



**AGENDA FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
MARCH 04, 2014 – 5:15 P.M.**

MAYOR AND COUNCIL DINNER – 4:45 P.M.

The Mayor and Council will meet in the Council Work Room for informal discussion and dinner. No action will be taken on any items.

CALL TO ORDER- 5:15 P.M.

COUNCIL BUSINESS

- 1) Minutes – *February 4, 2014*
- 2) Calendar
 - March 11 – Joint Work/Study Meeting of the City Council and the Planning Commission, 5:15 p.m.
 - March 09 – Daylight Savings
 - March 17 – St. Patrick’s Day
 - March 18 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
 - March 20 – First Day of Spring
 - April 1 – Work/Study Meeting 5:15 p.m, City Council Meeting 7:00 p.m.
 - April 1 – April Fools’ Day
- 3) Discussion on this evening’s Regular Meeting agenda items
 - a) Invocation – Councilmember Sorensen
 - b) Pledge of Allegiance – Councilmember Child
 - c) Consent Agenda
 1. Approval of all City purchase orders properly signed (SCC §2-10-110(5))
 2. Approval of a Boundary Agreement Between Fern Hanson Family Partnership, Hollow Acres LP, and Springville City at West Chappell Drive – Cris Child, Airport Manager
 3. Approval to amend the Hangar Ground Lease to include a revised Indemnification Clause – Cris Child, Airport Manger
 4. Approval to amend the Stonehenge of Springville Subdivision, Plat A, located at approximately 450 South 950 West in the Neighborhood Commercial Zone – Cory Robinson, Round Boulder Consulting

This meeting was noticed in compliance with Utah Code 52-4-202 on January 30, 2014. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

5. Approval of a Class B Beer License to Art City Trolley located at 256 North Main
– Kim Rayburn, City Recorder

4) **DISCUSSIONS/PRESENTATIONS**

- a) Legal
- b) Parks and Recreation
- c) Public Works

5) **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

- a) Landmarks Preservation Commission – Councilmember Chris Sorensen
- b) Historical Society – Councilmember Chris Sorensen

6) **CLOSED SESSION**

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

ADJOURNMENT

This meeting was noticed in compliance with Utah Code 52-4-202 on January 30, 2014. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

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**MINUTES OF THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
FEBRUARY 04, 2014 – 5:15 P.M.**

6

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, February 04, 2014 at 5:15 p.m.** in the Springville City Civic Center Council Chambers, 110 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 Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Councilmember Richard Child, Councilmember Craig Conover, Councilmember Christopher Creer, Councilmember Dean Olsen, City Administrator Troy Fitzgerald, Assistant City Administrator/Finance Director Bruce Riddle, Assistant City Administrator/City Attorney John Penrod, and City Recorder Kim Rayburn. Also present were: Community Development Director Fred Aegerter, Power Director Leon Fredrickson, Power Generation Superintendent Matt Hancock, Whitehead Plant Operations Manager/Resource Specialist Coordinator Shawn Black, Public Safety Director Scott Finlayson, Administrative Services Manager Rod Oldroyd, and Museum of Art Director Dr. Rita Wright. Councilmember Chris Sorensen and Buildings and Grounds Director Alex Roylance were excused.

CALL TO ORDER

Mayor Wilford Clyde called the meeting to order at 5:15 p.m.

COUNCIL BUSINESS

1. Minutes

COUNCILMEMBER CREER MOVED TO APPROVE THE MINUTES OF JANUARY 21, 2014 AS WRITTEN. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

2. Calendar

- February 11 – Work/Study Meeting 5:15 p.m.
- February 17 – Presidents' Day, City Offices Closed
- February 18 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- March 4 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- March 11 – Work/Study Meeting 5:15 p.m.
- March 18 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

Mayor Clyde mentioned the upcoming budget retreat in April. After discussion a tentative date of April 29, 2014 was decided. He asked if there was other discussion on the calendar. There was none.

- 44 3. **Discussion on this evening’s Regular Meeting agenda items**
46 a) Invocation – Councilmember Child
48 b) Pledge of Allegiance – Councilmember Creer
50 c) Consent Agenda
52 3. Approval of all City purchase orders properly signed (SCC §2-10-110(5))
54 4. Approval of a Resolution approving Springville City’s Municipal Wastewater
56 Planning Report for 2013 – Juan Garrido, Water Reclamation and Storm Water
58 Superintendent
60 5. Approval of a Resolution renewing the Interlocal Cooperation Agreement for
62 NPDES Phase II Storm Water Public Education and Outreach – Juan Garrido,
64 Water Reclamation and Storm Water Superintendent
66 Mayor Clyde asked if there was any discussion. There was none.

68 4. **DISCUSSIONS/PRESENTATIONS**

70 a) **Electric Generation**

72 Power Director Leon Fredrickson introduced Power Generation Superintendent Matt
74 Hancock and Whitehead Plant Operations Manager/Resource Specialist Coordinator Shaun
76 Black to the Council. Superintendent Hancock gave a presentation with an overview of the
78 Power Department and how power resources are acquired and used by the City. Superintendent
80 Hancock stated the power department has been providing public power since 1904 to Springville
82 citizens.

84 Superintendent Hancock supplied an illustrated map of the city’s electric power
86 infrastructure for the Council to review. Superintendent Hancock added the Power Department
88 dispatches all electrical power operations for the city and explained the dispatch center uses these
90 maps to keep track of power lines, poles, meters, and any outages.

92 Superintendent Hancock emphasized Springville operates five distribution sub stations
94 and three transmission substations, including the Whitehead Power Plant along with the
96 maintenance and operation of four hydro power plants up Hobble Creek canyon. The hydro
98 plants are Spring Creek, Hobble Creek, Bartholomew, and Upper Bartholomew. Mayor Clyde
100 and Council discussed with Superintendent Hancock the various hydro plants and the capacity
102 each used. Superintendent Hancock expressed the hydro plants generate approximately 1.5
104 million kilowatt hours per year. Mayor Clyde questioned how much power could be generated at
106 one time from each hydro plant. Superintendent Hancock explained the approximate generation
108 from each hydro plant. Spring Creek hydro runs 250 kilowatts; Hobble Creek hydro runs 130
110 kilowatts most of year up to 200 kilowatts; Bartholomew hydro will run one megawatt at full
112 load three months of the year during spring runoff; and Upper Bartholomew can run up to 200
114 kilowatts with most the year at around 30 to 40 kilowatts during 60 or 70 kilowatts during high
116 water.

118 Superintendent Hancock stated Springville Power dispatches nine SUVPS substations
120 and transmission systems. One transmission system runs from the dry creek substation down and
122 around to Payson through Spanish Fork back to dry creek. Mayor Clyde asked what other cities

participate in SUVPS (Southern Utah Valley Power). Superintendent Hancock replied Payson, Salem, Spanish Fork and Springville participate.

Superintendent Hancock went on to explain the electric department dispatches all telemetry and control for Springville's culinary water system. Superintendent Hancock expressed the electric department works closely with the water department in monitoring the water pumps. Councilmember Conover emphasized that during the summer months this becomes essential should the water levels become low.

Superintendent Hancock reported Springville Power also maintains and operates all of Springville's fiber communication and infrastructure. Over the years after purchasing the old air switch fiber the city has continued to add on and recently connected the last of the city office buildings the streets department building. Superintendent Hancock explained all city buildings should be connected by fiber up to this point. Springville also maintains with local Centercom providing communication to all the schools through fiber.

Councilmember Conover inquired about Google Fiber coming to the city. Superintendent Hancock stated the city has what is called dark fiber that may be available for this type of use. City Administrator Fitzgerald explained the city has reached out to Google. At this time they are very busy and have not been responsive. Mr. Fitzgerald stated the city is doing what they can to express an interest to Google.

Mayor Clyde inquired about the fiber and conduit and whether it is working. Superintendent Hancock replied the fiber is run around the transmission system to major hubs and then fed out to homes in what is called a thin net. Currently the power department is only maintaining the main hubs. Upcoming capital projects will be looking at expanding the fiber.

Superintendent Hancock conveyed the Springville Power Department maintains 24 hour dispatch and operates Springville City's Supervisory Control and DATA Acquisition system (SCADA). The SCADA system is a full Energy Management System (EMS) that automates all telemetry and control for substations, power plant and the city owned water system. Information is gathered and historical data is kept as far as loads and managing power resources.

Superintendent Hancock stated Springville Power manages a diverse portfolio of electric power resources. Such as natural gas, peaking; coal, fossil fuel base load power; renewable, base load power; and market, firm base load power. Councilmember Conover asked how much wind power is being used as a renewable source. Superintendent Hancock replied with the current resources being used. Colorado River Storage Project, or CRSP hydro at 7 MW; Pleasant Valley Wind, Wyoming at 1 MW; Horse Butte wind, Idaho at 3 MW; Springville Hydro, Springville Utah at 2 MW; Blue Mountain Biogas, Milford Utah at 3 MW; Nebo Power Station, Payson Utah, natural gas at 27 MW; San Juan Power Plant, New Mexico, coal at 4 MW; Whitehead Power Plant, Springville Utah, natural gas at 26 MW; and long term power purchase agreements, PPA Firm at 5 MW. Mr. Hancock explained with wind power you have the capacity factor based on when the wind blows.

Superintendent Hancock articulated the total resource mix the department is using as 68% natural gas; 16% of wind, hydro and solar; 12% coal, contract PPA; and 4% biogas. Superintendent Hancock provided graphs on various different load profiles during different seasons and times of day for the Council's review.

128 Superintendent Hancock stated about six months ago the Council directed the Power
Department to stabilize rates and keep reliability. In line with this direction City Administrator
130 Fitzgerald explained the power department has been in discussions with the Power Board about
various options with power purchase agreements and some additions of engines at Whitehead.
132 In the coming months the Council will be receiving information for consideration based upon the
power board and staff recommendations.

134 Mayor Clyde asked for input regarding pricing and if it will remain stable. Power
Director Fredrickson explained there is some regulatory pressure on coal power because of the
136 inversions in the valley and the need to clean up the air. There will be a need to continue to put
emission controls on the two engines at the Whitehead plant that do not have catalytic
138 converters. This is also affecting other coal power plants to keep up with old equipment and the
cost to regulate emissions. Director Fredrickson expressed the need for more moisture this would
140 allow for up to 7000 kilowatts of power from CRSP. Currently 2000 to 3000 kilowatts is coming
from CRSP.

142 Councilmember Conover requested work on commercial rates. He stated the feeling from
citizens is the rates are higher in Springville. Director Fredrickson explained there are large
144 commercial businesses that use over 35 kilowatts and smaller businesses such as gas stations that
use around 50 kilowatts. City Administrator Fitzgerald stated a review of rate class may be in
146 order. Director Fredrickson will provide a list of commercial businesses in the 35 kilowatt rate
class to the council for review.

148 **b) Public Works**

150 Public Works Director, Brad Stapley discussed the proposed Ordinance regarding the
regulation of ground source heat pump installations within ground water protection zones.
152 Director Stapley noted last July this issue was brought before the Council and there were
questions regarding the ordinance. Since then Director Stapley has been acquiring information
and attending classes on ground source heat pumps.

154 Director Stapley described a ground source heat pump as an electrical powered system
that uses the earth's relative constant temperature to provide heating and cooling for homes or
156 commercial buildings. They are designed with a series of tubes underground that allows fluid to
flow in a loop through the pipes underground where it is heated or cooled to the ambient
158 underground temperature. The fluid then travels back to the building where the air is heated or
cooled within the building.

160 Director Stapley explained closed loop tubing is used in various configurations. The
wells can be shallow and horizontal or vertical and very deep up to 400 feet. The vertical
162 configuration can impact ground water. The recirculating fluid used in the tubes consists of
chemical additives such as; methanol and ethanol propylene glycol. Water can be used to
164 recirculate but the heat transfer is not as favorable.

166 Director Stapley stated most of the city wells are 500 to 600 feet deep servicing about
30,000 residents. He emphasized the City Code has a drinking water protection ordinance,
establishing drinking water source protection zones surrounding the well head. By defining the

168 zones the city can designate and regulate property uses within the zones and the types of
169 conditions around them.

170 Director Stapley commented that ground water source protection zones are not regulated
171 by city boundaries. They are established by the geology of the ground below them, adjoining
172 cities cannot do something that affects our ground water source protection zone.

173 Director Stapley stated the proposed ordinance will define what a ground source heat
174 pump system is and that it will add to the current code establishing the drinking water protection
175 zones and a design mechanism for the design review committee to follow. He advised the
176 proposed changes will add text stating the City restricts Ground Source Heat Pump wells drilled
177 in Source Protection Zones 1 – 4. Wells are prohibited in Zone 1 and 2 and restricted to a
178 maximum 30 feet deep in Zones 3 and 4. Wells greater than 30 feet deep are prohibited within
drinking water protection zones 1 through 4.

180 Director Stapley expressed he talked with a few departments and communities regarding
181 how they work with ground source heat pumps. Ken Bousfield, Utah Director of Environmental
182 Quality stated to Director Stapley local municipalities should consider the long term effects these
183 systems may have on ground water aquifers. System failures have a potential to impair drinking
184 water supplies. Good sound engineering design and regular monitoring of these systems is
185 critical. Director Stapley spoke with Jim Goddard, Well Drilling Specialist with the Utah
186 Division of Water Rights. The Division of Water rights issues a ground source heat pump permit
187 to the contractor. Director Stapley stated he contacted Salt Lake County and they explained they
188 use an installation guide.

189 Director Stapley emphasized the ordinance would help the city regulate ground source
190 heat pumps and how they are setup. Councilmember Conover asked how do you regulate
191 something happening in another city that borders Springville. Director Stapley replied when a
192 company applies for a well permit they have to get approval from all entities affected within the
protection zone.

194 Councilmember Conover asked if there is data available on reliability regarding breaks or
195 failures in the pumps. Director Stapley responded there is data out there from the heat source
196 pump industry, if there is a break the propylene glycol will dissipate, after a few days it has a
197 “half-life” and goes away. The issue about installation of these pumps is the need for regulation.
198 Once the well is dug it is turned over to the home owner and is not regulated by the state.
Director Stapley expressed the ordinance will allow the city to regulate where the pumps can be
200 located and the requirements for installation. Director Stapley stated going forward the city will
201 want to ensure the heat pumps and deep wells associated with them are not installed near city
202 aquifers.

203 Director Stapley asked for more questions before going to the regular city council
204 meeting for approval. Councilman Creer asked for clarification on the depth of 30 feet in zones
1 and 2 and asked that it be changed to no wells less than 30 feet deep are prohibited in zones 1
206 and 2. Director Stapley stated the change will be made before it goes to council this evening.

208 5. **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

a) Community Enhancement

210 Mayor Clyde asked who would be handling this item. City Administrator Fitzgerald
211 stated this is an item in the code that is not active at this time.

212 b) Consortium of Cities and County (Housing) – Councilmember Chris Creer
213 Councilman Creer stated a majority of Utah County cities participate and met at the
214 end of the year in November and December. This year they had \$1.36 million in home funds to
215 contribute. Presentations were given requesting funds that were awarded in January 2014. A
216 few of the recipients receiving funds were Housing Authority of Utah County, Rural Housing
217 Development, Habit for Humanity, Home to Own, County Wide, Redevelopment Agency and
218 Home Purchase Plus. These groups participate in projects throughout Utah County including
219 Springville. Councilman Creer explained Cities do not apply for funding only nonprofit groups.

220

221 **6. CLOSED SESSION**

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

225 There was no closed session.

226

227 **ADJOURNMENT**

228 COUNCILMEMBER CHILD MOVED TO ADJOURN THE WORK/STUDY
229 MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:21P.M. COUNCILMEMBER
230 CONOVER SECONDED THE MOTION, ALL VOTED AYE.

Boundary Line Agreement

This Agreement, made and entered into this ____ day of _____, 2014 by and between the following parties:

- **Fern R. Hanson Family Partnership, a Utah limited partnership (hereinafter referred to as "FHFP");**
- **Hollow Acres, a Utah limited partnership (hereinafter referred to as "Hollow Acres");**
- **Springville City Municipal Corporation, (hereinafter referred to as "Springville");**

(hereinafter referred to as "the Parties") for the purpose of fixing and determining the boundary and division lines between adjoining parcels of land owned by said parties.

WHEREAS, "FHFP" is in possession of and owns real property located in the City of Spanish Fork as described in Exhibit "A" attached hereto as Parcel E;

WHEREAS, "Hollow Acres" is in possession of and owns real property located in the City of Spanish Fork as described in Exhibit "A" attached hereto as Parcel C;

WHEREAS, the FHFP and Hollow Acres desire to adjust their Easterly boundary lines and **Springville** desires to adjust its Westerly boundary line, consistent with the surveyed legal descriptions of the FHFP and Hollow Acres property as described in Exhibit "A" attached hereto as Parcels E and C.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

The boundary descriptions described in Exhibit "A", constitutes the boundaries of the **FHFP** and **Hollow Acres** land. Each of the said parties hereby recognize and agree that the other parties are the legal owner up to said boundary line and the parties further agree that these stipulations apply to and shall be binding upon them, and their heirs, personal representatives, and assigns.

2. **FHFP/Springville:** Pursuant to the foregoing stipulations and for the value received, the receipt of which is acknowledged, **FHFP** hereby remises, releases and forever quit claims to **Springville**, any and all title and interest which **FHFP** may have in and to all parts of the property lying East of the property described as **Parcel E**; and for value received, the receipt of which is hereby acknowledged, **Springville** hereby remises, releases and forever quit claims to **FHFP** any and all right, title, and interest which **Springville** may have in property described as **Parcel E**.

3. **Hollow Acres/Springville:** Pursuant to the foregoing stipulations and for the value received, the receipt of which is acknowledged, **Hollow Acres** hereby remises, releases and forever quit claims to **Springville**, any and all title and interest which **Hollow Acres** may have in and to all parts of the property lying East of property described as **Parcels C**; and for value received, the receipt of which is hereby acknowledged, **Springville** hereby remises,

releases and forever quit claims to **Hollow Acres** any and all right, title, and interest which **Springville** may have in property described as **Parcel C**.

WITNESS WHEREOF, the parties have hereunto signed their names to this Agreement the day and year set forth above.

**Fern R. Hanson Family Partnership, a
Utah limited partnership**

By: _____ it's _____

Hollow Acres, a Utah limited partnership

By: _____ it's _____

Springville City, a ,municipal corporation

By: _____ it's _____

COUNTY OF UTAH)

:ss

STATE OF UTAH)

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On this _____ day of _____, 20__, personally appeared before me, _____, **the _____ of Springville City, a municipal corporation**, who duly acknowledged to me that he/she executed the above document on behalf of said corporation.

LEGAL DESCRIPTION
EXHIBIT "A"

PARCEL "C"

(Hollow Acres East of Chappel Drive)

A portion of the Northeast Quarter of Section 18, Township 8 South, Range 3 East, Salt Lake Base and Meridian described as follows:

Beginning at a point located $S0^{\circ}18'06''E$ along the Section Line 878.23 feet from the Northeast Corner of Section 18, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence $S0^{\circ}18'06''E$ along the Section Line 834.08 feet; thence $N88^{\circ}34'34''W$ 1469.22 feet to the intersection with the easterly right-of-way line of Chappel Drive; thence along said right-of-way the following two (2) courses: northeasterly along the arc of a 533.00 foot radius curve to the left (radius bears: $N74^{\circ}41'02''W$) 158.04 feet through a central angle of $16^{\circ}59'18''$ (chord: $N6^{\circ}49'19''E$ 157.46 feet); thence $N1^{\circ}20'32''W$ 615.19 feet; thence $N88^{\circ}58'20''E$ 1460.32 feet to the point of beginning.

PARCEL "E"

(Fern Hanson East of Chappel Drive)

A portion of the Northeast Quarter of Section 18, Township 8 South, Range 3 East, Salt Lake Base and Meridian described as follows:

Beginning at the Northeast Corner of Section 18, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence $S0^{\circ}18'06''E$ along the Section Line 878.23 feet; thence $S88^{\circ}58'20''W$ 1460.32 feet to the east right-of-way line of Chappel Drive; thence $N1^{\circ}20'32''W$ along said east line 878.17 feet to the north line of said Section 18; thence $N88^{\circ}58'20''E$ along the Section Line 1476.26 feet to the point of beginning.



SPANISH FORK-SPRINGVILLE AIRPORT

Cris Child/Manager
2050 N 300 W
Spanish Fork, Utah 84660
(801) 420-8888



February 7, 2014

Staff Report

To: Honorable Mayors and City Councils

From: Cris Child Airport Manager on behalf of the Spanish Fork/Springville Airport Board

Subject: Revised Hangar Ground Lease Indemnification Clause

Recommended Motion: Approval

Background/Discussion:

A little over a year ago we encountered resistance from one of our Hangar Owner's Insurance Companies to the litigation terms which were spelled out in the Indemnification Clause of our Standard Hangar Ground Lease Agreement. Over the past several months, Jason Sant the Spanish Fork Assistant City Attorney has been working closely with the Hangar Owner and his Insurance Company to revise the Indemnification Clause such that it might be acceptable to the Insurance Company and still adequately protected the City's interests in case of litigation. The attached revised Indemnification Clause is the result of those efforts.

The Airport Board has unanimously approved a recommendation to the City Councils that they incorporate this new clause into the Standard Airport Hangar Ground Lease Agreement on all future Leases executed on the Airport.

Alternatives: Let the contract stand as is.

Fiscal Impact: We do not foresee any Fiscal Impact in adopting the new Clause.

Respectfully submitted by:

A handwritten signature in black ink that reads "Cris Child".

Cris Child
Airport Manager



Letter of Recommendation to City Council

Springville City Board Name: Airport Board

Applicant:	Request:	Date of Meeting:
	Modify Hangar Ground Lease to include revised Indemnification Clause-Attached.	

Motion by: <u>Brian Park</u>	Second by: <u>Dean Olsen</u>
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RECOMMENDATION	APPROVE	DISAPPROVE	OTHER:
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CONDITIONS OF APPROVAL:

Voting Record:

Member Name	APPROVE	DENY	ABSTAIN
<u>Brian D Park</u>	✓		
<u>KEIR SCUBES</u>	✓		
<u>DOUG FORD</u>	✓		
<u>Clair Anderson</u>	✓		
<u>DEAN F. OLSEN</u>	✓		

X Bug Ford
Chair

2-6-2014
Date

IX INDEMNIFICATION AND HOLD HARMLESS. Lessee expressly agrees to defend, protect, indemnify and hold harmless the Lessor, its officers, agents and employees free and harmless from and against any and all claims, demands, damages, expenses, losses or liability of any kind or nature whatsoever which the Lessor, its officers, agents or employees may sustain or incur or which may be imposed upon them for injury to or death of persons or damages to property arising out of or resulting from the negligent acts or negligent omissions of the Lessee, its officers, agents or employees use or misuse of the premises. Lessee agrees to defend at its own cost, expense and risk all claims or legal actions that may be instituted against either the Lessee or the Lessor, which arise out of the negligent acts or omissions of the Lessee. **If any claim or legal action is brought arising out of the negligent acts or omissions of the Lessee and is also brought against the Lessor, the Lessor agrees to cooperate with the defense of the claim or legal action. In such claim or legal action wherein the defense of Lessor is in conflict with the defense of Lessee, the Lessor may have its own attorney to defend such action. If after written notice of such conflict Lessee is unable or unwilling to defend such claim or legal action the Lessor may defend such a claim or legal action at the expense of the Lessee.** Any settlement of any claim or lawsuit made by the Lessor or Lessee that results in liability against either party is subject to written approval of the Lessee or Lessor and will not affect the claims or lawsuits still pending against the against the other party. Lessee agrees to pay any settlement entered into and satisfy any judgment that may be rendered against either the Lessee or the Lessor as a result of any negligent injuries or damages which have resulted from or are connected with this Lease or the occupancy or use of the premises by the Lessee, or its officers, agents, employees or licensees, including reasonable attorney fees.

This indemnity clause is not valid wherein the loss or claim is the result of actions the Lessee took at the Direction of the Lessor or the loss or claim is the result of a negligent act or omission made by the Lessor.



STAFF REPORT

DATE: February 26, 2014

TO: Honorable Mayor and City Council

FROM: Planning Commission
Brandon Snyder, Planning Staff

SUBJECT: Cory Robison, Round Boulder Consulting, seeking approval for the Amended Stonehenge of Springville Subdivision, Plat A, located at approximately 450 South 950 West in the NC – Neighborhood Commercial Zone.

RECOMMENDED MOTION

Move to approve the Amended Stonehenge of Springville Subdivision, Plat A, for property located at 450 South 950 West in the NC Zone, contingent upon:

1. Addressing all DRC and post-DRC comments, and
2. Addressing all recording requirements and fees (recording and extension)

SUMMARY OF ISSUES/FOCUS OF ACTION

Does the proposed subdivision amendment meet the requirements set forth in Titles 11 and 14 of Springville City Code?

- 11-4-5 Commercial and Industrial Site Development Standards.
- 14-2-1 Application and Approval Process.
- 14-5-1 through 14-5-4, Subdivision Requirements.
- 14-7-101 Plat Amendments, Alterations and Vacations.

BACKGROUND

The existing three-lot subdivision is located at 450 South 950 West in the Neighborhood Commercial (NC) Zone. The property is also in the Westfield (WF-1) Overlay Zone. The property is currently vacant and the previous plat was recorded August 2013. The applicant will be adding three additional building lots by splitting existing lots. The improvements are currently being installed for the subdivision.

CITY COUNCIL AGENDA

March 4, 2014

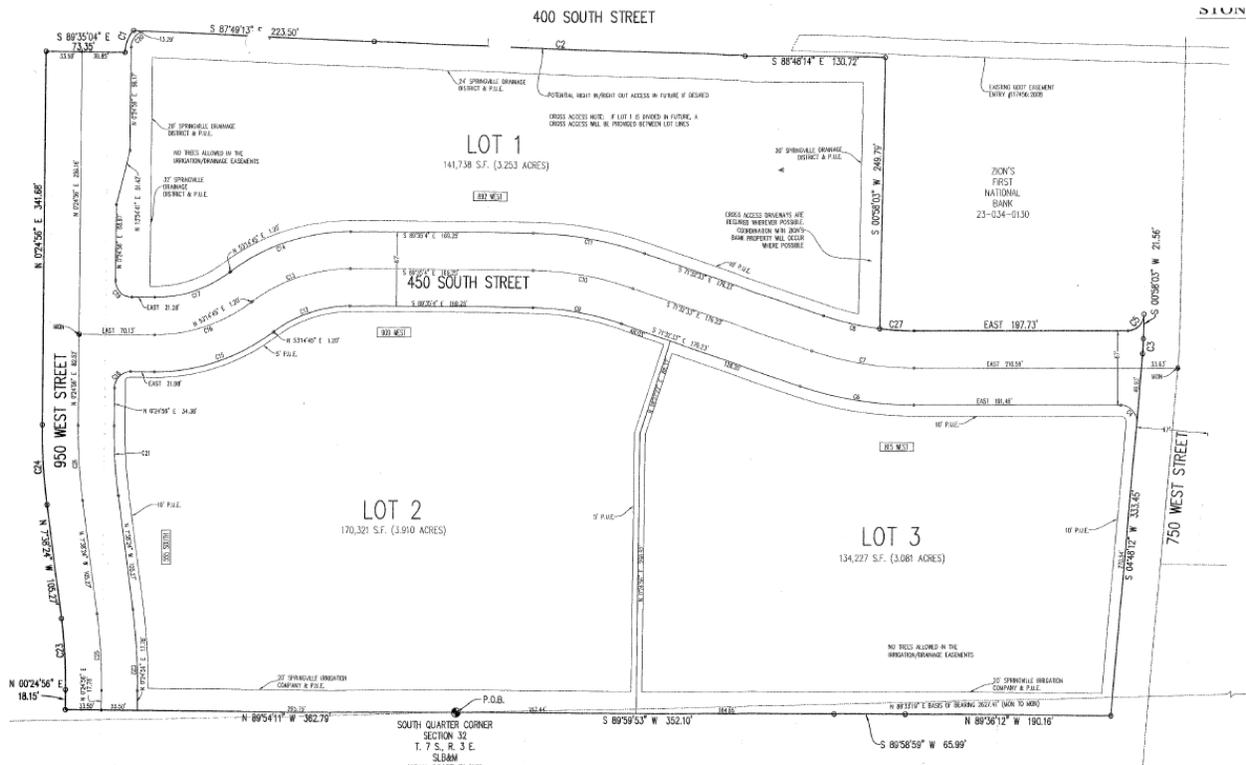
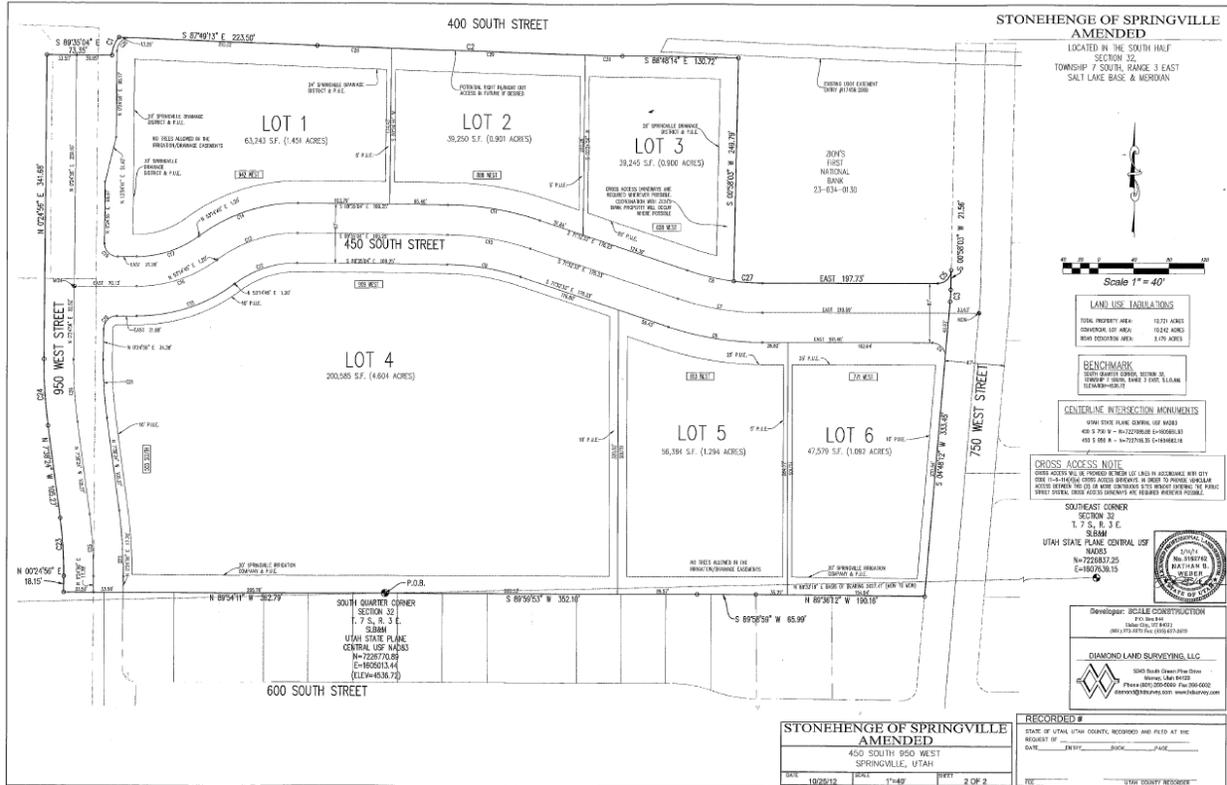


TABLE 1. BASIC INFO & ZONING REQUIREMENTS

Number of lots	6
Area	12.72 acres
Zoning	NC
Minimum Lot Area	20,000 sq. ft. (lots range from 39,000 – 200,000 sq. ft.)
Front setback	0/5' or 25'
Side setback (min/total)	0 (PUE's) (20'+ if located adjacent to residential)
Side setback (along street)	0/5' or 20'
Rear setback	0 (35'+ if located adjacent to residential)
Minimum frontage along street	70 ft.

Proposal:



DISCUSSION

The Development Review Committee (DRC) had the opportunity to review the proposal on February 6, 2014. The following is some of the comments that were provided to the applicant:

DRC Comments:	Status
<p>Planning Staff</p> <p>1. Are the service laterals in the correct location per City standards? (Please refer to City Code 14-2-105(2)(cc)(iv) Location of water and sewer service laterals for each lot including the location of the laterals in relation to each other (water laterals must be located at the center of the lot and sewer laterals ten feet (10') downstream from the water laterals).)</p>	<p>Pending</p>
<p>Public Works/Streets/Water</p> <p>1. Verify that sewer and storm drain utilities are available to each building lot.</p>	<p>Pending</p>

Engineering Staff	
1. The "Total Property Area" listed of 11.819 acres listed under the Land Use Tabulations on sheet 2 does not match that shown of 12.721 acres shown under the Boundary Description on sheet 1. Which is correct? Is there some reason why they shouldn't match? 2. Label 5' PUEs on Lots 1, 2, and 3. 3. Need to check all lots for misclosures and lot areas. We calculated misclosures on Lots 1, 2, 3, 4 and 5; we gave up and didn't check Lot 6. Because of lot misclosures we could not verify lot areas shown.	See post-DRC below.
Power Department	
1 Developer shall protect all existing electrical facilities and operating clearance requirements 2 Developer shall coordinate all power design and installation with the Electrical Department 3 All existing Public Utility Easements (PUE) and existing electrical facilities shall be preserved by the developer 4 Developer shall install electrical system as per Springville City Power Dept. Specification Manual 5 Developer shall provide (PUE) on all sides of property 6 Submit a final power plan. Developer shall pay for any additional electrical extension fees for lot 3 and lot 5. Please coordinate design with the Power Department.	Pending

Post-DRC Comments

Engineering – Per direction from the City Attorney, PUEs are for the use of public utilities (such as teleco, gas, etc.) not for private utilities, including laterals. Therefore, private utility easements will need to be created, recorded, and provided to the City wherever private utility stubs (off-site improvements) cross private property (such as adjacent lots). Because of this, it appears that you can reduce the width of the PUEs to the standard 10' rather than the 25' shown.

Please check the length of chord 28 on the curve table. We calculate 84.0271.

We calculate a misclosure for lot 1.

We calculate a different total for the area of lot 4. Please verify.

PLANNING COMMISSION ACTION

This item was reviewed by the Planning Commission on February 25, 2014, as part of the consent agenda. With no further discussion, CM Clyde moved to recommend approval of the proposal. CM Packard seconded the motion. The vote to approve was unanimous. The vote was as follows:

CM Huff – Aye
CM Clyde – Aye
CM Packard – Aye
CM Nolte – excused
CM Mertz – Aye
CM Clay – Aye
CM Young – Aye





STAFF REPORT

DATE: February 25, 2014

TO: Honorable Mayor and City Council

FROM: Jackie Nostrom, Business Licensing

SUBJECT: CLASS B BEER LICENSE ART CITY TROLLEY AT 256 NORTH MAIN

RECOMMENDED MOTION

Motion to APPROVE THE ISSUANCE OF A CLASS B BEER LICENSE TO ART CITY TROLLEY LOCATED AT 256 NORTH MAIN

BACKGROUND

Springville City Municipal Code requires any person engaging in the business of beer retailer, in bottles, original containers, or draft, within the limits of the City to first procure a license from the City as provided in Title 7, Chapter 3.

- No license may be granted to sell beer in any dance hall, theater, or in the proximity of any church or school.
- The license shall at all times be conspicuously displayed on the premises.
- All licensees shall comply with the Utah Alcoholic Beverage Control Act and the regulations of the Utah Alcoholic Beverage Control Commission.
- All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the City, the State Liquor Control Commission, or the Utah County Health Department; and every licensee shall at the request of the Utah County Board of Health furnish to it samples of beer which the licensee shall have for sale.
- A person under the age of twenty-one (21) may not sell beer on the premises of a beer retailer for off-premise consumption.
- It shall be unlawful to sell beer to any person under the age of twenty-one (21) years, or to any person who is intoxicated or under the influence of an intoxicating beverage.
- It shall be unlawful to advertise the sale of beer, except under such regulations as are made by the Alcoholic Beverage Control Commission.
- Licensed premises shall be kept brightly illuminated at all times while occupied for business, and no booth, blind or stall shall be maintained unless all tables, chairs, and occupants, if any therein, are kept open to the full view from the main floor at the entrance of such licensed premises.
- No licensee shall violate the terms of the license issued; nor, unless he shall be so licensed, shall he sell beer in the original containers, or draft beer for consumption on the premises, or permit any beer to be consumed on the premises.

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- It shall be unlawful for any person to sell beer to any person between the hours of 12:00 midnight and 6:00 a.m.
- It shall be unlawful for any person to sell beer through a “drive-up” window, meaning that beer cannot be sold or dispensed to any person sitting in a motor vehicle or on a motorcycle.
- If a beer retailer sells alcoholic beverages for off-premise consumption, the beer retailer shall not place any alcoholic beverage for sale or storage within fifteen (15) feet of any and all of the beer retailer’s customer entrances.
- A licensee involved in the transaction of retail beer sales for off-premise consumption (Class “A” retail sales) shall require any and all employees who directly supervise the sale of beer to a customer for consumption off the premises, or who sells beer to a customer for consumption off the premises, to obtain a Certificate of Completion from a statewide alcohol training and education seminar as required by Utah State Code Section 32A-10-103 and 62A-15-401.
- All employees of a Licensee involved in the transaction of retail beer sales will be required to possess and wear a unique identification badge while on duty. This badge shall be worn on the front of the employee’s clothing, visible above the waist, bearing the first or last name, initials, or unique identification letters or numbers that are sufficiently large to be clearly visible and identifiable.
- The Licensee is required to inform the City of any employee possessing a valid certificate whose employment is terminated for conduct that would be punishable under the statutes or ordinances regulating alcoholic beverages.
- Licensees shall maintain a record of badges assigned and the record must be available for immediate inspection. The record must include the employee’s full name, address, and driver license number or similar identification number.
- Licensees shall permit law enforcement officers and Utah County Health Department employees to conduct random compliance checks on licensee’s premises.

DISCUSSION

The Code requires the applicant to meet several requirements before a license is issued.

1. Any applicant, partner, managing agent, officer or director who holds at least 20-percent stock of the applicant corporation will not be allowed to sell beer at retail unless he shall be of good moral character, over the age of 21, and a citizen of the United States
2. A license shall not be issued to anyone who has been convicted of any felony, or any violation of a federal, state or city law concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages.
3. A license shall not be issued to anyone who has been convicted of a violation relating to alcoholic beverages, or of drunken driving, or of keeping a gambling or disorderly house.
4. One Class “B” license will be available to a Restaurant for every 6,000 people within the City of Springville as determined by the most recent Governor’s Office of Budget

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and Planning report. The report shall be rounded to the nearest 1,000 people and the number of licenses available shall always be rounded down to a whole number.

5. No Class "B" license shall be granted to any person to sell beer within 180 feet of any church or school, and it shall be unlawful for any person to sell beer within 180 feet of a church or school. The distance shall be measured in a straight line from the nearest entrance of the building where the beer is or will be sold to the nearest property boundary of the public or private school, church, public library, public playground, or park.

Art City Trolley is an active local business in good standing with the Division of Corporations and Commercial Code. Ms. Kelly Decker has provided a background check showing no recent record of any arrests or pending criminal proceedings.

Springville City has 2 licenses available to a Restaurant based on the calculations in item (4) above. There are 3 Class B licenses issued already. There are no schools, churches, public libraries, public playgrounds, or parks in the vicinity.

FISCAL IMPACT

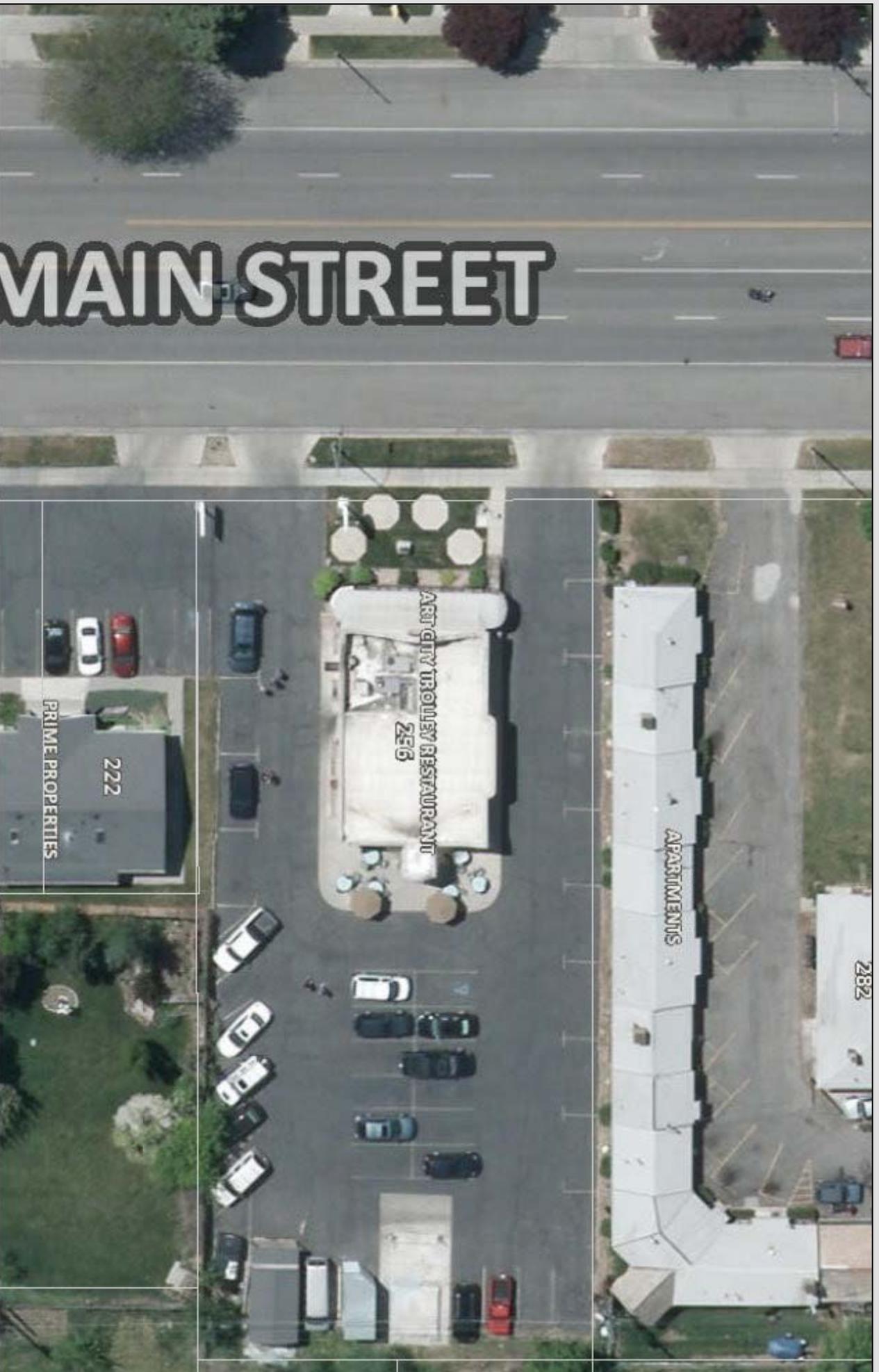
The business license fee for the year has been paid by Art City Trolley. The beer license fee (\$300.00) and application fee (\$100.00) has been collected. Expenses anticipated by the City are costs for the enforcement of the beer licensing provisions by the police department and code enforcement officer.

Jackie Nostrom
Business Licensing

Attachments

cc: Kim Rayburn, City Recorder

ART CITY TROLLEY RESTAURANT



Date: 2/25/2014



Springville

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