



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 50 SOUTH MAIN STREET
FEBRUARY 19, 2008 – 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 19, 2008 at 7:00 p.m.** in the Springville City Civic Center Council Chambers at 50 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 Gene R. Mangum presided. In addition to Mayor Mangum, the following were present: Cl. Phillip Bird, Cl. Ben Jolley, Cl. Dean Olsen, Cl. Mark Packard, Cl. J. Niel Strong, City Administrator Troy Fitzgerald, City Attorney John Penrod, and City Recorder Venla Gubler. Also present were: Community Development Director Fred Aegerter, Finance Director David Allen, Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Recreation Director Charles Keeler, Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley, and Library Director Pam Vaughn.

CALL TO ORDER

Mayor Mangum called the meeting to order at 7:04 p.m. with a welcome to the citizens and young people in the audience. He asked everyone to turn off electronic devices. Ms. Natalie Clyde offered the invocation, and Mr. Jeremy Sanders of Troop 124 led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

CL. JOLLEY MOVED TO APPROVE THE AGENDA AS WRITTEN. CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

APPROVAL OF THE MINUTES

CL. STRONG MOVED TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETINGS HELD ON DECEMBER 4, 2007 AND DECEMBER 18, 2007 AS WRITTEN. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Mangum extended another welcome to the full room. He noted that it was particularly nice for the Council to see the citizens. He added that he was appreciative of the young people here to get acquainted with their city government. He directed them to Cl. Jolley for a certificate of attendance when they felt their requirements had been met. He explained the Public Comment section of the agenda, and explained that the Council always welcomed hearing from the residents.

PUBLIC COMMENT:

Springville City Council, February 19, 2008

Mr. Richard Harrigan reported that he had come to the Council to speak about happenings in the Utah Senate and House. He commented that there is now a bill in the Legislature that would require cities, under pain of penalty, to provide an inventory of their current enterprises. This inventory must be submitted to a Board in Salt Lake City that will decide whether the City must sell the enterprise to private business. He noted that this is not a voluntary action; it is mandatory. He expressed his “unalterable opposition” to this “grab” of prize enterprises that have been built and supported by local residents. He pointed out the Hobbie Creek Golf Course as an example. He suggested that action by the Legislature would result in Springville losing their treasure in the foothills for a possible “pottage” in recompense.

Mr. Harrigan observed that all the proposed legislation is hard to monitor. The State Codes are constantly being amended. This proposal affects ALL State of Utah enterprises, and includes all institutions of higher education, cities, and towns. He suggested that time is of the essence. The legislature is pushing along and coming on fast. They have taken 23 actions this month. He reported that Representative Aaron Tilton from this area is the co-sponsor of this legislation. He noted that he intended to copy the information for the Council to read, but it is 780 pages. He noted that the Privatization Board will consist of 15 persons: two senators, two representatives from political parties, two members of the public employees association, one member from state management, and eight members from private business. A quorum will consist of nine members. He suggested that the City Council will be “rolled over” if nothing is done to prevent this legislation from happening.

Mayor Mangum assured Mr. Harrigan that the City is following the progress of legislation closely. Springville City is a member of the League of Cities and Towns, and the City Administrator is a member of the Legislative Committee in that organization. Administrator Fitzgerald reported that he had attended a meeting yesterday where they had discussed the issues. He noted that the bills on privatization were still in committee and not likely to make it to the floor. He added that the implications on the inventory apply to first and second class cities. Springville City is a fourth class city, but there are concerns. He reported that the privatization bill causing him concern is one that could preclude Springville from building a recreation center. Mr. Harrigan asked what chance exists that the Legislature would push these bills through at midnight on the last day. Administrator Fitzgerald replied that the procedure in the Legislature would make this action hard to do at this point, but it could occur. Mr. Harrigan commented that considering the compensation Springville may get for the power plant is “scary.” Administrator Fitzgerald agreed. Mayor Mangum observed that he does not know any city that would like to have their enterprises taken away and sold to private business.

Mr. Harrigan reported that a number of residences on Canyon Drive have not removed snow from the sidewalks since the “Fourth of July.” Mayor Mangum observed that he would encourage neighbors to help those having trouble keeping snow cleared, and that sometimes the City can help. Cl. Bird reported that the south side is clean, but some areas along the north side need snow removal. Director Aegerter confirmed that the problem exists on Canyon Road and not Canyon Drive.

CONSENT AGENDA

- ~~1. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))~~

Springville City Council, February 19, 2008

APPROVED – April 15, 2008

Page 2 of 9

2. **Approval of an Ordinance updating Springville City Code §4-5 to reflect current Policies and Operations in the Springville Cemeteries– Alex Roylance, Buildings and Grounds Director**
3. **Approval of a bid award and contract for planting and maintenance of the City’s Flower Beds for Summer 2008– Alex Roylance, Buildings and Grounds Director**
4. **Approval of a preliminary plan for the Amhurst Subdivision, at approximately 1275 West Center Street, in the R1-10 Single Family Residential zone with a Westfields Overlay, WF-1 – Fred Aegerter, Community Development Director**
5. **Approval of a request by Clint and Wendy Bird for the temporary use of a septic sewer system at approximately 2362 South State Street in the LIM-Light Industrial Manufacturing zone**

CL. JOLLEY MOVED TO APPROVE THE CONSENT AGENDA. CL. PACKARD SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

6. **Public Hearing to consider an Ordinance that will vacate and abandon 1500 West Street between 400 South and 900 South on the west side of the UPRR tracks – Fred Aegerter, Community Development Director**

Mayor Mangum explained the process of a public hearing, and turned the time over to Attorney Penrod for his report. Attorney Penrod told the Council that this item was still on the agenda because of the public notice, but legal issues have not been resolved. He asked the Council to continue this item without date. Mayor Mangum opened the public hearing for comment. There was none.

CL. OLSEN MOVED TO TABLE THE CONSIDERATION OF AN ORDINANCE THAT WILL VACATE AND ABANDON 1500 WEST STREET BETWEEN 400 SOUTH AND 900 SOUTH ON THE WEST SIDE OF THE UPRR TRACKS. CL. BIRD SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED AYE.

Administrator Fitzgerald explained the difference between a motion to table and one to continue. Cl. Strong asked about the pending litigation. Administrator Fitzgerald explained that the court has required a notice before the City does anything with this parcel. This notice was inadvertently missed. Cl. Strong asked if the delay will hinder development of 400 South. He was assured that this will not affect this project.

ACTION ITEMS:

7. *(Continued from January 15, 2008)* **Consideration of a policy addressing parking in residential/commercial transition areas – Troy Fitzgerald, City Administrator**

Mayor Mangum turned the time over to Administrator Fitzgerald. Administrator Fitzgerald directed the Council’s attention to the staff report on the conflicts between commercial parking needs and residences nearby. He noted that residents that have complained to the City have been invited to hear staff’s recommendations, options, and to allow them to air their concerns to the Council. He reported that parking conflicts are a common problem in many cities. There are problems between residences near commercial areas, churches, and schools. He hopes to find a general solution for the entire city rather than a local solution for only one area.

Administrator Fitzgerald reported that the City Code has adopted the traffic regulations in the Utah State Code. He clarified that if there is no signage saying otherwise, anyone can legally

Springville City Council, February 19, 2008

park. Exceptions to this general rule include overnight parking on snow routes, large truck parking, etc. The City has posted signs in some areas, put red curb in others, and restricted parking to three hours in the downtown area. These actions have pushed commercial patrons and employees to seek nearby parking in residential areas. The Council tried a permit parking program to see how it might work, and there have been positives and negatives to this program.

Administrator Fitzgerald reported that staff's recommendation is to leave the parking restrictions in place as written. He commented that there are a number of reasons for this recommendation. The zoning code has been rewritten to provide off-site parking standards to prevent extra cars from parking in a newly developed area. One of the problem areas concerns the last building to be built under the old code. The new codes affect new uses and changes to existing uses. The code is intended to provide balance between residential and commercial needs. He noted that these conflicts put a strain on public safety and other city resources. Extensive enforcement is required for some of the options to the Council. There are also problems in knowing where to start and stop parking restrictions. No parking zones have been found to push vehicles into areas where they can park, so it just moves the problem and does not solve it. He added that some property owners do not want parking restrictions in front of their homes because it restricts personal parking too.

Administrator Fitzgerald commented that if the Council is inclined to place parking restrictions, staff would prefer timed parking. The reasons are that it limits parking in front of residential neighbors, its relative low cost to implement and enforce, and the restrictions could be limited to business hours. However, there are negatives, such as limited parking for commercial businesses, and required signs and enforcement. He suggested that neighborhoods could submit an application for parking restrictions to the City with more than 50-percent support. The expense of the signs could be covered by a fee. Staffing and enforcement challenges would need to be addressed in the budget. Other options for parking are permits and red curbing, but there are more negative issues than positive issues for these options. Mayor Mangum opened the discussion to the public present in the audience.

Mr. Mark Burns reported that he would like to briefly raise awareness of the plight of his neighbors in the 900 South 1400 East area (near Springville High School). He commented that the No Parking Zone has moved closer to his home and exacerbated the problems he has experienced. He presented photos of "a typical day." He pointed out blocked fire hydrants, mailboxes, garbage cans, and driveways. Narrowed streets were shown narrowed even more with parking and mounds of snow on both sides. He pointed out blind curves and unsafe intersections. He reported that it is gratifying to see that the Council is aware of the issues.

Cl. Bird asked what option his neighbors would prefer. Mr. Burns replied that they are leaning toward permit parking. He presented examples of parking near Orem High School and Spanish Fork High School that could be adapted to Springville High School. He commented that he is not sure why students choose to park in front of his house at 6:00 a.m. rather than in the high school parking lot. He noted that the parking lot is not filling up. Cl. Bird reported that he has heard that sometimes the police come to the parking lot for ticketing, so the students avoid the lot.

Mr. Burns reported that the nuisances have risen since the students have taken to parking near his home. He commented that his yard has become a garbage repository, which persists even though he asked students to refrain. Cl. Strong asked if students will continue to park there if the high school asks students to park elsewhere. Mr. Burns reported that he has worked with the high school on this option already, but it is not helping. Cl. Olsen asked if parking along the

Springville City Council, February 19, 2008

streets is more convenient for students. The reply was no. They have to walk farther. Cl. Strong suggested opening the No Parking Zone. He asked the reasons for this zone in the beginning. Administrator Fitzgerald replied that the zone borders an unimproved field with no curb, gutter, or sidewalk. It would be hard to get orderly parking along its edge.

Mr. Jim Brau observed that he would like to make the Council aware of the safety issues near the high school also. He understands the need for a general solution, but wonders about the rank or order of the largest public safety concerns. He disclosed that he is concerned for the safety of his children. The constant line of cars parking along the street make the visibility limited. His children and others have almost been hit. The bike lane along the street has disappeared in the line of parked cars, even during the summer. The litter is uncontrolled. He is cleaning up garbage daily. He even found a young couple in a parked car getting involved physically. Although there is plenty of capacity for vehicles in the high school parking lot, the students avoid it because of the possibility of police inspection. They would rather walk twice the distance to get to school.

Cl. Strong again asked about a common approach the neighborhood would prefer. Mr. Brau replied that they would like to see signs like Orem or Spanish Fork with some enforcement. Mayor Mangum confirmed that they would like “No Parking During School Hours” signs posted in front of their homes. Mr. Burns reported that the two-hour limit is ignored. The students have no fear of getting tickets. He added that he understands the police are busy with more important issues, but a few tickets may change some habits and reduce the problems. Cl. Strong asked about the neighborhood’s own cars. He asked if they were willing to put up with the inconvenience of not parking there themselves. Mr. Burns replied that this is what they were debating and the permit parking idea has somewhat taken hold.

Cl. Bird observed that the area near the high school is different from other areas. He commented that although there are some students that will comply when asked, others will take up the challenge and do exactly the opposite. They will continue to park there until forced off the street. He noted that the school cannot do anything to control the parking in the neighborhood; they have provided sufficient parking at the school. However, for whatever reason, the students are choosing to park a block or more away. He noted that these reasons make him willing to try to do something to help. Ms. Natalie Clyde commented that another reason students park along the streets and not in the parking lot is the probability of getting vehicles “dinged,” and slow exits. She agreed that it will take some enforcement to establish new habits with the parking rules. She expressed surprise at the cost of parking signs.

Ms. Maria Smith commented that she would like to add a voice for those that live right off of Main Streets. She commented that they experience safety issues, too. They cannot pull in to or out of their driveways easily because of limited views and higher rates of speed. Many avoid disasters narrowly. She suggested that her neighborhood is interested in permit parking. She pointed out that the businesses in the area have adequate parking, but their patrons and employees choose not to use it. The business has grown larger than what they are providing parking for, so they have purchased the use of a parking lot a few steps away. The employees choose to park closer by parking in front of their homes, instead of in the parking that has been provided. She suggested that that the neighborhood could help with the policing, but here too, the tickets will help to change habits.

Mayor Magnum informed the audience that the discussion will be restricted to the Council now. Cl. Olsen commented that he recalls parking citations in court. Although the ones with the citations are not likely to repeat the offense, others took their place. He commented that

Springville City Council, February 19, 2008

it is a process to learn. He asked Chief Finlayson to comment. Chief Finlayson observed that many avoid a marked area because they will be a ticket. The question is how far to extend the marked area. Will it just push the parking down the street? He added that parking violations are at the bottom of the priority list for enforcement. It will not be addressed immediately; it will be dealt with but not quickly. Administrator Fitzgerald recalled that his recommendation is to have citizen involvement in the placement of No Parking zones. Some will choose to have signs; some will choose red curb; some will want neither. Ms. Clyde pointed out that the church parking lot and the unimproved field is nearby. Students do not need to park on the street. Administrator Fitzgerald replied that the church will chain the lot to prevent unauthorized parking. The reason is because it raises their liability. Cl. Olsen asked Ms. Clyde how far she would extend the No Parking zone. Ms. Clyde replied that the line should be pushed to the point where it is no longer convenient to walk. She commented that most are lazy and will move into the school parking lot.

Cl. Packard commented that he understands the problems and empathizes with the neighborhoods. He also sees that the City needs to involve the neighborhoods to get the right type of resolution. He added that the problems will continue to snowball if nothing is done to alleviate the pressures between the uses. Cl. Jolley observed that the situation near the high school is different than the one on 400 North in that there is littering and disrespect. He reported that he is aware of the signs at Orem High School, which do make parking restrictions clear. However, his concern is that the signs preclude parking by residents too. The residents could get ticketed just as much as high school students. Ms. Smith disagreed that the situation is not the same, and declared 400 North has more public safety issues. Their children are not safe and they cannot safely exit their driveways. Cl. Jolley agreed that the public safety stance is the same, but the high school has the nuisance factor added.

Cl. Bird commented that the commercial patrons on 400 North go there for specific reasons. The young people have to be at the high school, which makes this neighborhood less desirable. He added that maybe a city-wide approach is a solution, but he would support petitions on a neighborhood by neighborhood basis. He observed that \$1,600 for signs is enough to make neighborhoods avoid the process, and it will give them some options. Mayor Mangum commented that it appears a majority of the Council would like to see parking restrictions enforced. Cl. Strong recommended reconsideration of the No Parking zone east of the high school seminary, signs similar to Orem's that identify the school hours, and the possibility of permit parking into the side streets and cul-de-sacs.

Administrator Fitzgerald commented that it may be helpful to let staff continue discussion. He observed that he has been rethinking the recommendation. He pointed out that permit parking only requires one trip by enforcement officers, while timed parking requires two trips. Cl. Strong commented that timed parking would make an allowance for parking during evening events at the school. Mayor Mangum asked if the Council would like to continue discussion to another agenda and allow staff to present a program. The Council agreed.

Ms. Karen Ifedaba reported that she had problems on 100 East near the middle school. She went to her office and brought two trucks to park in front so that no other car could park there. She left them for a month and has had no problems since.

CL. PACKARD MOVED TO ALLOW STAFF TO WORK ON A PROPOSAL TO BRING BACK TO THE COUNCIL. CL. STRONG SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED AYE. THE MOTION CARRIED.

Springville City Council, February 19, 2008

APPROVED – April 15, 2008

Page 6 of 9

8. Consideration of a fence line agreement with 3K, LLC near the Wastewater Treatment Plant at 600 West 600 North – John Penrod, City Attorney

Attorney Penrod presented an aerial photo of the property adjoining the City's wastewater treatment plant. He reported that the issues is gaps and overlaps in the boundary descriptions of the parcels. This action will set the boundary along the fence line and clear the right-of-way along the road.

CL. STRONG MOVED TO APPROVE THE EXECUTION OF A BOUNDARY LINE AGREEMENT THAT ESTABLISHES THE BOUNDARY LINE ON THE WESTERN BOUNDARY OF SPRINGVILLE'S WASTEWATER TREATMENT PLANT TO MATCH THE CURRENT FENCE LINE BETWEEN SPRINGVILLE'S PROPERTY AND THE PROPERTY OWNED BY 3K, LLC. CL. JOLLEY SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED AYE.

9. Consideration of a Resolution authorizing and approving a prepayment/capital contribution equal to the product of Springville City's entitlement share and the cost of acquisition of additional facilities in accordance with the terms and provisions of the Power Sales Contract with Utah Associated Municipal Power Systems (UAMPS) for the San Juan Project – Leon Fredrickson, Power Director

Director Fredrickson reported that the San Juan Project has had major environmental upgrades and unexpected problems with new equipment. The Project Management Committee has reviewed the current financial position of the reserve funds and recommends investigation of a refunding and extension of the bonds. The advantage of this proposal is that refunding and extending the bonds will reduce the amount of pressure on the participants' budgets to meet the expenses that have been incurred for the upgrades. It will also take advantage of lower interest rates and allow additional funding for more improvements. The second option the City may consider as a participant is to make a prepayment on the expenses instead of additional bonding. The purpose tonight is to determine if the Council chooses to bond or to make a payment.

Cl. Olsen asked what guarantee the City has that UAMPS will not increase the entitlement share to cover additional expenses if the prepayment option is chosen. Director Fredrickson assured him that the entitlement shares are set by contract. Administrator Fitzgerald replied that the project entitlement share billing is budget driven. Additional expenses would require Springville to pay a proportionate share of the expenses. Director Fredrickson added that UAMPS sits on the owners committee, but they are not preparing the budget. He added that it must be assumed that the project managers are using prudent utility management methods. There is a level of trust involved. This is the balance of taking part in ownership or in taking a contract for the delivery of energy. Administrator Fitzgerald admitted to the same range of emotions as the Council on this request. He commented that the payment will increase about \$1,500 per month, or 0.2-percent of the monthly UAMPS bill. He noted that this is a small amount compared to the total power budget.

Cl. Olsen observed that there is a discount of about \$90,000 for opting on the prepayment option. Cl. Packard commented that the plan is to refund the bonds even if Springville opts to prepay. Director Fredrickson replied yes. Cl. Packard asked how comfortable Director Fredrickson is about pulling \$300,000 out of reserve for the prepayment. Administrator Fitzgerald commented that one reason Springville chose to participate in the power organizations of SUVPS and UAMPS is because they are the bonding entity for these large projects. The debt does not show against Springville City's debt ratio.

Springville City Council, February 19, 2008

APPROVED – April 15, 2008

Page 7 of 9

Cl. Olsen asked about the refund that was added to the reserve. Director Fredrickson replied that the refund was the result of good management of the UAMPS budget – member margins were refunded. He explained that San Juan has had unforeseen capital expenses and age issues that require the improvements. Mayor Mangum commented that the total bond amount is still unknown, and so is the payment schedule and interest. Cl. Jolley commented that Springville chose to be an owner in this facility, and this ownership requires continued participation in the upkeep and operations. He added that he would like to see the plant continue operation so that Springville is not paying for something that is sitting.

Director Fredrickson observed that San Juan has had a particularly rough operation year. It is performing now, and the environmental units installed are working well. It should be a good resource for Springville and may be a source of additional capacity for Springville's future resource needs. Cl. Jolley asked if the improvements will increase the generation capacity of San Juan. Director Fredrickson replied that capacity will be increased somewhat with the generator rewind. However, Springville will not see much increase because their share is only 11-percent. He commented that he feels it would be prudent to leave the reserves in place. Director Allen agreed.

CL. OLSEN MOVED TO ACCEPT THE SAN JUAN PROJECT MANAGEMENT COMMITTEE'S RECOMMENDATION AND APPROVAL TO DIRECT THE UAMPS STAFF TO MAKE THE NECESSARY PREPARATIONS FOR ISSUING NEW REFUNDING AND IMPROVEMENT REVENUE BONDS THAT WOULD ALLOW THE CITY OF SPRINGVILLE TO FUND ITS ENTITLEMENT PERCENTAGE REQUIREMENT OF CURRENT CAPITAL COSTS ASSOCIATED WITH THE PROJECT THROUGH THE NEW BONDING OPTION AND NOT THROUGH PREPAYMENT. CL. BIRD SECONDED THE MOTION. CL. JOLLEY, CL. BIRD, CL. PACKARD, CL. OLSEN, AND CL. STRONG UNANIMOUSLY VOTED AYE. THE MOTION CARRIED.

Director Fredrickson reported that the oil market closed over \$100/barrel today. He expected pressure on the energy-related markets, so it is imperative to manage Springville's resources for maximum effectiveness. He assured the Council that the Power Department staff continue to monitor and protect Springville's position.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Mayor Mangum reported a message from a Springville businessman about Neways' sign. Director Aegerter replied that the sign ordinance requirement for wall signs is a certain percentage of the façade. Neways is not in violation of the ordinance.

Administrator Fitzgerald handed out the UDOT schedule for the 400 South projects. Mayor Mangum announced a meeting tomorrow with UDOT and local businessmen noon at the Museum. Administrator Fitzgerald commented that Springville has taken a stance against road closure. This project will be a "design-build" with an anticipated completion in May 2010. It includes a SPUI interchange on the I-15 freeway, a railroad bridge at about 1500 West, replacement of the railroad bridge on about 400 West, and widening of the street from I-15 to Main Street. After the project has been bid, UDOT will approach the City with alterations to save time or money. He acknowledged that Springville's business community is concerned about closing 400 South, but there may be detours available in SR-75 or US-6. These options can be discussed in the future. The Council agreed that 400 South should remain open. There was a discussion on the detour routes. Mayor Mangum asked if there was other discussion. There was none.

Springville City Council, February 19, 2008

CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

There was no closed session.

ADJOURNMENT

CL. BIRD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:51 P.M.
CL. STRONG SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED
AYE.

Springville City Council, February 19, 2008

APPROVED – April 15, 2008
Page 9 of 9