



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 50 SOUTH MAIN STREET
MAY 20, 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, May 20, 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. Benjamin 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, Office Assistant Hilary Barksdale, Lt. David Caron, Power Director Leon Fredrickson, Public Works Director Brad Stapley, and Library Director Pam Vaughn.

CALL TO ORDER

Mayor Mangum welcomed the Council, staff, and audience. He called the meeting to order at 7:00 p.m. with an announcement that the full Council was present this 20th day of May, 2008. Ms. Christine Tolman offered the invocation. Ms. Jennifer Humble led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

Mayor Mangum thanked the participants for helping the Council honor the flag and acknowledge a supreme being. He asked the Council to consider the agenda, and recommended a change. He suggested moving Item #3 to the Regular Agenda. Attorney Penrod also asked the Council to consider moving Item #7 to the Regular Agenda and moving Item #11 up in the order to meet the applicant's schedule. The Council agreed.

CL. STRONG MOVED TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: ITEM #3 MOVED TO THE REGULAR AGENDA, ITEM #7 MOVED TO THE REGULAR AGENDA, AND ITEM #11 MOVED TO THE FIRST OF THE REGULAR AGENDA. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

APPROVAL OF THE MINUTES

The Mayor asked the Council to consider the Minutes of April 15, 2008 and May 6, 2008 presented for their approval.

CL. BIRD MOVED TO APPROVE THE MINUTES OF APRIL 15, 2008 AND MAY 6, 2008 AS WRITTEN. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Mangum again welcomed the audience. He commented that there was a good crowd here. He noted that the Council offers citizens the opportunity to address them on any *Springville City Council, May 20, 2008*

subject during the Public Comment portion of the agenda. He cautioned the participants that the Council cannot vote or make a decision on the item addressed, but it can be referred for later discussion or other action by staff. He noted that the requests he had received were for items on the agenda. There were no other requests. Mayors welcomed the youth in the audience and directed them to Cl. Jolley for a certificate of attendance.

PUBLIC COMMENT

There was no public comment.

CEREMONIAL AGENDA

1. Presentation by Miss Pleasant Grove/Strawberry Days Queens

Mayor Mangum welcomed the Strawberry Days and Miss Pleasant Grove Royalties. He asked them to introduce themselves. Ms. Kami Alldredge, first attendant to Miss Pleasant Grove, gave the Council the dates of the event, invited them to get some strawberries and cream, and enjoy the carnival. Brianna McCurdy, third attendant to Miss Pleasant Grove, invited the Council to the PRCA Rodeo, including the mutton busting contest for kids, and added that it was more enjoyable with some more strawberries and cream. She also invited the Council to bring their children and grandchildren to compete in the Baby Contest on Wednesday at 10am, and then participate in the Children's Parade. Heather Nielsen, fourth attendant to Miss Pleasant Grove invited the Council to participate in Huck Finn Day on Friday morning and the Pie Eating Contest later. Miss Alldredge reported the events scheduled for Saturday, starting with a parade and ending with the final night of the Rodeo. Mayor Mangum commented that Pleasant Grove puts on a nice program.

Ms. Martina Wardle, Strawberry Days Rodeo Queen, explained that the rodeo starts on Wednesday and continues each night until Saturday's final performance beginning at 8:00 p.m. She reported that the rodeo starts with a wild cow milking contest. Ms. Elisa Lewis, first attendant, reported that the rodeo will be joined by a freestyle motocross exhibition and "jumbotron" instant replay of the activities. Ms. Amanda Anderson, Jr. Rodeo Queen, reported that the Pleasant Grove "Strawberry Days" Rodeo is the longest continually running rodeo in the State of Utah. Ms. Amber Wright, second attendant to the Jr. Rodeo Queen, invited the Council to the mutton busting at 7:00 p.m. each night. She explained that this is where youth get their start and learn to be cowboys. The girls handed out a flyer to be posted in the Civic Center, and presented the Council with strawberry cheesecake.

2. Recognition of outgoing Board and Commission members

Bruce Bennett – Landmarks Preservation Commission

Debbie Balzotti – Library Board of Trustees

Christine Tolman – Planning Commission

Mike Davis – Planning Commission

Joyce Nolte – Planning Commission

Steve Oakey – Water Advisory Board

Mayor Mangum observed that the next item is to recognize good people that have served our community. He commented that they have put in many hours and had a favorable impact on Springville. He added that the service has been purely voluntary. These are tremendous people.

Springville City Council, May 20, 2008

He read the names and noted that Ms. Balzotti was not able to make it tonight. He asked the Council to make the presentations.

Cl. Jolley observed that he was pleased to present this award to Mr. Bruce Bennett. He added that he did not realize all the things that were happening with the Landmarks Preservation Commission until Mr. Bennett's presentation last month. He touted the Historic Springville website as a tool for people to understand the historical nature of this community. He reported that he was pleased to give Mr. Bennett this award. He read the inscription and the audience applauded.

Cl. Jolley reported that it has been his privilege to get to know Mr. Mike Davis. Mr. Davis served a number of years on the Planning Commission. A major accomplishment during his tenure has been the design of the West Fields to manage growth. He commented that it was his honor to present Mr. Davis with this award. He read the inscription and the audience applauded. Cl. Packard commented that Mr. Davis served eight years in his last stint on the Planning Commission. He served a number of years in a prior term. Mr. Davis has been a "fixture" on the Commission for a long time.

Cl. Packard reported that there were two other members of the Planning Commission to recognize for their hard work and diligence. He commented that this Commission was not one afraid to take a stand. They not only designed the West Fields, but also revamped the sign ordinance, and worked on the Plat A Design Standards. He commented that these issues were controversial, and they have taken a lot of pressure on some issues. He expressed the hope that the new commission would carry on this attribute. He read the inscription for Ms. Christine Tolman and presented the award. The audience applauded. Cl. Packard read the inscription for Ms. Joyce Nolte and thanked her for her passion and diligence. There was applause once more.

Cl. Strong added his thanks to those already offered. He reported that one of the pleasures of working with the City is finding the people with talent in this community. He reported that Springville is a great place to live, and has people with a lot of talent they are willing to offer. One of these is Mr. Steve Oakey. He noted that many know Mr. Oakey as a former employee of the City. He added that one attribute of Mr. Oakey he has enjoyed, is Mr. Oakey's willingness to speak out. He reported that Mr. Oakey was a member of the Water Board when the tiered rate system was adopted. He thanked Mr. Oakey for his willingness to give of his time, talent, and expertise. He read the inscription and presented the award. The audience applauded.

Cl. Bird observed that if anyone has been to a Planning Commission meeting, one would soon realize that this is a difficult job. Many of the things done are controversial. He commended the outgoing members for their willingness to stick to their beliefs. It has made Springville a better City. He added that because of Mr. Oakey and others Springville made it through a water crisis and is in better shape now. He commented that Mr. Bennett served on a committee that many do not know, but if anyone wants to see interesting things about Springville, they should check out the Historic Springville website. He reported that this website will eventually allow access to thousands of photos. He thanked Mr. Bennett for his valuable contribution.

Cl. Olsen commented that he has not had the opportunity to work with these particular people, but he knows that serving the City takes commitment and decisions that are not always favorable to the people in front of you. He applauded them for the work done.

Mayor Mangum offered the outgoing members a piece of strawberry cheesecake. The Mayor and Council left the stand and shook hands. Pictures were taken.

Springville City Council, May 20, 2008

CONSENT AGENDA*

2. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5)) – David Allen, Finance Director
3. ~~Approval of a Resolution authorizing the City Administrator and Public Safety Director, as the Project Managers for the construction of the Civic Center and Main Fire Station projects, to have limited change order authority~~ – John Penrod, City Attorney
4. **Approval of a bid award and contract with Rocky Mountain Ambulance Sales and Service for a 2008 ForkWheel Coach Ambulance for \$117,000** - Phil Whitney, Emergency Services Chief
5. **Approval of a bid award and contract with Judston and Sons, Inc. (JSi) for the 700 East Sewer Pipeline Project in the amount of \$39,309.42** – Brad Stapley, Public Works Director
6. **Approval of a Resolution declaring a surplus and authorizing its disposal** – David Allen, Finance Director
7. ~~Approval of an amendment to the contract between Centricom and Springville City to allow Centricom to install fiber along Center Street from 1500 West to 400 West~~ – John Penrod, City Attorney

The Council read the consent agenda as amended to the audience. CL. PACKARD MOVED TO APPROVE THE CONSENT AGENDA AS READ AND CORRECTED. CL. BIRD SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY VOTED AYE. THE MOTION CARRIED.

REGULAR AGENDA

11. **Consideration of a boundary line agreement between Michael Black and Springville City concerning the boundary at Heritage Park** – John Penrod, City Attorney

Attorney Penrod reported that this item concerning Heritage Park came before the Council at the last meeting. The issue is a boundary line overlap with Mr. Black. The Council asked him to refer the issue to a title company, who has discovered that the deed to the City from the United States Government in 1975 will revert to them if the park is altered in any way. He disclosed that he reported this issue to Mr. Black, who is willing to approach the Secretary of the Interior for permission.

Mr. Black commented that his position is that the United States did not own the property they conveyed to Springville City. He observed that he was willing to take the lead in getting permission from the federal authorities. He agreed with the City in not wanting anything to happen to the park. He asked if the Council would be willing to conditionally approve a property transfer pending federal approval, so that he had a strong position with the Secretary of the Interior.

Mayor Mangum thanked Mr. Black for taking the lead. He commented that it was too bad that nothing could be worked out because of a technicality. He added that he would like to see the boundary where it was supposed to be. Cl. Packard commented that he was still in the same position and would prefer to see the verification of the boundary from the title company. Cl. Jolley commented that he was fine with a contingent approval. Mr. Black observed that his likelihood of success is dependent on the Council's approval.

CL. BIRD MOVED TO APPROVE THE EXECUTION OF A BOUNDARY LINE AGREEMENT BETWEEN THE CITY AND MR. BLACK THAT WOULD ALTER

Springville City Council, May 20, 2008

HERITAGE PARK'S BOUNDARY LINE CONTINGENT UPON A PENDING OUTCOME OF A TITLE SEARCH AND AUTHORIZATION FROM THE U.S. SECRETARY OF THE INTERIOR. CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

8. Consideration of an easement agreement for a water line between Doug Fowkes and Springville City at approximately 820 East 1125 North – John Penrod, City Attorney

Attorney Penrod presented an aerial map and pointed out Mr. Fowkes home. He explained that when this subdivision was developed, the water line was supposed to be routed around the edges of the lots within the forest service property. However, permission could not be obtained from the forest service. It was decided to take the water line through the development, but it was not taken through the public utility easements. Mr. Fowkes was landscaping his backyard and found the line. He has worked with the City to correct the alignment and depth. The City now needs to purchase the easement and reimburse Mr. Fowkes for the work done. Attorney Penrod reported that Mr. Fowkes has spent about \$43,000, and is asking to be reimbursed \$22,670. The easement consists of 10-feet on either side of the pipeline. Mayor Mangum asked if the work is done to city standards. Attorney Penrod replied that the city supervised the construction.

CL. OLSEN MOVED TO APPROVE THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN DOUG FOWKES AND SPRINGVILLE CITY FOR THE PURCHASE OF AN EASEMENT AND THE COSTS OF RELOCATING A 12-INCH WATER LINE ACROSS THE BACK OF DOUG FOWKES' PROPERTY AT 820 EAST 1125 NORTH. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

Mayor Mangum apologized for the work that Mr. Fowkes had to do.

9. Consideration of a recommendation from the Planning Commission concerning adoption of the Design Standards for Historic Plat A – Fred Aegerter, Community Development Director

Mayor Mangum welcomed those citizens present to discuss the proposed design standards for Plat A. He noted a number of requests to address the Council, but asked Director Aegerter to give his presentation first. Director Aegerter observed that he would try to be quick as many have seen this presentation several times. He commented that he would like to review the planning process. He reported that work on the design standards began in 2001. Zoning changes were adopted in 2001 and 2003. The area was listed with the National Historic Register in 2004. The Planning Commission still felt the need for design standards or guidelines that would help recognize the unique environment of this area and ensure that new construction complements rather than competes with the historic homes. Work began on the design standards as part of a BYU Planning course in spring 2007. He informed the Council that the design standards have been discussed and presented to the public in committee meetings, open houses, and planning commission meetings. Property owners were also notified of tonight's meeting by direct mail.

Director Aegerter displayed the Plat A Historic District on an aerial map. He noted that the District includes the houses that face onto 400 North, 400 East, and 400 West. The south edge of the district borders the homes facing 400 South west of Main Street and then onto 800 South on the east side of Main Street. The design standards can be divided into two parts: required and recommended. They are intended to preserve the character, and improve the quality,

Springville City Council, May 20, 2008

safety, and stability of the area. He observed that this neighborhood has taken years to decline, and it will take years to stabilize and rebuild. The first part is required and addresses such things as (1) house orientation, with some exceptions, (2) appropriate scale of the house to lot size, (3) basic house elevation features, (4) location of parking, (5) primary use of building materials, (6) porches and trees, and (7) identification within the five architectural styles. He presented pictures and explained each of the criteria, and how these affect property values and impact the character of the neighborhood. He added that the second part of the design standards are intended to be advisory and give guidelines to people considering the construction of a new house or adding to an existing house. It can be used as a “pattern book” or resource to detail their home in a way that reflects the historic architectural features of the area. These include detailed examples of window and door sections, porches, columns, chimneys, lighting, etc. Mayor Mangum opened the public hearing and recognized Ms. Joyce Nolte.

Ms. Joyce Nolte explained that she has been part of this process over the years. She commented that she wants to encourage the Council to adopt the standards. She reported reading an interesting article about the Wasatch Front becoming a “megalopolis” where the towns merge into one another. It mentions a need for towns to establish their identity. Many of the small towns are struggling with growth, but trying to plan their “personality.” They are choosing distinct styles of street lights, signs, street facades, and other design criteria. She suggested that Springville is ahead of the curve because they have chosen a strong sense of identity as the “Art City.” She reported that new citizens are drawn by this identity, and that Plat A is the focal point of this sense of character. This opinion is reinforced by the information that about 72-percent of the primary buildings in Plat A are identified as contributing to the historic character of the area. She suggested that it is important to Springville to maintain the character of Plat A in order to draw business and quality citizens to this community. Springville owes their progenitors who created this identity. She observed that maintenance of this character is a real concern of older residents.

Ms. Christine Tolman reported that she has served a long time on the Planning Commission, where she has heard from the citizens of Springville what matters to them. She observed that many residents in the core of the City feel they have been ignored by City Government. They feel overlooked at the expense of newer developments. She suggested that the design standards are an opportunity to recognize the unique nature of Plat A. She pointed out that Plat A does not have the same protections afforded to new development, like CC&Rs to protect them. They need more than the city’s zoning requirements. She suggested that it is important to remember that what the design standards are doing is the same as what developers have done for the rest of Springville.

Ms. Tolman commented that some have suggested that the design styles and standards are too restrictive. There is a risk of interfering with property rights. She reported that she has learned through serving on the Planning Commission that there is a fine balance of many property rights. She expressed the opinion that the design standards serve to protect the rights of all of the residents. She suggested that the standards were not just picked out of the air; the elements were selected because they already exist in Plat A. She suggested that the design standards will help to make Plat “A” a vibrant part of Springville, by making sure what is built in the future is contextually sensitive to the homes already in the neighborhood. She stressed that the standards are part of a “whole cloth” approach to Plat A that will serve to protect its residential nature. The standards will help stop the trend to tear down houses to build apartments.

Springville City Council, May 20, 2008

Ms. Tolman assured the Council that the standards are not a quality assessment on who is allowed to build in Springville. Springville contains plenty of areas where prospective homeowners can choose where and how to build. The standards are intended to preserve the character of Springville's core. She suggested that the people that live there are proud of their neighborhoods and want to protect their investments. Springville City has the responsibility to protect the rights and interests of the residents of Plat A. About 70 to 80 percent of the homes built in Plat A fit into one of the design standard styles. This will insure that the infill meets those standards, too.

Ms. Jenny Humble questioned the unintended effects of these proposed design standards on Springville's families. She read from a letter and then submitted a second sheet with seven questions she asked the Council to consider. Mayor Mangum thanked her for raising these concerns. He read Question #1, "Will families desiring to build a new home or make an addition on an existing home be able to afford the new construction required by these standards?" He asked Director Aegerter to address Ms. Humble. Director Aegerter replied that the Planning Commission has considered this question. He reported that the price point between vinyl siding or hardboard is \$2,000, and brick on a 1,600 square foot home is \$6,000. He agreed that the standards may affect pricing, but the expected life for brick is longer than siding, so there is a cost savings. He added that the Council also expected some extra costs for citizens and so has approved a utility grant in the new budget in an effort to help offset costs. Mayor Mangum commented that the extra expected costs appear to be modest.

Mayor Mangum read Question #2, "Will life for families in these new homes, or in an old home that has been added on to according to what is allowed by these new standards, be practical for living a modern lifestyle?" Director Aegerter reported that the design standards do not restrict interior spaces. He noted that families are free to create living spaces that work for them. The design standards only affect the outside appearance of homes. Mayor Mangum commented that it appears that flexibility exists to create a practical home.

Mayor Mangum read Question #3, "Will these design standards help prepare us for an earthquake or frustrate the process of earthquake proofing the homes people live in?" Director Aegerter replied that earthquake retrofitting is not required for homes, only commercial structures. He reiterated that the design standards only affect the appearance of the home. The homeowner is free to upgrade the home to earthquake standards if they wish.

Mayor Mangum read Question #4, "Will these design standards encourage people to make improvements on their homes or discourage them?" Director Aegerter reported that this can go either way. He suggested that if homeowners can trust what will happen in their neighborhoods, if there is consistency, and if they feel safe to invest in their homes and stay, they are encouraged to make improvements. However, some will not be willing to put the extra money in an old home. The design standards will not prevent them from choosing to tear down the house either.

Mayor Mangum read Question #5, "Will these design standards attract responsible citizens to our neighborhoods, or will they attract irresponsible citizens to our neighborhoods?" Director Aegerter suggested that the design standards will tend to attract responsible citizens. He pointed out that people who choose to live in historic districts have a strong sense of values and respect for the historic nature of their neighborhoods. He added that he has noticed more civic activity from those who live in historic districts. Mayor Mangum agreed.

Springville City Council, May 20, 2008

Mayor Mangum read Questions #6 and #7, “Will these design standards relieve stress on families or will they create stress on families;” and “Will these design standards help the families in our community or will they hurt them?” Director Aegerter replied that the whole purpose of the design standards is to stabilize the district and help preserve property values, not to hurt families and drive them out.

Mr. Jeff Mills asked the Council to let the Planning Commission know he applauds them for their hard work. He commented that he realizes the issue is difficult and sensitive. It affects people’s lives, so is hard to decide. He observed that as he has looked at Plat A, and listened to its residents, he feels that a majority want a standard. He suggested that 80-percent would agree with the standards in this one. He suggested that the proposed standard is mindful of the residents. He expressed his agreement with the work done.

Mr. Jeff Carter commented that he lives in Plat A and works in the construction business. He expressed favor to a standard and making uniformity, but asked the Council to proceed with caution. He pointed out that homeowners are already bound by uniform building codes and zoning laws. He suggested an “open mind” on application of the design standards. He pointed out that he would love to sell his customers wooden windows. In fact he just replaced some because they were not weather efficient. He reported that his contractor’s cost on a 5 X 3 wood window was \$1,100; a vinyl window the same size was \$200; and a composite window with the historic look was \$600. He asked when the design standard comes in to play. He reported that homeowners of historic homes are constantly remodeling. Must they restore the home to its historic architecture? Or, must it only look historically accurate. He observed that there is a great deal of cost difference involved those questions. He agreed that the standards are a great idea, but he would encourage caution in application so that it does not discourage homeowners from remodeling. Director Aegerter reported that there are standards that are mandatory when doing new construction or adding floor space, however, the material used for windows and doors is up to the homeowner. The standards show what is historically appropriate, but it is not mandated. Homeowners are not required to restore to original materials.

Mr. Bruce Bennett congratulated the City for putting the design standards together. He noted that the Planning Commission heard the concerns expressed and responded with changes. He commented that he applauds the review process this document has been given. He observed that he would like to address three points. One, is that Springville is the Art City and architecture is art. He suggested that there is more art to see in Plat A than in the Museum. Two, is that standards do protect the homeowners. He explained that the Landmarks Commission sought to create two historic districts in Springville—one in Plat A and one in Brookside. However, Brookside did not qualify because there have been so many “out-of-context” changes to those homes. This has cost the homeowners in Brookside. Three, is that the homeowners in Brookside could have received a 20-percent tax credit for exterior and interior work done on their homes.

Mr. Bennett suggested that the design standards will help maintain that benefit for homeowners in Plat A. The tax credit is also an incentive to homeowners who want to remodel their homes. This tax credit is only available to homes within the historic district or on the historic register. This is available because Plat A has maintained their historic character. Every building in Plat A has been cataloged and found true to the historic nature and the context of the neighborhood. He suggested that there is enormous progress in protection inherent in the standards. Families are encouraged to fix up homes and there is a benefit to them to do so. He reported that Springville has attracted significant investments in eight homes in the last six years,

Springville City Council, May 20, 2008

which were previously described as “decrepit” and were expected to be demolished. He expressed support for the standards and the review process. He expressed gratefulness that this monumental task has been done and predicted that residents will be grateful, too.

Mr. Taylor Oldroyd from the Utah Masonry Council encouraged Springville residents to use masonry products in their home designs.

Ms. Dianne Carr encouraged the Council to accept and adopt the design standards. She pointed out that many residents have invested in their homes, and remain in Plat A with a strong commitment to the stabilization of the center of the city. She reported that the downzoning affected the entire population and has resulted in a remarkable difference. There is not the fear that homes will be removed and replaced with apartments. When homeowners make an investment in their homes, the homes will not be devalued with apartments in the neighborhoods. She suggested that the same result will happen with the design standards. She observed that the design standards are not just aesthetics, but recognition and protection of an investment. She suggested that the trees and improvements the Council has put into Plat A are appreciated, and asked for more improvements. She recognized that the Council faces many pressures from outside areas, but pointed out that the Avenues in Salt Lake can be used as an example of a successful stabilization effort.

Mr. Cris Child suggested that modern homes are an asset to established neighborhoods and do not detract from property values. He showed some slides that he felt established this concept. He urged the Council not to eliminate vinyl siding as cost is a significant issue. He observed that designs can be improved and still fit the architecture of the area. Designs can be made more functional and serve the needs of the residents better. He also pointed out that 400 West is included, but he feels this neighborhood is not historical. He gave an example of a historical home that should be replaced. He acknowledged his love of old homes and his desire to keep them, but suggested that they should be selective. He advocated an appeal board that can be used to solve design problems, like relaxing rear setbacks, and the use of vinyl.

Mr. Roscoe Bruce Caldwell Lee, expressed concern about increased construction costs.

Mr. Toren Doman explained that he owns property in Springville as an investment. He suggested that the design standards will limit choices for him as an architect. He recommended giving the Community Development Director some leeway to accept alternates not in the design standards that may not be anticipated. He asked the Council to table the standards until he had an opportunity to assess how they will affect his property.

Mr. Martin Conover observed that he was born and raised in Plat A. He questioned the prohibition on vinyl siding because it duplicates the look of wood siding used in Victorian homes without the paint or replacement issues.

Mr. Marlin Kidd reported a problem with an irrigation ditch on 400 North. Administrator Fitzgerald reported that the City has plans to improve roads, curb, gutter, and sidewalks in Plat A. The Council has authorized funding for the next year and hopes to continue the project in future years. He suggested letting the irrigation district know that the problem exists and hope for correction. Mr. Bennett encouraged the City to educate the public on the tax credit, which he suggested will help alleviate costs.

Cl. Olsen commented that although an official survey was not taken, 62-percent of those who attended the presentations approved the standards. He asked how many of the homes must be historic for an area to be designated as a Historic District. Director Aegerter reported that there must be more than 75-percent. Mr. Bennett reported that Brookside has less than 50-

Springville City Council, May 20, 2008

percent left. Cl. Olsen commented that the design standards appear rigid to some, acceptable to others, but will improve the marketability of the whole area.

Cl. Packard observed that he has been involved in the process for quite a while. He reported that Plat A residents were sent letters and invited to the presentations on the design standards. Their comments were noted and incorporated. The Planning Commission listened to the community and will continue to make improvements. He commented that there is no perfect ordinance; changes will be made. He reported that he also grew up in Plat A. This original home has been remodeled twice since his childhood, and there were discussions with his parents about whether to stay in Plat A because of the slide into substandard neighborhoods. He suggested that the standard will strengthen the area. He assured the public that the Planning Commission will continue to adjust and look at options.

Cl. Jolley reported that he lived in Plat A until three weeks ago. He commented that he has been asked many times how he liked living in Plat A. He admitted that he likes the feel and the character of the neighborhoods, but personally chose to live in a newer home in another neighborhood recently. He suggested that Springville has offered many choices to prospective homeowners. If they want a newer home, there are neighborhoods where they can build. If they like historical homes, there are choices for them, too. There are opportunities for many lifestyles. He pointed out that many people come to Plat A for its historical nature. The standards will ensure that these neighborhoods remain well kept and inviting. He suggested that the proposed standards have been evolving over the last two years, and will continue to do so to meet the needs of Springville residents. He invited residents to stay involved in the discussions.

Cl. Bird commented that he knows that people have a hard time seeing another person's position. There is a need to protect the historic nature of Springville. He commented that the general standards will help protect and preserve families and their properties.

Cl. Strong commented that Plat A has experienced neglect in the past, although progress has been made. He admitted that the problems lie in how to protect one homeowner from what another homeowner wants with their property. He observed that a homeowner can choose vinyl siding if the construction project does not require a building permit. There was a discussion on the use of rock as an architectural accent, and the location of garages in relation to the house. Cl. Strong commented that he feels the design standards are a step in the right direction, along with utility and impact fee relief for remodel permits. Cl. Strong noted that the design standard will apply to construction for which a building permit must be applied.

CL. STRONG MOVED TO APPROVE AS PROPOSED THE DESIGN STANDARDS FOR NEW CONSTRUCTION IN THE SPRINGVILLE CITY PLAT A HISTORIC DISTRICT WITH DIRECTION TO STAFF TO PREPARE AN ORDINANCE TO INCLUDE THE STANDARDS BY REFERENCE IN TITLE 11 OF THE SPRINGVILLE CITY CODE. CL. STRONG WITHDREW HIS MOTION.

CL. STRONG MOVED TO APPROVE AS PROPOSED THE DESIGN STANDARDS FOR NEW CONSTRUCTION IN THE SPRINGVILLE CITY PLAT A HISTORIC DISTRICT. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE. THE MAYOR DECLARED THE VOTE UNANIMOUS. THE MOTION CARRIED.

Mayor Mangum thanked everyone who participated.

Springville City Council, May 20, 2008

10. Consideration of the Springville/Spanish Fork Airport tentative budget for Fiscal Year 2008-2009, and a request to set a Public Hearing date for consideration of the Final Budget on June 3, 2008 – David Allen, Finance Director

Director Allen reported that State Code requires the Council to specifically adopt the tentative budget and set a public hearing for the consideration of the final budget. He pointed out the budget in the attachment and asked if there were any questions. There was none.

CL. PACKARD MOVED TO ACCEPT THE TENTATIVE FY 2008-2009 BUDGET FOR THE SPANISH FORK/SPRINGVILLE AIRPORT AND SET A PUBLIC HEARING FOR THE FINAL BUDGET ON JUNE 3, 2008. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

11. Consideration of executing a quit claim deed to the Utah Department of Transportation (UDOT) for certain property located near 950 West for the 400 South Project – John Penrod, City Attorney

Attorney Penrod distributed a map showing the parcel the City is being asked to deed to UDOT for the 400 South project. He reported that the parcel contains 0.025-acres and was evaluated using UDOT's formula at \$6,750. UDOT will maintain the parcel and it will remain as part of the right-of-way. He introduced Ms. Shanna MacNamara from UDOT. Ms. MacNamara thanked Mr. Penrod for his presentation. She explained that the parcel is needed to get the project underway. She assured the Council that the parcel would remain within the right-of-way; it would just change jurisdiction. Mayor Mangum commented that UDOT is asking for the City to donate the property, and that he would hate to see any reason to hinder this project. The Council agreed.

CL. BIRD MOVED TO APPROVE DEEDING 0.025-ACRES OF PROPERTY LOCATED AT APPROXIMATELY 950 WEST 400 SOUTH FOR THE DEVELOPMENT OF THE 400 SOUTH PROJECT. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

3. Approval of a Resolution authorizing the City Administrator and Public Safety Director, as the Project Managers for the construction of the Civic Center and Main Fire Station projects, to have limited change order authority – John Penrod, City Attorney

Cl. Jolley commented that the Council should probably return to the items removed from the consent agenda before going to the public hearings. The Council agreed. Mayor Mangum observed that the staff is asking special authority for change orders at a higher level with approval by the Mayor. He suggested that the recommendation may be too broad. He reported that he was thinking about half that level, although he sees the need for an increase. Attorney Penrod reported that these amounts were suggested by the architects in order to expedite the facility construction project. He suggested that delays in getting approval from the City Council cost the City. He informed the Council that City Code gives Administration up to \$25,000 in approval authority. The architect reported that most change orders are in the \$10,000 to \$20,000 range. Not many change orders get to \$100,000, but this was the level recommended.

Mayor Mangum suggested keeping closer to the current ordinance and limiting change order authority to \$50,000. He noted that this suggestion is not because of a lack of regard for the project managers, but only that the Council should keep involved in the process. Administrator

Springville City Council, May 20, 2008

Fitzgerald explained the procedure for financial authority. He reported that this policy requires the Mayor's signature on amounts that exceed the authority given to that director. If the Mayor does not sign, the Council's authority is needed. He reported that waiting may delay the project, but the Council can be called for a special meeting or the procedure for emergency provisions can be taken. He noted that this policy establishes another level of authority, and that staff is comfortable with the Council's direction. Mayor Mangum reiterated that his objection was a matter of involvement, not a matter of trust. He suggested that cost control may be better if permission from the Council is needed.

CL. STRONG MOVED TO APPROVE RESOLUTION NO #2008-14 THAT AUTHORIZES THE CITY ADMINISTRATOR AND CITY POLICE CHIEF TO APPROVE CHANGE ORDERS TO THE CONSTRUCTION OF THE CIVIC CENTER COMPLEX AND FIRE STATION SUBJECT TO DEFINED LIMITS AS FOLLOWS: PARAGRAPH 1 LIMIT IS \$25,000, AND PARAGRAPHS 2 AND 4 LIMIT IS \$50,000. CL. JOLLEY SECONDED THE MOTION. CL. JOLLEY, CL. BIRD, CL. PACKARD, CL. OLSEN, AND CL. STRONG VOTED AYE. MAYOR MANGUM ANNOUNCED THAT THE MOTION CARRIED UNANIMOUSLY.

7. Approval of an amendment to the contract between CentraCom and Springville City to allow CentraCom to install fiber along Center Street from 1500 West to 400 West – John Penrod, City Attorney

Attorney Penrod reported that this item is related to the extension of fiber in 400 South as part of the UDOT project. He informed the Council that staff met with CentraCom to discuss the installation of additional strands to service the school district. CentraCom proposed to hang a 48 strand fiber optic cable overlashed on UDOT's 48 strand fiber that will be installed from 1500 West up Center Street to 400 West where it will enter the City's system. He observed that the 48 strand extension, as originally proposed, was thought to benefit the City by allowing the use of 12 strands of fiber for City purposes. However, this assumption was erroneous. The installation will only allow the City to loop the system and give redundancy. This is because there are only two strands of connection into the City's system. CentraCom has asked staff to get authority from the Council to alter the agreement and get the project moving.

Cl. Strong asked if this will help extend expanded service to the downtown businesses. Director Fredrickson replied that the proposal only gives the opportunity to make the 400 West loop more robust and correct that weakness in the system. He added that it may also allow the opportunity to enter into an amended agreement with Utah County for capacity. Attorney Penrod reported that the loop will meet the needs for public safety by giving greater capacity in the City's current system. Cl. Olsen asked about maintenance of the City's system. Director Fredrickson replied that CentraCom pays a lease fee, which provides revenues to fund maintenance of the system.

CL. JOLLEY MOVED TO AUTHORIZE THE EXECUTION OF AN AMENDED AGREEMENT BETWEEN CENTRACOM AND SPRINGVILLE CITY THAT ALLOWS CENTRACOM TO EXPAND ITS UTAH EDUCATION NETWORK TO SPRINGVILLE CITY PUBLIC SCHOOLS WITH AUTHORITY TO FINALIZE THE TERMS GIVEN TO THE CITY ATTORNEY. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

Springville City Council, May 20, 2008

PUBLIC HEARING AGENDA

12. Public Hearing to consider an Ordinance amending Title 11 to incorporate design standards for new construction within the historical area known as “Plat A,” an area comprised of the blocks between 400 North, 800 South, 400 East, and 400 West

– Fred Aegerter, Community Development Director

Director Aegerter observed that he would forego the presentation because of the discussion earlier. He explained that this proposal amends Title 11 of the Springville City Code to reference the design standards and resolve conflicts like parking standards. Mayor Mangum opened the public hearing and asked for comment. It was noted that the citizens who had requested to speak had already left. Administrator Fitzgerald commented that he would offer Chris Child’s argument that the Council had complete control over the boundaries of Plat A. These boundaries can be adjusted if the Council wishes.

CL. OLSEN MOVED TO CLOSE THE PUBLIC HEARING. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

CL. OLSEN MOVED TO APPROVE ORDINANCE NO #08-2008 AMENDING SECTIONS 11-1-401, 11-5-201, 11-5-202, 11-6-113(2)(A)(VII), 11-6-112(3)(G), AND THE OFFICIAL ZONING MAP OF SPRINGVILLE CITY AS THE PROPOSED AMENDMENT WILL HELP MAINTAIN THE CHARACTER OF THE AREA AND PROTECT PROPERTY VALUES, WILL MAINTAIN THE INTENT OF THE GENERAL PLAN AND IS IN THE BEST INTEREST OF SPRINGVILLE CITY. CL. JOLLEY SECONDED THE MOTION. CL. BIRD, CL. PACKARD, CL. OLSEN, CL. STRONG, AND CL. JOLLEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

13. Public Hearing to consider a proposed amendment of the General Plan at about 300 to 400 South, and 400 to 800 East from Commercial to Medium Density Residential

– Fred Aegerter, Community Development Director

Director Aegerter reported that this issue arose in connection with the Woodscross Development next to Reams on 400 South. The Council instructed the Planning Commission to study changing all of the Professional Office zone to the Residential zone to protect the homeowners left in this area. The Planning Commission considered the issues (traffic) and felt that it was too late. The area under consideration was narrowed to the properties facing Kolob Circle and Chase Lane. This area has five properties used in conformance with the Professional Office designation and eleven properties used residentially, but many of the residential properties are rentals. The Planning Commission recommendation is to approve the General Plan and zoning amendment. Mayor Mangum opened the public hearing and asked for comment.

Mr. Martin Conover commented that this area has been back and forth from commercial to residential many times over the years. He pointed out that 400 South is a very busy street and making properties residential just closes options to reduce the parking problems and traffic issues. Cl. Packard pointed out that everything on 400 South will remain under the same zoning and designation. The proposal only affects the property on Kolob Circle and Chase Lane. Mr. Conover replied that this information restores his confidence in the Planning Commission.

CL. PACKARD MOVED TO CLOSE THE PUBLIC HEARING. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

CL. JOLLEY MOVED TO APPROVE ORDINANCE NO #09-2008 AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GENERAL PLAN FROM

Springville City Council, May 20, 2008

COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL ON THE PROPERTIES LOCATED AT 654 AND 678 KOLOB CIRCLE, ALONG WITH THE LDS STAKE OFFICE LOCATED ON THE SOUTHEAST CORNER OF KOLOB CIRCLE AND 300 SOUTH, AND 685 CHASE LANE. CL. BIRD SECONDED THE MOTION. CL. PACKARD, CL. OLSEN, CL. STRONG, CL. JOLLEY, AND CL. BIRD VOTED AYE. MAYOR MANGUM DECLARED THE VOTE UNANIMOUSLY IN FAVOR OF THE MOTION.

14. Public Hearing to consider a proposed amendment of the Official Zone Map at about 300 to 400 South, and 400 to 800 East from Professional Office (PO) zone to R2, Single and Two Family Residential zone – Fred Aegerter, Community Development Director

Director Aegerter reported that this item is the rezoning of the same properties. Mayor Mangum opened the public hearing. There was no comment.

CL. PACKARD MOVED TO CLOSE THE PUBLIC HEARING. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

CL. PACKARD MOVED TO APPROVE ORDINANCE NO #10-2008 REZONING FOUR PROPERTIES LOCATED AT 654 AND 678 KOLOB CIRCLE, ALONG WITH THE LDS STAKE OFFICE ON THE SOUTHEAST CORNER OF KOLOB CIRCLE AND 300 SOUTH, AND 685 CHASE LANE FROM THE PROFESSIONAL OFFICE (PO) ZONE TO THE RESIDENTIAL TWO UNIT/SINGLE UNIT (R2) ZONE. CL. BIRD SECONDED THE MOTION. CL. OLSEN, CL. STRONG, CL. JOLLEY, CL. BIRD, AND CL. PACKARD VOTED AYE. MAYOR MANGUM DECLARED THE VOTE UNANIMOUSLY IN FAVOR OF THE MOTION.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

- a. Arts Commission Minutes of April 8, 2008
- b. Library Board of Trustees Minutes of April 10, 2008

There was no discussion of the board minutes. Cl. Olsen asked for an update from Mr. Conover on the Folkfest preparations. Mr. Conover reported that groups will be coming from Canada, Panama, and Russia. Mayor Mangum read a letter from the Utah League of Cities and Town offering a special invitation to a program on June 7. He asked Cl. Strong if he would like to discuss subjects in his email.

Cl. Strong reported that Elk Ridge City will not be able to pay for the water shares because of the building industry impact. They would like to renegotiate their lease contract to November 2008, and then renegotiate their purchase contract. Administrator Fitzgerald his concern is the nominal lease amount not matching the fair market value of the water. Cl. Strong agreed and noted that this will be part of the review. Cl. Packard commented that he had been relying on this revenue to pay Springville's portion of the SUVMWA bond. Cl. Strong agreed again. He commented that the closing costs for the bond were less than anticipated, and Salem City bought a portion of Springville's allotment. He reported that there is still a fiscal impact on Springville, which development potential may affect.

Cl. Strong reported that SUVMWA was approached by a development company wishing to donate 1,368 acre feet of water to avoid Senate Bill 51. Administrator Fitzgerald replied that Springville City had also been approached—and declined for a number of reasons. Springville

Springville City Council, May 20, 2008

City would be required to find a way to use the water under their Master Plan, but there is also a question on how the transaction would be perceived by the State Engineer.

Cl. Strong reported that the siphon on the Mapleton Lateral was discussed at a recent meeting with Springville Irrigation. He verified that the Council voted to authorize an upgrade on the siphon size to accommodate future irrigation water use. Administrator Fitzgerald reported that the funding was authorized in the Tentative Budget for next fiscal year. Cl. Strong asked why the Rivers Subdivision was not required to install secondary water infrastructure then. He suggested that this was a lost revenue opportunity. Director Aegerter replied that the infrastructure could not be required because the area had not been included in the Secondary Master Plan. Attorney Penrod reported that the option was offered to the developers, but was not chosen. He added that the City tried to fund the installation out of the utility, but it was not possible. Administrator Fitzgerald reported that the Master Plan may need to be revisited if the Council wishes. He noted that the Council was given the choice on the extent of the secondary system when the master plan was adopted, but the plan can be amended. He agreed that the lack of installed infrastructure in the Rivers Subdivision was a missed opportunity. Cl. Strong asked if paving the roads can be delayed to allow the installation. It was noted that the paving had been completed except for a small connection to existing subdivisions to the west.

Mayor Mangum asked if there were other reports. Administrator Fitzgerald reminded the Council about the Groundbreaking Ceremony scheduled for Friday at 11:00 a.m.

CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

There was no closed session.

ADJOURNMENT

CL. STRONG MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 10:38 P.M. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.