

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, FEBRUARY 16, 2021, AT 7:00 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                      Absent  
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, and Deputy Recorder Jennifer Grigg. Building and Grounds Director Bradley Neel, Power Director Leon Fredrickson, Public Safety Department Director Lance Haight, Community Development Director Josh Yost, Public Works Director Brad Stapley, Library Director Dan Mickelson, Operations Manager Rod Oldroyd, and Museum of Art Director Rita Wright.

6:51 p.m.

**CEREMONIAL**

**1. Recognition of Police Officer Jon Drumm Receiving the Rank Of Sergeant**

Chief Haight started his presentation by introducing Sergeant Jon Drumm who has served in the Springville Police Department for 14 years. He recently nominated Sergeant Drumm for Officer of the Year through the Utah Chiefs Association. In 2019 Detective Drumm completed 30 search warrants and through excellent police work solved a murder case here in Springville which lead to solving another homicide case in California. He has made several arrests of criminals who victimize children working with the Department of Homeland Security. Because of his work he prohibited additional crimes from happening and has done very honorable work bringing justice to these victims. Chief Haight concluded by saying he is very proud to promote Corporal Drumm to Sergeant Drumm today.

**2. Presentation of the Mayor's Awards - Shannon Acor, Prevention Coordinator/Youth Court Director**

Shannon Acor presented this month's Mayor's Awards to Karen Hernandez and Boston Housley. Amy Dorrington, principal at Cherry Creek Elementary, Karen because she is a delightful student with a warm smile who always makes choices that benefit others and is always there to take care of her brother Gabriel. Karen is the daughter of Carla and Lucio Hernandez.

Boston Housley was nominated by saw a post about a challenge called Raising Men Lawn Care Service The challenge was to mow 50 lawns for needy people without charge. Boston stood and explained he mowed 50 lawns for the elderly, single parents, veterans, and people in need. Rodney (from the Raising Men Lawn Care Service) came from Alabama and presented Boston with a new weed whacker, mower, and leaf blower.

## CALL TO ORDER

Mayor Child welcomed everyone and called the meeting to order at 7:01 p.m.

## INVOCATION AND PLEDGE

Councilmember Monney offered the invocation, and Councilmember Jensen led the Pledge of Allegiance.

## MAYORS COMMENTS

Mayor Child welcomed the Council, staff, and those in attendance.

## APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER MONNEY MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

## PUBLIC COMMENT

Mayor Child noted there is a request for public comment, but we will attend to that in item 9.

## CONSENT AGENDA

3. Approval of minutes for the January 12, 2021, Work-Study meeting and the January 19, 2021, Work-Study and Regular meetings.
4. Approval of a Resolution and improvement reimbursement agreements with Landmark Excavating Inc. and Z-ACT LLC for installing 750 West Street improvements - John Penrod, Assistant City Administrator/City Attorney
5. Approval of a Resolution and indemnification agreement with Fieldstone Homes for the reimbursement of a development electrical extension fee - Leon Fredrickson, Power Director
6. Approval of a Resolution creating a RAP Tax Ad Hoc Committee - Corey Merideth, Recreation Director
7. Approval of a Resolution authorizing Springville City, Utah to participate in the Municipal Alternate Voting Pilot Project for the 2021 Municipal Election - Kim Crane, City

COUNCILMEMBER JENSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER PACKARD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

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

Councilmember Packard asked about the Alternate Voting Pilot Project. Administrator Fitzgerald explained this resolution instructs staff to send a letter to the governor's office. Mayor Child asked if anyone is opposed. Administrator Fitzgerald explained this refers to the current election and the Council can revert if they choose. Councilmember Monney asked about the pilot program. Administrator Fitzgerald answered the pilot program ends in 2026. There is current legislation to make it permanent.

## REGULAR AGENDA

### 8. Consideration of a Resolution approving the execution of a boundary line agreement to clean up Springville City's Holdaway Park South Boundary Line - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod started his presentation by explaining the Holdaway Park south boundary line. The Baxter family owned the parcels near 641 East 200 North and Ryan Johnston, Jeff Johnston and Johnston, and Phillips are looking to purchase the three parcels, clean up the boundary line and subdivide. City engineers mapped out the legal descriptions and the city will lose 204 feet of legal property by lining the parcel line up with the city park fence line. Councilmember Packard, Jensen, and Snelson clarified that the fence will become the property line and remain. Councilmember Packard asked about traditional fence line agreements. Attorney Penrod explained that (the property rights theory of) Boundary by Acquiescence does not work with government entities. Mayor Child asked who pays for the recording. Attorney Penrod answered the Johnstons will pay for it.

COUNCILMEMBER JENSEN MOVED TO APPROVE RESOLUTION # 2021-10 APPROVING THE EXECUTION OF A BOUNDARY LINE AGREEMENT TO CLEAN UP SPRINGVILLE CITY'S HOLDAWAY PARK SOUTH BOUNDARY LINE. COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

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

### RESOLUTION #2021-10 APPROVED

Attorney Penrod followed up by asking the Council about adding parking to the south side of Holdaway Park. He explained police officers have trouble patrolling this park and staff has discussed adding access to the park with the Johnstons. He asked if the Council agreed. They did.

### 9. Consideration of an Ordinance amending Springville City Code 11-6-130 Protection of Creek Corridors to allow private bridges to cross Hobble Creek - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod explained the history of this item. Amy and Matt Bowman filed a building permit for this bridge in 2019. At that time, the code did not allow a structure within 50 feet of the creek, and any structure on a creek lot-required council approval. Staff and applicants worked together to find a solution. The applicants are very willing to address the City's concerns. The Planning Commission voted the permit down. Public works researched this item closely and found concerns with flooding and the Council had issues preserving the creek corridor in its natural state and keeping the creek available to the public.

He continued by saying this item came back through the Planning Commission in December 2020 with the Bowmans as the applicant. Staff expressed concern with protecting the creek corridor from flooding risk as well as the philosophy of private versus public benefit and how it applies to the Springville City General Plan. The Planning Commission dismissed the public versus private concern and requested ordinance language stating a private bridge may only be 10 feet wide, owners must maintain the 20-foot easement and be responsible for any flood damage caused by the bridge, ensure quality bridge construction, and narrow locations where bridges are allowed to less dense zones to prevent too many bridges up and down Hobble Creek. Additional ordinance language states the owners

must have a maintenance plan, a high water plan, and no structures allowed on the Mapleton side. He explained the current design of the bridge includes crane access and quick release attachment in the case of a flash flood. The Bowmans have a contract with a crane service to arrive and remove the bridge within 20 minutes. Councilmember Snelson mentioned 20 minutes is a long time in a flash flood. Attorney Penrod said all risks will not be eliminated and there is science behind the 20 minutes. Mayor Child agreed to state there will be some warning.

Councilmember Snelson asked for clarification of the location current USGS (United States Geological Survey) stream gage. Mayor Child explained that stream gage measures the total water flowing into Utah Lake. Administrator Fitzgerald explained 700 CFS (cubic feet per second) is basically what the stream channel can handle and what the current detention basin allows through its three pipes. When the gage shows water flow above 700 CFS, the detention basin fills and water-free releases over a controlled spillway. Attorney Penrod continued by showing the history of that gage on the USGS website. He also explained how it works. Councilmember Monney asked who would own the new stream gage if the Bowmans pay for it. Attorney Penrod said it becomes the property of USGS. Councilmember Snelson clarified the highest mark on the existing stream gauge. Administrator Fitzgerald recalled there was a blockage upstream that when removed released the backup of water which the downstream gage registered at close to 800 CFS. Police officers monitored the detention basin through the night that year, which never overtopped or passed 700 CFS.

Attorney Penrod referred to the Planning Commission comments about this application. Commissioner Young stated he likes the ordinance. He said anyone who builds a bridge under the ordinance is required to take on the burden of any possible harm caused by the bridge. Commissioner Baker said the proposed ordinance mitigates risks and bridge owners take on damages throughout the City. Having bridge owners address unique features of their property in their maintenance plans will be nice. Commissioner Heaps thanked staff and the applicants for working together to address safety concerns. He said his concerns are addressed in the proposed ordinance. The proposed ordinance is much better than the prior proposed ordinance. Commissioner Farrer said he was here in 1983 to help with the flooding that occurred that year. There are risks associated with private bridges and flooding, but there are also risks in other parts of the City. He is more concerned about other bridges than bridges built under the proposed ordinance. Commissioner Parker said the applicants have gone above and beyond and they are willing to do what the City asks to mitigate risks. There are risks in a lot of other things. Commissioner Ellingson said she appreciates all the work that has gone into the proposed ordinance. She is thankful for Director Stapley and the work he and his department do to keep residents safe. There is risk associated with private bridges and the proposed ordinance lowers the risk. She wants language added to the required maintenance plan that requires owners to address flooding concerns associated with unique features of their property. Chair Mertz said he appreciates the process the proposed ordinance has gone through and the work on both sides of the proposed ordinance.

Councilmember Snelson said he surveyed the creek and counted 24 bridges on Hobbie Creek to I-15, all different. He asked how the City deals with flooding issues with 24 creek crossings. Director Stapley said using a backhoe to get above the creek is a huge benefit. His department checks all the debris at all the bridges each spring. Administrator Fitzgerald said the crossings above the debris basin in the canyon are the responsibility of the county. Councilmember Snelson asked about the easement for a public trail system on the Bowman's property. Attorney Penrod said in this ordinance the easement will be moved and still be used for recreation. Mayor Child clarified the easement will be moved because it will go around the bridge. The financial burden and risk are on this homeowner. He asked what happens when their funds are depleted. Attorney Penrod said they will sign an indemnification document. He described breakaway bridges.

Mayor Child turned the time over to Matt Bowman for public comment on this item. Matt Bowman, who lives at 2120 Pebble Creek Drive, thanked the Mayor for this time to share his thoughts and Attorney

Penrod and the City Council for their hard work on this issue. He said he views his responsibility of living on the creek as solemn and sacred and he is a very passionate environmentalist. He said a city staff member suggested he build a bridge before he bought the Mapleton property. He described the bridge as smaller than the Planning Commission required. He worked with designers and city engineers to meet the specifications of the City and submitted the permit for a high-quality bridge in October of 2019. He had a question about the stream gage and wondered as a citizen why the City does not have a city-owned stream gage near the dam. He offered to monitor the stream gauge but has no expertise to install it. He asked the wording of the ordinance to be changed. He listed how he is willing to comply with the rest of the ordinance including a maintenance plan, a standing contract for bridge removal, and quick release connectors added to the bridge so the crane company can remove the bridge safely. He reiterated the City has the power to change the maintenance plan at any time. Because the financial burden for any flood damage falls on his family, they will want to remove the bridge the instant flood is threatened because they do not want to cover damages. He concluded by noting he surveyed other bridges on Hobble Creek and his bridge has the same or smaller access for a backhoe.

Councilmember Jensen stated Mr. Bowman's solution is to remove the bridge, not wait for a backhoe. Councilmember Snelson agreed. Mr. Bowman said we cannot minimize all risk in life. He listed the organizations that reviewed this project: U.S. Army Corp of Engineers, FEMA, Utah Department of Rivers and Streams, the federal department that administers the Endanger Species Act, Springville City engineers and arborists, Mapleton City, the Springville City Planning Commission (voted twice in support of this item) and every public comment was in support of this bridge. He concluded by saying he hoped the Council would approve it and he looks forward to living in Springville for a long time. Councilmember Snelson asked about the backhoe agreement. Mr. Bowman said the contract is with a professional with 30 years of experience and guaranteed to arrive at a moment's notice 24 hours a day. He also has a crane contract guaranteed to arrive within 20 minutes. Councilmember Snelson asked who should be responsible for installing a stream gage.

Mayor Child asked about other gages. Administrator Fitzgerald described the gages on the Highline Canal and the Mapleton Lateral. Councilmember Jensen asked where stream gage provision of this ordinance came from. Attorney Penrod answered the engineering staff suggested it. He continued by stating his personal feelings about flash floods are warnings come all the time, and nothing happens. A stream gauge monitors the stream so whether the City or the applicant installs the gauge, it will indicate if the bridge is in trouble. Councilmember Snelson said he understands that. He does not feel like the applicant should be responsible for installing it. Mayor Child asked Director Stapley how the City monitors the water at the diversion dam. Director Stapley answered staff watches for when the culverts are full. That is when staff starts watching the creek. When the culverts go underwater the water goes into the spillway and it is uncontrolled all the way. Councilmember Snelson said when the culverts are full that is 700 CFS, which is an automatic stream gage. Councilmember Jensen said when water approaches the spillway, the culverts are full. Councilmember Snelson said when the culverts are full Mr. Bowman must take his bridge off. Director Stapley clarified that 700 CFS is a stream gauge number staff use to monitor the creek with vigilance. If something gets hung up, the existing stream gauge might not approach 700 CFS. Water will still back up. The stream gauge is not the full tell. Councilmember Snelson said staff will monitor the creek.

Director Stapley said public works staff does not support this ordinance. Mr. Bowman said the document says staff supports this ordinance. Attorney Penrod said the Planning Commission recommended approval of the ordinance. Councilmember Packard said he will vote no on this ordinance because it is a private bridge with no public use. He wants to limit the number of bridges across Hobble Creek in Springville City. Councilmember Jensen noted that Councilmember Crandall is absent and asked if this vote should be postponed. Councilmember Jensen is for the ordinance because the Bowmans did so much due diligence. Councilmember Packard also complimented the Bowmans and

his objection is not about safety, but aesthetics. Councilmember Monney asked about purchasing a water monitor. Councilmember Jensen asked to remove that part of the ordinance. Councilmember Snelson agreed. Mayor Child asked the Council if they agreed. The Council agreed to remove the stream gage portion of the ordinance.

While Attorney Penrod changed the ordinance, Administrator Fitzgerald reported he spoke with Brady Brammer about the Utah Lake Authority (HB364) and there are positive changes to the bill that are more palatable, however currently there is no municipal representation from South Utah County. Representative Grammar is willing to consider alternatives; offering one or two seats at the board per city or having COG (Council of Governments) rotate members onto the board. City managers in the county proposed changes to the ordinance including adding a seat for Springville City to that board. Councilmember Packard clarified which cities will be included. Administrator Fitzgerald said the legislation that is taking away local government authority will pass. He explained innovative standing working committees concerning land use where cities and the development community come together to discuss upcoming legislation, but that cooperation is not happening in this legislative session. He concluded by explaining a proposed working committee with Spanish Fork, Springville, and developers to jointly plan our vision of the cities merging on 1600 South. Spanish Fork agreed to have Springville take the lead on the existing grant and project Director Yost is working on. Springville is the majority landowner in that area. Spanish Fork planners will participate in our process. Spanish Fork is advocating 1600 South should be state-owned.

COUNCILMEMBER JENSEN MOVED TO APPROVE ORDINANCE #05-2021 AMENDING SPRINGVILLE CITY CODE 11-6-130 PROTECTION OF CREEK CORRIDORS TO ALLOW PRIVATE BRIDGES TO CROSS HOBBLE CREEK. COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MONNEY	AYE
COUNCILMEMBER PACKARD	NO
COUNCILMEMBER SNELSON	AYE
COUNCILMEMBER CRANDALL	ABSENT

**ORDINANCE #05-2021 APPROVED**

**MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

There were none.

**CLOSED SESSION**

10. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session as provided by UCA 52-4-205.*

There was none.

**ADJOURNMENT**

COUNCILMEMBER SNELSON MOVED TO ADJOURN THE REGULAR MEETING AT 8:20 P.M. COUNCILMEMBER PACKARD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

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

*This document constitutes the official minutes for the Springville City Council Regular Meeting held on Tuesday, February 16, 2021, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy 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, February 16, 2021.*

DATE APPROVED: March 16, 2021

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Jennifer Grigg  
Deputy Recorder