

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, MAY 14, 2019 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Craig Jensen, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and Deputy City Recorder Jennifer Grigg.

Also present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, City Engineer Jeff Anderson, Building and Grounds Director Brad Neel, Director Dan Mickelson, Operations Manager Rod Oldroyd, Recreation Director Corey Meredith, Golf Pro Craig Norman, and Museum of Art Director Rita Wright.

Excused from this meeting are: Recorder Kim Crane, Public Works Director Brad Stapley, Councilmember Jason Miller, Councilmember Christopher Creer and Community Development Director Glen Goins.

CALL TO ORDER- 5:30 P.M.

COUNCIL BUSINESS

1. Calendar

- May 18 - Bike with the Mayor 9:30 a.m.
- May 21 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- May 27 - Memorial Day Observed (City Offices Closed)
- June 4 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

Mayor Child asked about the deadline for candidate filing. Deputy Recorder Grigg answered the days for candidate filing are June 3-7, 8:00 a.m. to 5:00 p.m. Councilmember Jensen asked who the best person to send questions to. Administrator Fitzgerald answered Recorder Crane.

2. DISCUSSION AND PRESENTATIONS

a) Legislative and Code Updates - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod started his presentation by stating some of these new laws from the 2019 Utah State Legislature went into effect today. This year, over 1200 bills were considered and a record 573 bills passed. There are around 200 that apply to cities.

HB 15 Victim Rights Amendments

The first bill says a victim's family can approach the county for a first degree felony charge if the city decides not to file.

HB 17 Firearm Violence and Suicide Prevention Amendments

This bill requires the BCI (Utah Bureau of Criminal Identification) and Division of Substance Abuse and Mental Health to provide a pamphlet on suicide and firearm safety and an online video that will be watched for permit renewals. They should also provide gunlocks for new purchases and coupons for a gun safe. Firearms should be in a safe place.

HB 18 Massage Therapy Practice Act

This bill exempts a Bowen work practitioner, a practitioner that stimulates the nervous and musculoskeletal systems, from massage therapist licensure.

HB 19 Pretrial Release Amendments

This bill creates guidelines for prosecutors and law enforcement regarding the pretrial process. It also extends protective orders for victims of domestic violence and sexual assault.

HB 23 Gambling Machines

This bill defines “fringe gaming device” which resemble a slot machine and provides tokens or credits for chance prizes in exchange for cash, common in gas stations, convenience stores, mini-marts, laundromats, etc. They are a form of gambling and not allowed. Administrator Fitzgerald said Nickle Mania has about 30 of these devices.

HB 31 Water Supply and Surplus Water

This bill was passed to resolve concerns about cities “hoarding” water and give equal protection customers outside a city’s jurisdiction. It establishes a “designated water service area,” which may include inside and outside city boundary customers. If a city population is 10,000 or more and 10% of water customers are outside of city boundaries, a city must establish an advisory board to deal with rates, standards and capital projects. Councilmember Nelson said the number of water users is growing up Hobbie Creek Canyon. Administrator Fitzgerald said we could put some canyon residents on our existing water board or establish a sub board.

HB 57 Electronic Information or Data Privacy

This bill says law enforcement must obtain a search warrant to access electronic information and data. It outlines notification and storage requirements when electronic information is obtained by warrant.

HB 61 State Databases Amendments

This bill encourages cities to receive recommendation from public safety before approving a plat. After approving a plat, a city must submit the plat to the Automated Geographic Reference Center.

HB 100 Sexual Violence Protective Order

This bill allows protective orders for victims of sexual violence who do not have an established relationship or cohabitate with the alleged attacker.

HB 101 Autonomous Vehicle Regulations

This bill allows for level three automated driving systems; highway testing. Cities may not impose additional requirements on ADS’s. Engineer Anderson said there are four levels and it is illegal for automatic vehicles to platoon, which is following closer than the 3-second rule. Administrator Fitzgerald said Tesla vehicles are capable of level four automated driving.

HB 114 Self-defense

This bill is a “Stand Your Ground” law that states an individual is not required to retreat from an aggressor even if there is a safe place to retreat. Failure to retreat is not relevant when determining if an individual acted reasonably. You do not have to back down even off your property.



HB 119 Referenda and Other Political Activities

This bill makes substantial changes to ballot propositions, initiatives and referendums. A city is divided into four areas and the petition must pass in three of the four areas. A petition with signatures is based on the percentage of active voters instead of people who voted in last presidential election. A city may determine if it is referable or not. If not, sponsors may use the appeal process. For a law to be placed on the ballot, a petition needs 10% of the voters in three of the four voter participation areas. For a land use law a petition needs 27.5% of the voters in three of the four voter participation areas. He continued by stating there are not a lot of referenda here in Springville. The city gets a 100 word response to the issue with wider distribution of information. There are limitations, but more distribution than before. The response becomes part of the process.

HB 148 Vehicle Idling

City may enforce an anti-idling ordinance through a fine after at least one warning if it wants an anti-idling law.

HB 149 Traffic Code

Motorcycles may not split a lane but may move in between stopped vehicles, called filtering. Chief Finlayson stated there will be motorcycle filtering on Main Street at five o'clock.

HB 150 Trampoline Park Safety

This bill updates trampoline park licensing, inspections, insurance and signs.

HB 151 Traffic Flow

This bill proposed that during low traffic levels, a vehicle may run a red light. It did not pass, but may next year.

HB 152 Voluntary Commitment of Firearm Amendments

This bill allows an "owner cohabitant" to voluntarily remove a firearm from their home for safekeeping with law enforcement when concerned about safety. Councilmember Nelson asked if the police station stores the firearm. Attorney Penrod answered yes. Chief Finlayson added that once the police station takes possession of the firearm, a Brady background check is required for the owner of the gun to get it back. Mr. Oldroyd clarified that the owner, not the concerned cohabitant, must retrieve the firearm. Attorney Penrod said we do not destroy the gun. If not returned, the firearm can be sold to a federal firearms licensed dealer. Chief Finlayson said we are in the process of selling all the firearms, deemed safe, that we are in possession of. Councilmember Nelson asked about those funds. Chief Finlayson said the funds will be used for a project in the public interest approved by the city council.

HB 215 Silver Alert System

This bill allows the Department of Public Safety to develop an alert system similar to the Amber Alert System for endangered adults.



HB 228 Towing Revisions

This bill states a city may not charge towing companies a fee to be included in a towing rotation. If a tow company is removed from the towing rotation, cities must provide an appeals process for towing companies.

HB 235 Municipal Taxes

This bill says a city may increase a tax and earmark it for a specific purpose, without a special service district. Once the increase and accounts are created, tax funds may only be used for the purpose of the tax.

HB 243 Domestic Violence

This bill creates a 120-day waiver to a victim of domestic or dating violence who is issued a protective order to carry a concealed firearm.

HB 258 Sexually Oriented Business License

Attorney Penrod stated this is part of our code because it is required by the Constitution. This bill states a violation of operating without a license may now be a Class A Misdemeanor instead of a Class B Misdemeanor.

HB 311 Government Immunity

This bill says claims can be filed with the recorder, an elected official or the city attorney. It extends the period a claimant may commence an action. Councilmember Snelson clarified that the claim could come two years after the original event. Attorney Penrod agreed and explained that it is a double process. They file a claim. If we deny it, they have two years to file a lawsuit. This bill also raises the aggregate liability amount from \$2 million to \$3 million. A board of examiners may require a special master proceeding for excess damages claims that exceed the cap. Excess damages may be paid from the General Fund Reserve Account.

HB 315 Land Use and Development Amendments

This bill changed some definitions concerning land use. It narrows the definition of "infrastructure improvement" to specify that requests must be essential for public health and safety or required for occupation. All uses must be defined as either permitted or conditional. Cities must issue certificate of occupancies if the development are bonded for remaining improvements. The city may only withhold if there is a written agreement or no assurance provided. There must be an appeal authority, which we have in the Board of Adjustments. Some cities are using an outside attorney for appeals.

HB 324 Tobacco Age

This bill raises the age for tobacco purchase gradually to 21.

HB 343 Development Advertising

This bill requires new requirements for illuminated signs.

HB 425 Local Government Bonding

This bill clarifies the law and allows for crime insurance to count as bonding for government employees; concerning Brady Eames, chronic emailer.



HB 163 Offenses Against Admin of Gov't

This bill states that personal use of public property needs to follow established policies or person should be prosecuted.

HB 34 Affordable Housing

This bill requires cities to plan for housing for residents of all income levels and coordinate housing with transportation by December. Cities must develop a moderate income housing plan as part of the general plan to remain eligible for transportation funding. Councilmember Snelson and Councilmember Nelson asked out of 33,000 residents what percent affordable housing is required. Attorney Penrod said we have always been above what is required. We have a menu of items to work on and must implement three or more strategies from that menu.

HB 44 Street-legal ATV

This bill repeals the highway authority's ability to close portions of the highway to street-legal ATV's. The only limitation is that a street-legal ATVE may not be operated on an interstate.

SB 45 Domestic Violence

It is now a domestic violence offense to be cruel to an animal (torture, poison or kill) with the intent to harass, threaten or get revenge on a cohabitant.

SB 50 Local Government Office

This bill states that a person cannot serve on a governing body.

SB 52 Secondary Water

This bill states that starting April 1, 2020, all new secondary water services must be metered. For current unmetered secondary water services, cities must provide a detailed report of the cost to install meters by December 31, 2019.

SB 56 CRA Reports

This bill states that by 2021, the Governor's Office of Economic Development will create a publicly accessible database for all annual CRA reports. We may have to pay a fee to support the new database when we submit a report. There will be an electronic database showing who is getting what funding.

SB 61 Poll Hours for Early Voting

This bill allows polls on the last day of early voting to stay open past 5:00 p.m. so clerks have some flexibility.

SB 71 Food Trucks

This bill adds the definition of "food truck business" to establish that regulations apply to one person who operates multiple food trucks under the same business. Cities may only charge fee for a business license at the actual cost of processing the license. It limits governing food trucks on private property.

SB 90 Political Signs

This bill attempted to open the park strip to political signs. It did not pass. A politician wanted only political signs allowed in the park strips, but no other signs. That would be illegal because it opens the forum to everyone because of the first amendment.

SB 100 Electronic Driver License

This bill requires the Driver's License Division is to establish a process and system for electronic licenses by January 2021. Chief Finlayson stated driver's licenses will be valid for 16 years.

SB 103 Victim Targeting Penalty Enhancements

This bill provides for enhancements on crimes when a defendant targets an individual who is part of a protected class.

HB 3001 Utah Medical Cannabis Act

Attorney Penrod showed a flow chart for legal marijuana use. Mr. Oldroyd asked about what the human resource department should do when a drug test is positive for marijuana. Attorney Penrod answered the city treats it like any other substance. They need a prescription. Chief Finlayson stated police officers will lose their certification if they are found in a legal recreational state. Administrator Fitzgerald said even if they have a prescription, employees basically cannot drive or operate machinery impaired.

SB 139 Motor Assisted Trans

This bill gives cities some flexibility in regulating e-scooters.

SB 228 Public Infrastructure District

Attorney Penrod concluded his presentation by describing SB 228 dealing with public infrastructure districts. It is similar to an SID (Special Improvement District) without involving the city after approval. It allows developers to get tax exempt bonding. It allows for a Public Infrastructure District to provide financing for public infrastructure. A property owner may establish a PID upon approval of the city. The PID may charge fees and levy a tax. He suggested the council and staff discuss the secondary issues and affects because the original owner could sell the property and the new buyer is responsible for payments. We have already had this situation where a property buyer did not notice on the title report that they were part of an SID. Mayor Child asked how to guard against that as a city. Attorney Penrod answered the new owner is responsible.

Councilmember Jensen, referring back to an earlier part of Attorney Penrod's presentation, asked if all secondary water is monitored including open ditches. Administrator Fitzgerald answered yes including Ditch One and Highline, but not until 2035. Attorney Penrod agreed and added the infrastructure is aging so there will be the meter cost plus infrastructure replacement costs. Administrator Fitzgerald said Springville is one of the last cities in the close vicinity to still maintain open ditch systems. Provo and Spanish Fork got rid of them more than a decade ago. So far, we are able to continue them at a low operating cost, but as those costs increase, council will need to decide if it makes sense to spend significant dollars on this low revenue service. Mayor Child asked about drainage. Administrator Fitzgerald answered that the two systems do not convey much drainage, but the surface irrigation system of the irrigation companies carry a lot of drainage water which is in the



master plans. Attorney Penrod said culinary water will be metered and a report sent to the state. Administrator Fitzgerald said the city should be reducing water usage.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

b) Discussion with Department Directors

Mayor Child complimented directors on refining the staff reports. Director Neel said the new format helps because we are gathering more information. Director Wright said it is helpful to adjust the report for a specific request from the Council.

Administrator Fitzgerald reported on a possible crosswalk at 700 North and 400 East. Councilmember Snelson received that request. Administrator Fitzgerald said staff met internally and he has assigned the streets department to create the crosswalk in the street department's regular work flow.

Councilmember Jensen asked about pickleball. Director Merideth said there is a plan for pickleball at the southeast corner of the CRC in the next fiscal year. Funds were approved in this year's budget for refurbishing the tennis courts at Memorial Park, but could build new courts at the Clyde Recreation Center. He assigned Penn Almoney to research open times for the inside west half of the CRC court. Director Riddle stated the council approved these funds for the current fiscal year. That resolution states that all capital improvement projects carry forward to the next year as work in progress.

Councilmember Jensen asked if Youth Council sign-ups are right now. Attorney Penrod answered Annette Sorensen is in charge of Youth Council and signups closed April 30th. Applications are online. He will ask to put it on Instagram.

Councilmember Snelson was contacted by Brian Chapman offering a presentation on the two possible new forms of county government. Mayor Child asked if it will be decided in a partisan election and if Mr. Chapman is allowed to collect signatures in a council meeting. Administrator Fitzgerald said no, it is not allowed, but Mr. Chapman can collect signatures outside to get this change on the ballot. Councilmember Jensen asked if Karen is on the committee. Administrator Fitzgerald asked if council wants the presentation. Council expressed overall interest.

Councilmember Snelson asked why the Highline Ditch is shut off now and perpetually every Wednesday. Chief Finlayson said it is on the calendar and his pump loses its prime every time the ditch runs dry. Administrator Fitzgerald said the irrigation district has been controlling the water mastering the last few years. The water department and irrigation district are working together to conserve water and maximize the flow. Last year, conservation was very important. This year it appears to be less important. Councilmember Snelson agreed and stated the people contacting him about turning off the water questioned why this year. Administrator Fitzgerald suggested the irrigation customers use the water when they want, not according to the schedule. Right now, the tail water goes out to the lake unused. Turning it into the Bartholomew Family Park pond would conserve the water as best as possible. Mayor Child said there was no water on the first turn on May 17, 2019. The spring run-off flow has gone down quite a bit. It has been a perfect spring. Hobble Creek is not high anymore. The canyon has high snow, but it will come out at a regular pace. The irrigation company did a better job in the letter this year. There is a new water master.

Director Riddle asked who is attending the solid waste board (SUVSWD) next Wednesday. Councilmembers said they could attend or join by phone. Chief Finlayson reminded council that May 31, 2019 is the police banquet and asked for RSVP's.

c) Commission, Board and Committee Minutes

- i. Library Board minutes from February 07, 2019
- ii. Emergency Preparedness Board minutes from February 21, 2019
- iii. Water Advisory Board minutes from March 14, 2019



d) Mayor and Council Reports

There were none.

3. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.

There was none.

4. ADJOURNMENT

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:28 P.M.

COUNCILMEMBER NELSON SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, May 14, 2019.

I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, May 14, 2019.

Jennifer Grigg
Deputy City Recorder

