

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, MARCH 10, 2020 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Presiding and Conducting: Mayor Richard J. Child

Elected Officials in Attendance: Liz Crandall
Craig Jensen
Patrick Monney
Matt Packard
Mike Snelson

City Staff in Attendance: City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, City Recorder Kim Crane, Deputy Recorder Jennifer Grigg, Public Safety Director Craig Martinez, Recreation Director Corey Merideth, Facilities Superintendent Joel Bree, Golf Pro Craig Norman, Community Development Director Josh Yost, Public Works Director Brad Stapley, Power Director Leon Fredrickson, Operations Manager, Rod Oldroyd, Library Director Dan Mickelson, Children's Librarian Lauren Tolman, Teen Librarian Kim Christensen, and Museum Director Rita Wright.

Visitors: President of the Library Board Jonathan Lawrence, Library Board members, Lisa Wiley, and Emily Flinders.

Excused: Building and Grounds Director Bradley Neel

CALL TO ORDER- 5:30 P.M.

COUNCIL BUSINESS

1. Calendar

- Mar 17 - Work Study Meeting 5:30 p.m., City Council Meeting 7:00 p.m.
- Apr 07 - Work Study Meeting 5:30 p.m., City Council Meeting 7:00 p.m.
- Apr 12 - Easter Sunday
- Apr 14 - Work Study Meeting 5:30 p.m.
- Apr 21 - Work Study Meeting 5:30 p.m., City Council Meeting 7:00 p.m.

2. DISCUSSION AND PRESENTATIONS

a) Library Board Annual Report - Dan Mickelson, Library Director

Jonathan Lawrence, President of the Library Board introduced the Library Annual Board Presentation and Director Mickelson. Director Mickelson started his presentation by listing the life-enhancing services of the library mentioned in the City's general plan. From this list, the staff has created five goals over the past few years:

Goal #1 - Collection - Support Springville's passion for reading, personal development, and learning.

Goal #2 - Services and Programs - Spark creativity, promote literacy and empower participants.

Goal #3 - Facility - Be a destination that encourages users to explore, interact, learn, study and gather.

Goal #4 - Community Engagement - Actively seek opportunities to involve and support the Springville community.

Goal #5 - Staff Development - Provide excellent customer service and reliable knowledge as we facilitate access to the library's resources.

Director Mickelson said a service animal, Winston, is trained to sit with children while they read. Councilmember Snelson asked where the dog comes from. Children's Librarian Lauren Tolman explained that Winston is a trained service reading education assistance dog from Intermountain Therapy Animals. He is trained to sit and pay attention. Winston has visited the library once a week for an hour for four years and another service dog named Peaches came for two years before that.

Director Mickelson continued by showing circulation is up in both print and digital circulation. Digital checkouts have doubled in a few years. The publishers charge more for an e-book than a print book. Our digital collection has a high cost and high demand. He listed programs like dance classes, classical literature lectures, a coding club for youth, bilingual story time, Teen Night (over 200 teens attend after hours), and Baby Lap Time. Around 45,000 people attend the programs each year. Staff is trying to provide services for each age group for instance, Baby Lab Time is more about movement and sound and rhythm than reading.

He reviewed the facility layout, which is based on a bookstore model. Our library has study rooms, meeting spaces and offers rental of that space and computer use. Councilmember Jensen asked about speed on the wireless network. Director Mickelson answered a test showed 100 MPs upload and download speeds. The hardwire connection was around 175 MPs and the wireless system is robust. Councilmember Jensen asked about the stored ladders. Administrator Fitzgerald referred to Superintendent Bree, who would remove the ladders.

Director Mickelson said that 4 out of 5 Springville households have a library card and use the library at least once a year. Staff reaches out to the community and collaborates with other City departments through school visits, the Farmer's Market, classes, lectures, Teen Night, the Latinos in Action & Centro Hispano, Children's Art Festival at the museum, the Dive-in movie at the CRC, Touch-a-Truck. Our staff is a group of passionate hard-working people. 2019 was a good year for the Springville Library; voted #1 Library in Utah Valley, awarded Best of State Library and a Quality Designation from the Utah State Library. Our staff is considered leaders in the library community; offering frequent tours of the library to other librarians and attending professional conferences and presented on topics like teen and tween services, discovery kits and social media.

Administrator Fitzgerald mentioned the teen/tween programs are spectacular. Director Mickelson answered it's a combination of a great space and great staff. He said that Teen Librarian Kim Christensen does an amazing job creating a place these kids can call home. The big once a month Teen Nights are where everyone feels welcome. Regular everyday services in the teen area provide a space to interact and build relationships. Our attendance numbers compare with much larger communities. Teen Librarian Kim Christensen added that the Springville Library was voted the #2 hangout spot in all of Utah Valley. Councilmember Packard asked how many people come to the library each day. Director Mickelson answered there are over 1000 patrons that visit the library on an average day. In the summer, the average is closer to 1500-1600 visitors per day.

Councilmember Packard asked about library patrons who are not Springville residents. Director Mickelson answered anyone is allowed to come to the library. If nonresidents want to access our collections or the internet, they need to buy a library card. The library cards are free for Springville residents. Nonresidents are charged an annual fee of \$110. Administrator Fitzgerald added that the non-resident fee is almost equal to the amount of property tax the average Springville family pays for the free library card.



Mayor Child said he became a councilmember when the library was being built. When the former library director, Pam Vaughn, reported how many people were visiting the library he was surprised and happy because honestly, he was not sure we should spend money on the library. Councilmember Packard added that his brother, Mark Packard was on the Council then and he (Matt) told his brother that the world was going digital. Councilmember Snelson agreed. Now the consensus is, thank goodness we built this library. Councilmember Snelson stated, "It is not just the building. It is the people!" Council thanked Director Mickelson, Children's Librarian Lauren Tolman, Teen Librarian Kim Christensen, and the entire staff. Councilmember Packard said "well done."

b) Creek Corridor Preservation - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod started his presentation with a proposed private footbridge across Hobble Creek; this item has been discussed since December. Current Springville City Code does not allow a private footbridge to be built across the creek. The current code states:

Section 11-6-130 - Protection of Creek Corridors

Without prior written consent of the Mayor upon approval of the City Council, the owner of property abutting any creek in Springville shall not:

(ii) Erect any structure or improvement, including, but not limited to, buildings, fences, bridges, and parking lots.

(3) All buildings and structures shall be set back at least fifty feet (50') from the creekside edge . . . along creek corridors.

Definition - Structure - That which is framed, erected, constructed or placed upon the ground; but not including fences which are six feet (6') or less in height.

Surrounding towns have similar code details except Provo allows bridges. He continued by stating many property owners are violating this ordinance. Even pouring concrete near the creek is against this current ordinance. Councilmember Monney said he lives on the creek. He noted that some property owners along the creek have sitting areas, and steps to the creek. He clarified that those improvements are against this ordinance. Attorney Penrod agreed and added even a playset or fire pit in the back yard that is not 50 feet from the creek is against this ordinance.

Attorney Penrod continued by suggesting changing this ordinance because he thinks the fire pits, steps, and playsets are ok as far as the City engineers are concerned. Before he changed his mind, he proposed moving forward with allowing the private footbridge with these stipulations in a changed ordinance:

1. Require an additional easement to accommodate the trail around the bridge.
2. Amend the ordinance to allow for bridges within 50 feet of the bank.
3. Don't vacate an easement until an alternative solution is determined.
4. If no alternative solution is found, keep the easement for a future trail.

He continued by showing the concerns with the current ordinance including:

- Definition of "Structure"
- No private bridges allowed
- What about flooding?
- What about future property ownership?
- What about the recreation and maintenance easement?

The proposed language in the new ordinance includes a new definition of structure. If the structure does not require a building permit, it is allowed near the creek. Councilmember Packard asked about liability in a flood and damage to that type of structure while cleaning up the flood. Attorney Penrod answered municipalities have some immunities under the Government Immunity Act allowing the City to manage flooding. He added that if one of these structures is washed down the creek, causing a blockage that floods another private property owner's property, the owner usually calls the City to protect their property. In the past, employees have risked their lives for property, and that concerns Attorney Penrod. Councilmember Packard asked if the resident who builds a fire pit on the City's easement would know they are violating the easement without applying for a building permit. Attorney Penrod said homeowners forget and when they sell the property, the new owners don't usually check for an easement. Some creek property owners have no easement in their backyard. All creekside property owners want the City recreation and maintenance easements removed from their property. This last state legislative session tried to address recreation easements and emanate domain, but the bills did not pass.

Attorney Penrod continued by reading a proposed new ordinance, part of which allows for an alternate solution to the recreation easement. He discussed the requirements of the State of Utah including a stream alteration permit which is concerned with protecting aquatic life, wildlife, the natural channel of the stream and the water rights. The City would require a building permit as well. The proposed details of the ordinance were discussed. He stated the state and federal government claim ownership of all water; reasoning that all water belongs to the public. He talked to Chuck Williamson, an engineer with the Utah Division of Water Rights, who said that if there is a public safety concern, the state can take over with emergency powers and authority to control streamflow and water release. Director Stapley added that in a bad flood situation, the state or city can do anything to keep the stream in its channel. Attorney Penrod added that Utah County may step in with a flood control project or to remove an obstacle according to state law, but the county is not obligated to step in. The City has flood plain ordinance, zoning and government immunity to manage flood systems.

He showed general images of bridges that cause flooding. When trees grow in the channel in a dry year, then a wet year washed away the trees, the dead trees get hung up against the bridge and the land around the bridge gets flooded. The creek can also try to realign in a high-water year. In the past, property owners have asked City employees to try and save private property, even when it is dangerous. Councilmember Crandall asked about the property owner's responsibility to keep trees back from the creek. Attorney Penrod answered the private property owner is responsible to keep trees out of the creek. Before the previously discussed private property, owner sued the City, employees were helping property owners. Because of employee danger, liability and lawsuits, the City stopped clearing private property.

Attorney Penrod continued by stating during high water it is too hard to remove debris. Councilmember Monney said property owners should clear the debris before the high water even if inconvenient. Attorney Penrod showed a large flood caused by debris piling up next to a bridge. Councilmember Crandall asked about the right of way. Attorney Penrod answered that when there is a flood, property owners call the City. Administrator Fitzgerald said any property owner with a large problem on their property calls the City. As the City grows and liability and risk grow, it is harder and harder to help residents with private property problems.

Back to the footbridge, Attorney Penrod asked what to do when the property owner sells the property. The proposed ordinance adds details about trail easement, ownership of enough property on the other side of the bridge, building permits, and the height of the bridge deck and width. Councilmember Packard asked why Springville City would make an accommodation for one property owner when we don't want to. Administrator Fitzgerald answered that this City Council will vote yes or no next week. The

previous Council asked staff to study this problem. Councilmember Snelson asked about access to the owner's Mapleton property. Administrator Fitzgerald said it is a landlocked property. Councilmember Monney asked if the other side of the creek is in Mapleton. Councilmember Packard asked if this ordinance would allow a dozen footbridges. Attorney Penrod answered yes to both. Mayor Child said this footbridge would create a precedent. Councilmember Snelson asked about the opinion of the Planning Commission. They were concerned with the high water but suggested going forward with the footbridge. Director Stapley said once the debris is piled up against a bridge, it is too dangerous and difficult because of the force of the water. Administrator Fitzgerald asked if the Council was inclined to allow the footbridge, this ordinance provides a good basis to allow it. Attorney Penrod would bring changes to the wording of the ordinance to the Council next week. The final wording change in the ordinance includes all creeks in Springville. Councilmember Crandall asked about other bridges. Attorney Penrod showed the bridges near Witney Lane. Administrator Fitzgerald and Attorney Penrod looked at the satellite maps of Provo and Spanish Fork and couldn't find any private bridges.

- c) **Discussion regarding a possible Resolution with Nebo School District - John Penrod, Assistant City Administrator/City Attorney**
Item was postponed.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

- d) **Discussion with Department Directors**

Director Riddle reported about refunding bonds that funded the building of the library while rates are falling this week. Those savings will be passed on to the property owners of Springville City because their property tax levy will be lower next year. The City will save \$500,000. Director Riddle was complimented.

Mr. Norman reported that the golf course opens next week, weather permitting, and a new snack bar contract will be signed tomorrow.

Director Wright, who is a new Springville resident, reported on positive press in the newspapers and on KUED for the high school show at the museum.

Director Yost noted he will be attending training in Provo.

Director Fredrickson pronounced the power department great and reported that winter and summer projects are underway.

Director Meredith said staff is receiving an award for the CRC in Saint George for the outstanding facility of the year.

Facilities Superintendent Bree reported that the Buildings & Grounds Department is proactively switching gears from winter to spring. The landscaping equipment has been inspected at the central shop and facilities staff are checking all HVAC systems.

Director Stapley reported his department has not slowed down. The Bartholomew tank will be under construction through the summer. Administrator Fitzgerald asked about chlorination. Director Stapley answered it is chlorinated through the pipe.

Chief Martinez mentions an event that may be in the news. A trooper working at the Rio Grande has been offered a job as well as a former Springville Police Officer.

Councilmember Jensen asked about the building fee schedule. He suggested a punch card per garbage can for yard waste.

Councilmember Crandall asked about 1.5 million dollars in revenue at the recreation center. Administrator Fitzgerald clarified that the Clyde Recreation Center's direct operational costs are around



1.6 million dollars so it roughly breaks even with operational costs and revenue being close. Those operational costs do not include the custodial and maintenance costs, which are in a separate budget, or equipment replacement capital savings. The total operational costs are closer to 2.1 million dollars. Neither budget includes the general obligation bond taxes coming in to pay for the construction of the building. Mayor Child added that if it was a private enterprise the operational costs would include water and power which is provided to the CRC by the City. Councilmember Crandall clarified that the recreation center does not make money for the City. Administrator Fitzgerald answered the recreation center is not profitable. Councilmember Packard added that it is losing much less money compared to the old pool. Administrator Fitzgerald concluded by saying this recreation center offers Springville residents an increased level of service with no increase in operational costs to the residents.

Administrator Fitzgerald said staff has been planning for the Coronavirus for six weeks and staff is monitoring it with state and federal officials and studying the economic threat of closing facilities.

3. MAYOR AND COUNCIL REPORTS

There were none.

4. 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.

COUNCILMEMBER MONNEY MOVED TO ADJOURN THE REGULAR MEETING AT 6:50 P.M. AND CONVELE IN A CLOSED SESSION REGARDING PROPERTY AND LITIGATION.

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

COUNCILMEMBER CRANDALL	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MONNEY	AYE
COUNCILMEMBER PACKARD	AYE
COUNCILMEMBER SNELSON	AYE

Council returned at 7:29 p.m.

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 7:29 P.M.

COUNCILMEMBER PACKARD SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, March 10, 2020.

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, March 10, 2020.

DATE APPROVED: April 07, 2020

Jennifer Grigg
Deputy Recorder

