



**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SPRINGVILLE, UTAH  
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET  
FEBRUARY 17, 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 17, 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, 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, Jake Davis Recreation Supervisor and Shannon Acor, CTC Coordinator.

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE**

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

**APPROVAL OF THE MEETING'S AGENDA**

COUNCILMEMBER CONOVER MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. COUNCILMEMBER CREER 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 #106, #637, #642, #63 and #925 were recognized.

**PUBLIC COMMENT**

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

**Bret Boyer**, a Springville resident and resides in the McKenzie Estates subdivision. He expressed the City has done improvements in the area, however, now his culvert is unable to handle the water flow. He stated he needs to have the culvert and approach replaced at a cost of approximately \$2,000. Mayor Clyde replied the Council will take it under consideration.

**Roger Hutchings**, Springville resident; addressed the Council concerning a letter mailed out regarding animals at large stating the first offense would be a warning and any after that would be a citation and \$50 fine. Mr. Hutchings stated this was brought to the Council's attention last week and he would like to know what their thoughts were on the matter.

Mayor Clyde replied the ordinance and fine has not changed for animals at large. He explained there had been problems with animals out and safety concerns. The letter was for those taking care of animals, gates and fencing and to notify the owners. Mayor Clyde stated technically there is no need to give a warning; citizens have been notified as a courtesy.

Chief Finlayson stated he is willing to speak with the livestock owners and Cattleman's Association and stated the letter was not intended to imply livestock owners are negligent.

**Chris Averett** explained he has livestock and received the letter, he expressed the letter came across as farmers and ranchers ignore their livestock. He stated he shares a gate with Springville City and at times the gate is left open, as well as hunters going through the property. He expressed it is not likely he would be able to go around the fences every day and check for problems. If a problem is found it is fixed as soon as possible. He expressed livestock owners help police other livestock and it's likely that livestock owners are not going to go out and say that's my livestock and get fined. He stated the Police will need to corral the animals and call a branding inspector.

Chief Finlayson commented the owners are responsible for their livestock.

Mayor Clyde stated we have discussed what the City is trying to do and the safety of the community.

Mr. Averett stated if the City will purchase a cattle guard, he would do the installation.

Mayor Clyde responded staff will take a look and expressed the City does not devalue the livestock community; Springville has a history of being an agricultural town. He appreciates those willing to go out and help corral animals and wants animal owners to be responsible. He does not want someone to hit one of the animals and have a serious injury.

## **CEREMONIAL/PRESENTATION AGENDA**

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

CTC Coordinator Shannon Acor introduced this month's Springville Mayor's Recognition Award recipients; Sam Daybell, Sabrina Reyes and Roxie Chambers. Sam's nominator, Chris Busath, an English teacher at Springville Junior High, shared, "Sam is an outstanding citizen. He is positive about school and is responsible and attentive." Merit Academy 11th grader, Sabrina Reyes was recognized for her dedication to her school's Hope Squad and its suicide prevention efforts. Her counselor, Scott Jenkins, appreciates her willingness to help whenever asked and is a strong leader at her school. Springville High School Junior, Roxie

Chambers, is hard at work volunteering on the Springville Youth City Council. YCC Coordinator, Kerry Oman, is grateful for Roxie's service over the past two years. He compliments her on always being positive and happy.

Mayor Clyde congratulated the youth for their decision to live positive lives.

### **CONSENT AGENDA**

1. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
2. Approval of Minutes – January 06, 2015 Regular City Council meetings and June 03, 2014 Work Session meeting.

COUNCILMEMBER SORENSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.

COUNCILMEMBER CONOVER SECONDED THE MOTION, AND ALL VOTED AYE.

### **REGULAR AGENDA**

3. **Consideration of an Easement Encroachment Agreement with USA for PI Phase 2D across the Federal Siphon under Hobble Creek**– John Penrod, Assistant City Administrator/City Attorney

City Attorney Penrod provided a map showing the easement encroachment being considered and explained Springville City is currently in the process of installing a 36-inch pressurized irrigation pipeline that runs from the Bartholomew Pond west down 1100 South and eventually to the west side of the City. As part of the installation of the pressurized irrigation pipeline, the pipeline will cross over a United States easement at the approximate location of 2500 East 1100 South, which easement contains the pressurized water line known as the Springville/Mapleton Lateral. In order to cross the United States easement, the City must enter into the proposed Easement. In addition the proposed Agreement will allow Springville to install a 16-inch waterline across the United States easement.

COUNCILMEMBER CHILD MOVED TO APPROVE THE EXECUTION OF AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND SPRINGVILLE CITY.

COUNCILMEMBER CONOVER SECONDED THE MOTION, AND ALL VOTED AYE.

4. **Consideration of an Ordinance amending Title 6, Chapter 8 of the Springville City Code** – John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod explained the Utah Municipal Telecommunications License Tax Act sets the amount of tax that the City may levy. The Act was amended in 2007, the amendment reduced the amount of tax that a City could levy from 4% to 3.5% of all gross receipts from

telecommunications service provided within the City. The proposed ordinance cleans up the City's ordinance and brings it in line with state code.

COUNCILMEMBER CREER MOVED TO APPROVE **ORDINANCE #02-2015** THAT AMENDS TITLE 6, CHAPTER 8 OF THE SPRINGVILLE CITY CODE.

COUNCILMEMBER CHILD 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 #02-2015** ADOPTED.

**5. Consideration of a Franchise agreement with Syringa Network – John Penrod, Assistant City Administrator/City Attorney**

Attorney Penrod reported Syringa Networks is a privately held Idaho corporation headquartered in Boise, Idaho with an office in Salt Lake City. Over the past few years, Syringa Networks has been expanding its business into Utah, working its way from northern Utah to southern Utah. They are requesting to use the City's right of way to put in a network of broadband services in the City and noted Spanish Fork City approved a similar agreement. He also stated Syringa will be required to follow the City's Telecommunications Rights-of-Way ordinance. The term of the agreement is 10 years with a 5 year renewal option should both parties agree and is in line with Springville's ordinance. Attorney Penrod explained they will not be on any poles and there is limited space in the right of ways to where they would have to meet certain requirements before they start digging.

COUNCILMEMBER CONOVER MOVED TO APPROVE THE EXECUTION OF A FRANCHISE AGREEMENT WITH SYRINGA NETWORKS, LLC.

COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

**MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

No items.

**CLOSED SESSION**

6. *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 CHILD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 7:48 P.M. COUNCILMEMBER CHILD SECONDED THE MOTION, AND ALL VOTED AYE.