



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 50 SOUTH MAIN STREET
JUNE 3, 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, June 3, 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, Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, and Public Works Director Brad Stapley.

CALL TO ORDER

Mayor Mangum welcomed everyone and called the meeting to order at 7:01 p.m. He noted that all five Council members were present. Director Leon Fredrickson offered the invocation and Director Stapley led the Pledge of Allegiance.

CEREMONIAL AGENDA

1. Presentation by Congressman Chris Cannon

Mayor Mangum reported that Congressman Chris Cannon's presentation would be postponed until June 17th.

APPROVAL OF THE MEETING'S AGENDA

Mayor Mangum suggested that the Council consider moving Item #12 from the regular agenda to the consent agenda. Administrator Fitzgerald explained that the amendment to the policy is mandated by the Utah State Bureau of Criminal Identification and allows staff to check the criminal background of prospective employees and volunteers.

CL. JOLLEY MOVED TO APPROVE THE MEETING'S AGENDA WITH THE MOVE OF ITEM #12 FROM THE REGULAR AGENDA TO THE CONSENT AGENDA. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

APPROVAL OF THE MINUTES

There were no minutes.

MAYOR'S COMMENTS

Mayor Mangum welcomed visitors again. He noted that the Council sets aside time early in the meeting to take comments from the public. He assured the citizens present that the Council wants to hear their concerns and questions. He asked anyone wishing to address an item on the

Springville City Council, June 3, 2008

APPROVED AS WRITTEN – July 1, 2008

Page 1 of 9

agenda to hold their comments until that item is called. He asked everyone to turn off their electronic devices to reduce interruptions.

PUBLIC COMMENT:

Mr. Steven Park, reported that he represents several homeowners in his neighborhood, Klauck Subdivision, with concerns about motorcycle and ATV riders on the hillsides and streets of Springville. He asked what can be done to stop this activity. He pointed out that children have been chased off sidewalks by motorcycles. They create dust and noise from sun up to sun down. They make it hard to enjoy their backyards. They evade police officers when they try to catch them. Mayor Mangum replied that he has given a lot of thought to this problem. He reported that he talked to the County and the Forest Service about solutions. Cl. Bird agreed. Mr. Park commented that it has been going on for many years. There must be something done to protect the homes and the homeowners.

Administrator Fitzgerald suggested posting the vacant parcel the motorcycles use to access the hills. He added that the police officers have limited ability to chase off road vehicles, especially when they leave the City's jurisdiction. Mr. Park observed that they know they can hide from the police and then watch when it is safe to come back. Cl. Jolley asked if Mr. Park knew the worst offenders. Mr. Park asked if the police would visit with the offenders and give them warnings. Chief Finlayson suggested that he give the names and addresses if known. He asked him if he would be willing to appear in court to testify against the offenders. Mayor Mangum agreed that this would be the best course of action. Administrator Fitzgerald commented that it is helpful to post signs so that the vehicle operators clearly know they are violating the law. Cl. Strong commented that a sign catches their attention, and lets them know about the City's ability to enforce, even if there are not enough police to be everywhere. Mr. Park thanked the Council for listening and trying to find solutions.

Mr. Don Forbush commented that he would like to request that the Council put his request for a boundary change with Spanish Fork back on the agenda. He would like the opportunity to present his reasons for the request to the Council. He disclosed that he has spent a tremendous amount of money and time based on a prior decision to adjust the boundary, and that it was a change of minds on the Council that the decision was not reaffirmed. Mayor Mangum confirmed the receipt of a letter from Mr. Forbush. He asked why this matter is so important now. Why not leave the property until Springville can develop down SR-59.

Mr. Forbush replied that the development is a total of 90-acres. The project size and engineering has been done based on the density requirements of Spanish Fork. Without that 13 acres in Springville, he will lose 70 lots in the project and wetlands mitigation. The previous developer passed away and the project is for sale to another developer. The property belongs to his mother, who is elderly. Her retirement income is based on the revenues from this property, so nothing happens until this project is completed. Dividing it up "piecemeal" reduces its value, and there is little idea how long they may have to wait for Springville to bring the utility there. Spanish Fork has utility there now. Mayor Mangum asked the Council if they were willing to schedule a hearing on the issue. Cl. Strong asked for an explanation of the density question. Mr. Forbush replied that the 13 acres allows the development to qualify for a density bonus. Without that density bonus, the entire development will need to be re-engineered. Cl. Strong commented that he would be willing to schedule the item on an agenda. Cl. Bird also agreed. Mr. Forbush was informed that he would be notified about the date of the hearing.

Springville City Council, June 3, 2008

Mayor Mangum asked if there were other comments. There was none.

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 bid award and contract with Mitchell Excavation, Inc for the Averett Avenue Sewer Pipeline Project in the amount of \$93,853.70** – Brad Stapley, Public Works Director
4. **Approval of a bid award and contract with Boyd Dixon for the 900 East handicap access project in the amount of \$30,627.00** – Brad Stapley, Public Works Director
5. **Approval of an Ordinance amending Title 3 of the Springville City Code concerning the procedure for declaring fireworks restrictions** – John Penrod, City Attorney
6. **Approval of contracts for Art City Days events** – Charles Keeler, Recreation Director
7. **Approval of a contract with Summit Engineering for special inspections, materials testing, and sampling for the Main Fire Station and Civic Complex projects in the amount of \$40,049.41** – Scott Finlayson, Public Safety Director
12. **Consideration of an amended policy concerning background checks for prospective employees and volunteers** – John Penrod, City Attorney

Cl. Strong read the items on the consent agenda. CL. STRONG MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED. CL. JOLLEY SECONDED THE MOTION. CL. PACKARD, CL. OLSEN, CL. STRONG, CL. JOLLEY, AND CL. BIRD VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING AGENDA

8. **Public Hearing to consider a Resolution adopting a Final Budget for Fiscal Year 2008-2009, an amended Comprehensive Fee Schedule, an Authorized Positions List, and an Officials, Officers, and Employees Compensation Schedule** – David Allen, Finance Director

Mayor Mangum explained the procedure for a public hearing and introduced Director Allen to present the budget. Director Allen reported that the budget comprises 90 to 100 pages, so it is not his intent to go through it page by page. He presented a diagram of the general fund budget for the last five years. He pointed out that the budget was up last year, but this year is showing a light downturn. This is the first for many years. He presented a slide showing personnel and operating expenses. He reported that these expenses represent 80 to 85 percent of the expenditures. The City has not added any staff for many years, but last year added a few. He overlaid the expenses graph over the revenue graph and pointed out that the lines parallel each other.

Director Allen presented projections for sales tax revenues and compared them with actual collections. He pointed out a slight increase. But given the state of the economy and the 400 South construction, he hopes the City is able to maintain that increase in sales taxes into the coming year. He presented a graph showing the downturn in building fee collection and impact fee collection. He reported that this slowdown affects Springville's ability to develop parks and other infrastructure improvements.

Director Allen commented that this is a short overview, and only gives a "flavor" of the budget challenges. He observed that the Council has reviewed and allocated funds the best they

Springville City Council, June 3, 2008

APPROVED AS WRITTEN – July 1, 2008

can to meet the needs of the citizens. Mayor Mangum thanked him for the presentation and opened the discussion to public comment.

Mr. Jim Brau asked if the hiring of additional staff caused an increase of \$4 million in the personnel and operations graph. Mr. Allen replied no. He reported that the operations portion also included a heavy amount of capital projects. Eight to ten new people were hired. Administrator Fitzgerald pointed out that the acquisition of property for the Community Park was \$1.6 million. He noted that the operations budget includes impact fee and impact fee related projects. Cl. Strong commented that the City is required to maintain competitiveness with other cities to gain a skilled workforce, not necessarily with the private sector. Most cities have had to increase their benefits and deal with health insurance increases. Fortunately, Springville did not experience an increase in medical insurance costs this year. Administrator Fitzgerald reported that health insurance costs were reduced \$200,000 last year, and less than 1-percent of the payroll this year. Cl. Strong observed that the Council usually starts the budget process on wages and benefits because it is the biggest expenditure the City faces.

Mr. Brau asked if Springville City offers police officers a competitive wage. He reported that his two brothers-in-law are police officers. Administrator Fitzgerald replied that Springville's police force is young, so total wages are lower, but the range and scale is comparable to the competitive wage market. Cl. Strong agreed. He commented that this is an important issue. Springville does not try to be the leader and set high wages first, but they are not on the bottom rung either. They try to hold a middle ground. He commented that there has been a recent departure of officers to Saratoga Springs. Springville wants to keep their good employees, so it is a balancing act.

Mr. Chris Metcalf asked about the state of reserves. Director Allen reported that the City has accumulated \$10 million in capital project reserves to reduce the amount of impact to citizens on the Civic Center project. Mr. Metcalf asked if the project will deplete all the reserves. Director Allen replied that reserves are kept in each of the specific funds. The City's operating reserve is between \$1 and \$3 million. Administrator Fitzgerald reported that the State of Utah mandates cities keep a minimum of 3-percent and a maximum of 18-percent. Director Allen added that Springville's goal is to keep between 13 to 15-percent. Mayor Mangum asked if there was other comment. There was none.

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

Director Allen pointed out one change to the original packet that was covered in the memo delivered yesterday. He asked if there were questions. Mayor Mangum thanked Director Allen for the many hours of detailed thought and effort he had put into the budget.

CL. STRONG MOVED TO ADOPT **RESOLUTION NO 2008-16** APPROVING THE BUDGET, PAY SCALE, AUTHORIZED POSITION LIST, AND COMPREHENSIVE FEE SCHEDULE FOR FISCAL 12008-2009 STARTING JULY 1, 2008 AND ENDING JUNE 30, 2009. CL. BIRD SECONDED THE MOTION. CL. OLSEN, CL. STRONG, CL. JOLLEY, CL. BIRD, AND CL. PACKARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

9. Public Hearing to consider a Resolution adopting a Final Budget for Fiscal Year 2008-2009 for the Springville/Spanish Fork Airport – David Allen, Finance Director

Director Allen reported that Springville participates with Spanish Fork on an airport. They share the expenses, although it has lately become self-sustaining due to the largess of the

Springville City Council, June 3, 2008

Federal Government. The latest project has been to rehabilitate the runways. This project has been 95-percent funded by a grant from the FAA and 2.5-percent from the State. The balance of the project is being funded out of airport reserves. He noted that the budget is straightforward and simple with no changes from other years. Mayor Mangum asked if there was any public comment.

Mr. Leo Lee asked the length of the runway upon completion of this project. Director Allen replied that the runway length is not changed. Mr. Lee asked if a landing system will be added. Director Allen replied that the airport is under the umbrella of Provo Airport. There is a project underway to establish an umbrella system to cover aircraft for both airports with the Salt Lake Airport. The system will give radar control operators better control of all aircraft in the area. Mr. Lee asked if emergency equipment is stationed at the airport. Director Allen replied no. Emergency response will be from Springville and Spanish Fork. Mr. Lee asked about landing fees. Director Allen replied that there are fees set for overnight tie-downs and fuel surcharges. Mr. Lee asked if the cities own the hangars. Director Allen replied that the cities own the land, but not the buildings. However, when the land leases expire, the buildings revert to the airport. He disclosed that the largest single source of revenue is from hangar leases. Mayor Mangum commented that the Provo Airport has been approved to receive a radar system that will bring in larger amounts of aircraft traffic and impact the Springville/Spanish Fork Airport. He asked if there was other public comment. There was none.

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

Cl. Jolley disclosed that obtaining grants from the Federal Government is not an easy task. He offered congratulations to the Airport Board and Airport management. He reported that the runway rehabilitation is a much needed improvement and will help attract new business to the airport. Cl. Olsen reported that Board Chairman John Hafen has been a “moving force” in working with the FAA. He explained the new radar system being installed at the Provo Airport and noted that the system will benefit this airport at no expense to Spanish Fork or Springville. Director Allen reported that the airport has been pursuing property acquisition to shift the runway and lengthen it, but negotiations have stalled for now. Mr. Lee asked if the radar system will indicate a controlled airspace over this airport. Administrator Fitzgerald clarified that the system will only allow Salt Lake a view of a lower level and will not change flight operations. Mayor Mangum reported that Provo hopes to bring additional traffic to its airport, and use as an alternate if there weather conditions dictate.

CL. OLSEN MOVED TO ADOPT RESOLUTION NO 2008-17 APPROVING THE SPRINGVILLE/SPANISH FORK AIRPORT BUDGET FOR FISCAL 2008-2008. CL. BIRD SECONDED THE MOTION. CL. STRONG, CL. JOLLEY, CL. BIRD, CL. PACKARD, AND CL. OLSEN UNANIMOUSLY VOTED IN FAVOR OF THE MOTION.

REGULAR AGENDA

10. Consideration of a policy concerning a parking program in residential areas bordering commercial and institutional uses – Troy Fitzgerald, City Administrator

Administrator Fitzgerald commented that there are a number of citizens here with interest in this issue. He asked if the Council would like him to give the presentation again. Mayor Mangum explained that the Council had spent an hour earlier tonight in a discussion of the parking program. The Council now has the opportunity to continue the discussion, make

Springville City Council, June 3, 2008

amendments to the program, or to bring it back on a future agenda. He asked Administrator Fitzgerald to review the presentation.

Administrator Fitzgerald displayed an aerial map with problem parking issues marked on it. He explained that the City Code allows signs to restrict parking. He reported that the Council has directed him to develop this policy for applying voluntary parking restrictions to a neighborhood. The policy applies to residential areas near commercial establishments, schools, and churches. A neighborhood has the option of completing an application including signatures of at least half of the residents indicating they are in favor of the restrictions. They are able to choose the type of parking restriction to meet their needs. A “neighborhood” is defined as at least four contiguous residential properties. They can be across the street from each other. The types of restrictions that can be chosen are the (1) timed restriction, where parking is restricted for two or three hour periods; (2) block of time restrictions, where parking is restricted for a defined block of time (*i.e. 8 am to 5 pm Monday through Friday*); (3) no parking; and (4) permit parking, where parking is restricted to those vehicle owners with a permit.

Administrator Fitzgerald reported that Springville City does not have a dedicated parking enforcement staff, so enforcement will be on an infrequent basis by police. They will respond to calls, but parking violations are a low priority call, and response will be preempted by higher priority needs. He added that the Council is uncomfortable with the last option for permit parking. There are added difficulties in maintenance and administrative overhead. The Council has the option of removing this option from the process. He explained that the submitted application must be accompanied with the appropriate fees. The charge includes signs, posts, anchors, sleeves, and staff time for installation of the required number of signs.

Administrator Fitzgerald reported that, on average, a 400 foot length of block takes eight signs. There may be as few as six signs or up to 10 signs a block depending on the street configuration. He presented the draft application. He commented that other possible fees the Council might consider are application and processing fees for permits. Issues to consider are the City’s inability to do frequent enforcement. The restrictions are intended to stay in effect a minimum of two years, and then the City can reevaluate the effects.

Cl. Packard expressed the opinion that the permit parking option should be offered to citizens. He suggested an increased cost for time and effort to administer this portion of the program. Administrator Fitzgerald disclosed that the program supplies two permits for each property owner. The homeowners need to hang the permit clearly in their vehicles parked on the street, or they will be cited. There is a replacement fee for lost or damaged permits. Mayor Mangum asked if there was any comment from the public.

Mr. Lang Fisher commented that he was in favor of the program. He suggested a more specific definition of a neighborhood. He gave “kudos” to staff.

Mr. Dennis Ward asked about signs that could say, “no parking from 7:00 a.m. to 4:00 p.m. when school is in session.” Administrator Fitzgerald replied that this is a good example of a “block of time” sign. Mr. Ward asked if he had an estimate of revenues to the City on tickets. Administrator Fitzgerald replied that there could be a few at first, but he expected a negative net to the City. He pointed out that the fees are also below actual cost. Mr. Ward asked about getting more permits for large families with more cars. Administrator Fitzgerald replied that the permits are given to the homeowner. They can be placed in visitor’s vehicles, or their own vehicles, as they choose. The permit is not tied to a specific vehicle.

Springville City Council, June 3, 2008

Ms. Maria Smith thanked staff and the Council for considering this program. She asked how long it would take to implement parking restrictions once an application had been submitted. Administrator Fitzgerald replied that he would estimate six to eight weeks to order the signs and install them.

Ms. Chris Metcalf asked if one person could take the application to the neighborhood for signatures. Administrator Fitzgerald replied yes and explained the application process. Mr. Metcalf thanked the Council and staff for the way the program has been set up.

Cl. Jolley reported that the program has taken time to set up, but the Council had to discuss how it would apply across the community. Mayor Mangum asked if the Council wanted to make changes and bring the program back for additional discussion at the next meeting. Administrator Fitzgerald asked if the Council wanted to keep the parking permit option. There was general assent and nods. Cl. Strong commented that the residents did not create the problem and he did not want them to have to pay to remedy the problem. If homeowners elect that option, there is more overhead to the City. The other options are low maintenance and the City may “foot the bill” in his opinion. Cl. Jolley agreed that the other options are better for the residents and the City, but he feels that it should be offered. Cl. Strong commented that the suggested fee per sign will deter many residents from using the program. He observed that the option can be offered, but residents need to know that the permit option is costly.

11. Consideration of a bid award and contract with Quicksilver Concrete for the 400 South Curb and Gutter Improvements Project-Phase II in the amount of \$112,315.81 – Brad Stapley, Public Works Director

Director Stapley reported that this project is part of the overall plan to rehabilitate 400 South. Much of the work in new waterlines was done last summer. The repaving between Main and 400 East, the storm water crossing at 200 East, and replacement of 45 laterals has been approved in the budget this summer. He informed the Council that the storm water budget allows the City to clear storm water driveway crossovers that plug up with leaves and garbage. This is because driveway approached and pipelines carry rain water. He proposed that this project would repair damaged sections of curb and gutter, install new ADA handicap ramps on the crosswalks, and remove all “overhead” driveway approaches and replace them with standard drive approaches between 400 East and Weight Avenue.

Administrator Fitzgerald reported that the main reason this has come before the Council for discussion is the unique manner in which the project is funded. He noted that final adjustments to the budget are done in June before the end of the fiscal year. He observed that the City has uniformly prohibited moving unspent operation funding to capital projects, but this proposal is to fund the project from a conglomeration of unspent maintenance funds. Mayor Mangum asked if this is the highest priority for these funds. Director Stapley replied that the only higher priority is the well diversion and Brookside improvements, but there is not enough funding to complete that project. This is the second project, the funding is adequate. Cl. Bird asked the estimated amount needed for the first priority. Director Stapley replied that the project has been estimated at a minimum of \$700,000. Mayor Mangum asked if it would be better to save the money for the higher priority. Director Stapley replied that this project also has to be completed before paving of 400 South can be done. Both projects are needed, although the first priority is clearly the most important.

Springville City Council, June 3, 2008

Mayor Mangum asked what is gained by doing the project now. Director Stapley replied that he would prefer to do the project with the highest priority, but these other issues have to be addressed before paving the street, too. Cl. Jolley suggested holding the funding in anticipation of the major project. There was a discussion of possible alternative funding for this project. Cl. Strong reported a call from a business on 400 South that claims lost revenues from impediments to traffic.

CL. STRONG MOVED TO APPROVE QUICKSILVER CONCRETE AT THE LOW BIDDER FOR THE 400 SOUTH CURB AND GUTTER IMPROVEMENTS, PHASE II, PROJECT IN THE AMOUNT OF \$112,315.81, AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE A "NOTICE TO PROCEED" FOR THE PROJECT. CL. OLSEN SECONDED THE MOTION.

Administrator Fitzgerald reported UDOT indicated in a meeting last week that they may be willing to split the City's portion for water and storm drain betterment repayments over two budget years instead of up front in one budget year. This may provide a larger portion of funding for the high priority project if added to this funding. Mayor Mangum commented that the funding level would increase from one-seventh to one-half of the estimated cost. Cl. Packard asked if Director Stapley would rather investigate this option with UDOT before the Council approves this project award. Director Stapley replied that the bids on this project would expire on June 30, but if the additional funding is really a possibility, he would rather wait for two weeks. Cl. Strong commented that this is a good bid and it will have to be done sometime soon. He pointed out that the City is going to be confronted with more top priority projects in coming years. Cl. Jolley asked if was necessary to amend the standing motion. Administrator Fitzgerald replied that a motion to continue to June 17 would take priority and postpone the vote on the pending motion until the date certain. The Council indicated their approval of this option.

CL. BIRD MOVED TO CONTINUE THE CONSIDERATION OF A BID AWARD AND CONTRACT FOR THE 400 SOUTH CURB AND GUTTER IMPROVEMENTS, PHASE II, PROJECT TO JUNE 17, 2008 IN ORDER TO INVESTIGATE FUNDING OPTIONS FOR THE LARGER PROJECT. CL. JOLLEY SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY UNANIMOUSLY VOTED AYE.

Mayor Mangum noted that the pending motion would be discussed again and voted on June 17th.

~~12. Consideration of an amended policy concerning background checks for prospective employees and volunteers — John Penrod, City Attorney~~

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

The Mayor and Council discussed the possibility of UDOT allowing the division of the payment for betterment work on 400 South. Administrator Fitzgerald pointed out that the allocation proposed for the 400 South curb and gutter improvements project amounts to a loan of operation dollar to replace impact fee dollars. It is not good practice to continue to spend operating money in this manner. The Council agreed. Mayor Mangum asked if there were other reports. There was none.

CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

There was no closed session.

Springville City Council, June 3, 2008

ADJOURNMENT

CL. PACKARD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:41 P.M. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

Springville City Council, June 3, 2008

APPROVED AS WRITTEN – July 1, 2008
Page 9 of 9