



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
NOVEMBER 04, 2014 – 7:00 P.M.**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, November 04, 2014, at 7:00 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Work session was canceled because it is Election Day. 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 Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Councilmember Rick Child, Councilmember Craig Conover, Councilmember Christopher Creer, Councilmember Dean Olsen, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, City Recorder Kim Rayburn and Deputy Recorder Jennifer Grigg.

Also present were: Administrative Services Manager Rod Oldroyd, Buildings and Grounds Director Alex Roylance, Community Development Director Fred Aegerter, Museum of Art Director Dr. Rita Wright, Public Safety Director Scott Finlayson, Public Works Director Brad Stapley and Recreation Director Charles Keeler. Excused from the meeting are Councilmember Chris Sorensen and Library Director Pam Vaughn.

CALL TO ORDER

Mayor Clyde welcomed those present and called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

Councilmember Creer offered the invocation and Boy Scout Andrew Anderberg led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER CONOVER MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. COUNCILMEMBER CREER SECONDED THE MOTION. ALL VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

MAYOR'S COMMENTS

Mayor Clyde extended a welcome to those in attendance and Boy Scouts from various troops and students. He explained the process of Public Comment.

PUBLIC COMMENT:

Scott Oaks, 1470 E 200 S, demonstrated public comment to his Boy Scout troop by asking about the park strip landscaping on 1470 east. Buildings and Grounds Director Alex Roylance stated there are plans to plant trees next spring.

CONSENT AGENDA

1. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
2. Approval of Minutes – May 06, 2014 Regular Meeting
3. Final Condominium Plat approval for the South Valley Condominiums located at 672 West 400 South in the PO-Professional Office Zone – Fred Aegerter, Community Development Director
4. Approval of Site Plan for the Meadow Brook Elementary School located at 748 South 950 West in the R1-10 Single-Family Residential Zone – Fred Aegerter, Community Development Director
5. Final approval of the Miner's Grove Subdivision, Plat A, located at approximately 950 West 1150 South in the R1-10 Single-Family and WF-1 Westfield's Overlay zones – Fred Aegerter, Community Development Director

Councilman Creer noted on the agenda items 4 and 5 has contingencies as stated in the staff report. City Administrator/City Attorney John Penrod confirmed the approval of contingencies.

COUNCILMEMBER CREER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER CHILD SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

6. Consideration of an amendment to the General Plan Land Use Map from Medium Density Residential to Commercial and a Zone Change from R2-Residential to NC-Neighborhood Commercial on multiple parcels in the area of 650 West 400 South containing approximately 14.5 acres (CONTINUED FROM 10/07/2014) – Fred Aegerter, Community Development Director

Community Development Director Fred Aegerter described the proposal to amend the General Plan Land Use Map as listed above, including two houses. Questions arose with the proposed amendment to the General Plan from 2003

- Were mistakes made that need correction?
- What specific changes justify amending the General Plan?
- How does the change affect the public perception of the general plan in terms of transparency?

- Is the change in the best interest of the community?
- Whom does it benefit?
- Are those affected by the change given a chance to share their concerns?

This amendment concerns the 2003 Community Plan in the West fields, developed by a consultant, who established a balance between Residential and Commercial which rezoned some land to commercial on 400 South. Some of the rezonings included Mixed Use, which can include Commercial with Residential on the back portion.

The 2009 General Plan recommended between 672 and 960 acres or 7% to 10% of commercial land or about half of what the plan recommends. The Plan recommends locating Commercial Use Zones so residents will not travel too far to shop. 400 South is convenient for residents. R-2 currently West field overlay allows for higher densities.

Because this property is close to the overpass, providing access to businesses is a concern for traffic cresting over the hill. Adding access points on 400 South will slow traffic. UDOT originally required access limited to every ¼ of a mile. The City convinced UDOT to change the distance between accesses to 1/8th of a mile only if “right in—right out” access points were included. Planted median designed to control access as well, which improves traffic flow.

Applicant provided options for added access to 750 West and the frontage road. Calculating the number of trips determines traffic flow with access changes. Longer acceleration and deceleration lanes improve safety. The General Plan indicates 1200 W 400 S is the focal point for commercial development. Densities increase from that focal point. A list of the variety of permitted uses in the neighborhood residential, commercial district is included in the presentation.

Planning meeting in September reviewed, and adjacent property owners were notified by letters. 16 people commented, most of which were against the amendment. The Planning Commission voted 6-0 to deny the amendment to the General Plan

Mayor Clyde opened the public hearing for comment.

Calvin Bird 458 W 350 S

Mr. Bird and his wife, Linda Ruell Bird owns the property where the proposed zoning change is being discussed. Due to back surgery, revisions to the proposal were delayed. Mr. Bird’s presentation, as the developer, included reasons to disagree with the staff/planning commission’s rejection of the zoning change. Mr. Bird requested a return to the pre-2003 zoning for the property, which was commercial instead of light residential. Mr. Bird predicted the commercial zoning change would increase tax revenue, limit traffic, reduce our taxes and enhance the entrance to the city. Assisted living businesses would benefit the surrounding residents. Increased access is key to the commercial success of the property. Mr. Bird would like to work with the city and the State of Utah (UDOT) to increase access to the property. His presentation is included.

David Wright 665 W 400 S

Mr. Wright vehemently illustrated that every city north of Spanish Fork has a commercial main thoroughfare. The current R2 zone could attract townhomes and apartments with a savvy developer maximizing his profit. Access to Crystal Springs is limited due to the median, and the lack of a traffic light at 750 W. Possible apartment will increase traffic to, in his opinion 1000 trips per day. Springville should re-evaluate to be progressive like Lehi and Spanish Fork to capitalize on 400 South as a major commercial thoroughfare.

John Bird (Springville, UT family of developer)

Mr. Bird expressed his father and Development Company had gone to great lengths to make everybody happy. Concrete barriers down the middle of 400 South have caused lost profit by losing access. Mr. Bird takes a ton of pride in Springville City and suggests flexibility. The City should be a bedroom community that is not too commercialized. The City is getting passed up and should help developers instead of impeding them.

Greg Burnham 600 S

Mr. Burnham clarified Mr. Wright's comment, defining R-2 Zoning as allowing single homes and townhomes, not 3-story apartment buildings. His concern is changing the zone to commercial without a "set in stone" business opens the area to non-beneficial businesses. Most homeowners in that neighborhood are young families, not retired assisted living clients. Keep the small town feel. Do not change the zone to commercial. Mr. Burnham does not want to live next to an Adobe building and chose Springville for the small town feel. He is against changing the zone to commercial.

James Strap 594 W 600 S

Mr. Strap said the neighborhood is concerned about access points and traffic. Families are beautifying their properties; commercial development not necessary for beautification. Access into Crystal Springs. Proposal seems forced without being thought through; benefiting Mr. Bird without consideration of neighborhood. Mr. Bird is developing commercial property across the street, some of which sits empty. Mr. Stram stated his family is here because Springville is a small community, focused on family. An intimate neighborhood is important to us. This proposal is not our vision of Springville. It will harm property value. The developer is willing to take any option to get investment out of the property. Money is important to the developer, not community.

David Hilton 638 W 600 S

Mr. Hilton stated his backyard is next to the development. Was there a mistake in the original land use plan? Mr. Hilton feels it is not natural to force this through the council approval process. There are obvious financial benefits to individuals. However, the proposal does not meet criteria to change.

Jana Thomas 697 W 550 S

The R-2 Zone was defined at the Planning Commission meeting, as allowing twin homes, but the Springville City Map shows apartments allowed in R-2.

Director Aegerter stated the R2 as part of the density bonus in the West Fields Overlay would allow row houses and 12-plexes. This development maximum would be 70-100 units, in 12 acres. Jana Thomas is against high-density housing that adds too much traffic. We want a

family neighborhood, not commercial. Ruell LLC was zones R2 when they purchased it. Existing homeowners bought when it was R2 and believe changing the zone would increase traffic, which is not beneficial to our families in that area.

Karen Ifediba 450 S 100 E

Time spent by staff, council, and commissions is appreciated. Professionals determined the City's commercial property needs. Springville City has more commercial property than it can use. The viaduct and railroads limit use of that specific property. Springville City should not pay people to bring commercial into the city. The professionals chose the zones. There is no reason to change. Changing the zone to commercial would not change businesses choosing Spanish Fork over Springville.

Tina Cole 607 S 575 W

Tina Cole stated she is not as opposed to the possible businesses, but there is no guarantee the fitness center will be there. There is no benefit to the families of this neighborhood for assisted living industries. We do not want firework stands and gas stations 24-hour convenience stores in our backyard. Business lost by Springville would not fit on that land. The change would benefit a select few. If the Wrights house is torn down, it will lower our property value. It is offensive stating high-end homes will not build near railroads. Property values are going up now. A zone change will lower property value. Mr. Wright mentioned a park. A park is preferred to commercial development. The closest park is 950 W and Kelvin Road. Kids would benefit. Skateboarding kids are endangered. Kids with disabilities would benefit from the park. There is no guarantee what business the developer will build. The zone was residential when the development was built, and most neighbors hope it remains that way.

COUNCILMEMBER CREER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Councilmember Conover agrees With Mr. Bird's last proposal the street nearest the viaduct needs to be moved, and the median trees are obstructing safe views. He thinks the 2003 zoning of that area might need to be changed to encourage economic development by working with Community Development to create buffering. No developer will commit without a zone change.

Councilmember Child agrees commercial development is needed. The development is a concern because it is close to the viaduct. State (UDOT) will be hesitant to change the entrances allowed into the development. The development would be more successful further west. The development is too close to residential.

Councilmember Olsen asked if the Planning Commission rejected the development based on the most recent plan from Mr. Bird. Director Aegerter answered the third plan with the cul-de sac did not go before the Planning Commission. Councilman Olsen also asked why the developers did not convince the Planning Commission.

Director Aegerter further explained the General Plan as it applies to the West Fields.

Mayor Clyde stated Mr. Bird, as the developer, has an opportunity to present some changes back to the Planning Commission should Council table it or send it back to the Planning Commission.

Administrator Fitzgerald stated a zone change could allow any developer to bring any business. Engineering issues with the function of the back streets exist.

Councilmember Creer stated neighbors are his concern; they are not happy. Karen Ifidaba says we have too much commercial. There are too many red flags. Fixing access would create a good commercial development. The intersection is not the main problem. When the roads went in the area access points were not thought out well. It looks like a mess to get in and out.

Councilmember Olsen stated Springville has plenty of commercial space. Time has been put in with Planning and Zoning. A unanimous vote from them shows they dealt with the issues. UDOT is not happy with access at 550 West currently and proposed to take out.

Motion – **GENERAL PLAN LAND USE MAP AMENDMENT**

COUNCILMEMBER CREER MOVED TO DENY AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL IN THE AREA OF 650 WEST 400 SOUTH AND FINDING THE RECOMMENDATION IS IN KEEPING WITH THE INTENT OF THE GENERAL PLAN.

COUNCIL MEMBER OLSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CHILD-AYE, COUNCILMEMBER CONOVER-NAY, COUNCILMEMBER OLSEN-AYE AND COUNCILMEMBER CREER-AYE. THE VOTE PASSED 3 AYES, 1 NAY.

PUBLIC HEARING

7. **Consideration of an amendment to Title 11, Chapter 6, Article 206 pertaining to the maintenance of required landscaping (CONTINUED FROM 10/07/2014) – Fred Aegerter, Community Development Director**

Director Aegerter stated a citizen suggested park strips decorated with rocks. It is not a reflection of the substrate, just how well the citizen maintains the park strip. Size of rocks must be appropriate to protect sewer system. Rock mix with boulders and rock patterns look nice. Other cities have different standards or none so far.

Mayor Clyde opened the public hearing.

Karen Ifidaba 450 S 100 E

Thanked the planning commission and staff. Alex explained why trees are not allowed in a three foot park strip. Pavers are allowed, and she appreciates that and is glad for the change.

Tara Rees

Did not know there was a code and what we have done is prettier than everybody else. 2nd driest state yet use the most water, 60% water use on lawns. Population is growing; we need to

lessen our water use. We need to think of our future generations. Rock landscape saves lots of water.

Tina Cole, Crystal Springs

Aware the city provided trees. Is the city planning to put trees in Crystal Springs? Assistant Administrator Penrod said it is in the plans to provide trees. When trees do not thrive, we replace them. Buildings and Grounds Director Alex Roylance schedules the trees. There is a list of trees that are acceptable. Certain species are allowed on those streets.

COUNCILMEMBER CREER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

COUNCILMEMBER CREER MOVE TO APPROVED ORDINANCE #22-2014, AMENDMENT SECTION 11-6-207 OF SPRINGVILLE CITY CODE, LESSENING LANDSCAPING REQUIREMENTS FOR PARK STRIPS.

COUNCIL MEMBER OLSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CHILD-AYE, COUNCILMEMBER OLSEN-AYE, COUNCILMEMBER CREER-AYE, AND COUNCILMEMBER CONOVER-AYE. THE MOTION PASSED UNANIMOUSLY.

REGULAR AGENDA

8. **Approval of a contract with VCBO Architecture to perform architectural and consultant services for Phase One of the proposed Aquatic Facility in the amount of \$31,500.00** – Charles Keeler, Recreation Director

Buildings and Grounds Director Alex Roylance spoke on behalf of **Recreation Director Charles Keeler**, who was excused early.

Director Roylance stated in September, Springville City sent out an RFP (request for proposal) and received eight responses; five companies were interviewed. Assisting in the bond campaign is a key requirement. VCBO proposal included bond assistance costing \$31,500. The current budget for bond assistance is \$20,000.

Councilman Creer agrees that VCBO is the best option.

Mayor Clyde asked why VCBO did not help us pass the bond last time. The renderings were too abstract.

Councilman Conover asked why we would hire VCBO when they failed last time.

Mayor Clyde defended VCBO as the choice with the best experience and the best past jobs. They have designed a recreation center in Provo, Payson and Lindon, all successful.

Administrator Fitzgerald clarified that VCBO was hired as design only, not bond assistance last time. VCBO will help with the bond election, but Springville City must remain neutral. Selecting strong members for the Aquatic Center Board is important. Sentiment against

a Recreation Center/Aquatic Center still exists. There are funds carried forward from last year budgeted for it.

COUNCILMEMBER CONOVER MOVED TO CONTRACT WITH VCBO ARCHITECTURE TO PERFORM ARCHITECTURAL AND CONSULTANT SERVICES FOR PHASE ONE OF THE PROPOSED AQUATIC FACILITY IN THE AMOUNT OF \$31,500 AND AUTHORIZE THE MAYOR TO SIGN AFTER THE CITY ATTORNEY HAS REVIEWED AND APPROVED THE CONTRACT.

COUNCILMEMBER CREER SECONDED THE MOTION. ALL VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9. **Assistant Administrator Penrod** stated a 9.2 acre property purchase is delayed waiting for U.S. Army Corps of Engineers for a wetlands map within three months. When the wetlands are determined the purchase will shrink to about 5 acres. It should be on the agenda in early 2015.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Administrator Fitzgerald asked if Engineering can address 550 South with UDOT to improve existing access.

A second issue concerns Springville/Spanish Fork Airport reducing risk to the cities. Spanish Fork asked if we can talk to the airport manager, Cris Child to reduce risk at the airport.

Councilman Olsen applauded Administrator Fitzgerald, Assistant Administrator Penrod, Assistant Administrator Riddle and Chief Finlayson and the Airport Board for identifying areas that need attention.

Mayor Clyde asked about a railroad crossing at 950 West. **Assistant Administrator Penrod** answered an engineer is contracted to design that railroad crossing.

Administrator Fitzgerald stated Utah Department of Transportation, Utah Transportation Authority, and Union Pacific met with Public Works on site. The design will quantify the cost. Construction funds are not in this year's budget. Streets Department Superintendent Jason Riding is working with Public Works Director Brad Stapley. It will be a major discussion at Budget Retreat and is a top priority to the Mayor.

Mayor Clyde said, "I've heard nothing but good about the 400 South Canyon Rd/1300 E Roundabout."

Councilman Child stated the City needs to slow the traffic in the roundabout.

Mayor Clyde asked about the 900 South sewer bursting pipe sizes under the creek. At the west end of the project, steep grade changed the budget. The engineering firm is at fault with budget underestimate. Public Works will give a review of that project. This discussion will continue on November 18, 2014.

CLOSED SESSION

10. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

There was none.

ADJOURNMENT

COUNCIL MEMBER CHILD MOVED TO ADJOURN THE REGULAR CITY COUNCIL MEETING AT 9:38 P.M. COUNCIL MEMBER OLSEN SECONDED THE MOTION AND ALL PRESENT VOTED AYE.