PER YEAR AND INSTRUCT STAFF TO ADD A PROVISION HE MAY GET OUT OF THE LEASE.

COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

13. Consideration of a Resolution #2015-04 to purchase 8 acres of surplus property from Nebo School District – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod reviewed the resolution with the Council and noted the City can utilize the property for various uses. He explained an appraisal has been done by the School District, the City will also request an appraisal; the greater of the two would be the purchase price. Mayor Clyde asked if the City can back out. Attorney Penrod replied yes.

COUNCILMEMBER CREER MOVED TO APPROVE THE EXECUTION OF **RESOLUTION #2015-04** THAT DECLARES SPRINGVILLE CITY'S INTENT TO PURCHASE FROM NEBO SCHOOL DISTRICT APPROXIMATELY 8.0 ACRES OF SURPLUS PROPERTY LOCATED AT APPROXIMATELY 725 SOUTH 1200 WEST, SPRINGVILLE, UTAH.

COUNCIL MEMBER SORENSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CHILD	AYE
COUNCILMEMBER CONOVER	AYE
COUNCILMEMBER CREER	AYE
COUNCILLMEMBER OLSEN	AYE
COUNCILMEMBER SORENSEN	AYE

THE MOTION CARRIED UNANIMOUSLY, **RESOLUTION #2015-04** ADOPTED.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION

14. *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

COUNCILMEMBER CONOVER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 9:20 P.M. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.