



**AGENDA FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
SEPTEMBER 15, 2015 – 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. Calendar

- September 17 – Historical Society Lecture, Dr. Rita Wright – Museum of Art 7:00 p.m.
- September 16-18 – ULCT Fall Conference, Salt Lake City
- Sept 18- Chamber of Commerce Golf Tournament
- September 19 – Heritage Day (You Put The Art In Art City) 11:00 a.m. – 3:00 p.m.
- September 28-Oct 02 – Public Power Week, Springville Power Department
- October 06 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- October 13 – Work/Study Meeting 5:15 p.m.

2. Discussion on this evening's Regular Meeting agenda items

- a) Invocation – Councilmember Child
- b) Pledge of Allegiance – Councilmember Creer
- c) Consent Agenda
 1. Approval of City purchase orders required to be signed per Springville City Code §2-10-110(5)
 2. Approval of Minutes for the August 11, 2015 and September 01, 2015 Work Study and September 01, 2015 Regular meetings.
 3. Approval of a contract between M&M Asphalt the low bidder and Springville City for the 2015-2016 Crack Seal Project for various Springville City Roads not to exceed \$151,709.00 for the total project – Brad Stapley, Public Works Director
 4. Approval to authorize funding and distribution for the Arts Commission grant awards not to exceed \$25,000.00 – Corey Merideth, Recreation Director

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder of Springville City, does hereby certify that the above notice and agenda was posted within the Springville City limits on September 10, 2015 at Springville City Hall, on the City Hall Notice Board, on the Springville City website at www.springville.org/agendasminutes on the Utah Public Notice Website at <http://www.utah.gov/pmn/index.html> and provided to at least one newspaper of general circulation within the geographic jurisdiction of the public body

/s/ Kim Rayburn, City Recorder

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

3. DISCUSSIONS/PRESENTATIONS

- a) Wastewater Facility Odor Control Measures – Brad Stapley, Public Works Director
- b) Park Impact Fees – John Penrod, Assistant City Administrator/City Attorney
- c) Training – Recreation

4. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

5. 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

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**AGENDA FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
SEPTEMBER 15, 2015 – 7:00 P.M.**

**CALL TO ORDER
INVOCATION AND PLEDGE
APPROVAL OF THE MEETING'S AGENDA
MAYOR'S COMMENTS**

PUBLIC COMMENT: *Audience members may bring any item not on the agenda to the Mayor and Council's attention. Please complete and submit a "Request to Speak" form. Comments will be limited to two or three minutes, at the discretion of the Mayor. State Law prohibits the Council from acting on items that do not appear on the agenda.*

CONSENT AGENDA*

1. Approval of City purchase orders required to be signed per Springville City Code §2-10-110(5)
2. Approval of Minutes for the August 11, 2015 and September 01, 2015 Work Study and September 01, 2015 Regular meetings.
3. Approval of a contract between M&M Asphalt the low bidder and Springville City for the 2015-2016 Crack Seal Project for various Springville City Roads not to exceed \$151,709.00 for the total project – Brad Stapley, Public Works Director
4. Approval to authorize funding and distribution for the Arts Commission grant awards not to exceed \$25,000.00 – Corey Merideth, Recreation Director

PUBLIC HEARING

5. Public Hearing to receive input with respect to (a) the issuance of up to \$11,195,000 General Obligation Bonds, if approved by eligible voters at a special bond election to be held in the City on Tuesday, November 03, 2015 and (b) the potential economic impact that the improvements, facilities, or properties to be financed with the Bonds will have on the private sector – John Penrod, Assistant City Administrator/City Attorney
6. Public Hearing to receive input with respect to selling approximately 20 acres of property located at approximately 1300 North 1100 East, Spanish Fork, Utah – John Penrod, Assistant City Administrator/City Attorney **CONTINUED TO OCTOBER 20, 2015**

This meeting was noticed in compliance with Utah Code 52-4-202 on September 11, 2015. 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.

- Kim Rayburn, City Recorder

The next regular Council Meeting will be held on October 06, 2015 at 7:00 p.m. in the Civic Center Council Chambers, 110 South Main Street, Springville, unless otherwise noticed. 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.

*The Consent Agenda consists of items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Council. The Agenda provides an opportunity for public comment. If after the public comment the Council removes an item from the consent agenda for discussion, the item will keep its agenda number and will be added to the regular agenda for discussion, unless placed otherwise by the Council.

REGULAR AGENDA

7. Consideration of waiving an option to purchase Nebo School District surplus property – John Penrod, Assistant City Administrator/City Attorney

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION

8. *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

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**MINUTES FOR THE REGULAR AND WORK/STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
MULTIPURPOSE ROOM, 110 SOUTH MAIN STREET
AUGUST 11, 2015 – 5:15 PM**

6

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, August 11, 2015 at 5:15 p.m.** in the Springville City Civic Center Multipurpose Room, 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.

COUNCILMEMBER CHILD MOTIONED FOR COUNCILMEMBER CHRIS CREER TO SERVE AS MAYOR PRO TEM FOR TONIGHT'S MEETING. MAYOR WILFORD W. CLYDE WAS EXCUSED. COUNCILMEMBER SORENSEN SECONDED THE MOTION AND ALL PRESENT VOTED AYE. THE MOTION PASSED UNANIMOUSLY

Mayor Pro Tem Chris Creer presided. In addition to Mayor Pro Tem Creer, the following were present: Councilmember Richard Child, Councilmember Chris Sorensen, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Administrative Services Manager Rod Oldroyd, Golf Pro Craig Norman, Library Director Pamela Vaughn, Public Safety Director Scott Finlayson, Public Works Director Brad Stapley, Power Director Leon Fredrickson, Power Distribution Superintendent Brandon Graham, Metering Supervisor Stewart Bird, Recreation Director Corey Merideth and Community Development Director Fred Aegerter. Excused from the meeting: Mayor Wilford W. Clyde, Councilmember Craig Conover, Councilmember Dean Olsen and City Administrator Troy Fitzgerald.

CALL TO ORDER

Mayor Pro Tem Creer called the work meeting to order at 5:16 p.m.

COUNCIL BUSINESS

1. Calendar

- August 18 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- September 01, 2015 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- September 7 – Labor Day (City Offices Closed)
- September 16-18 – ULCT Fall Conference, Salt Lake City
- September 19 – Heritage Days (You put the Art in Art City)

2. DISCUSSIONS/PRESENTATIONS

- a. **Presentation from Power Distribution, AMR Automated Meter Reading** – Brandon Graham, Power Distribution Superintendent

44 Distribution Superintendent Graham reported on the Automatic Meter Reading (AMR)
Continuation and the Advanced Metering Infrastructure (AMI) upgrade. He explained the upgrade is
46 needed because the current system is forty plus years old and is becoming outdated. He also explained
there is a lack of meter availability with the TS1 module and they no longer make them.

48 Superintendent Graham outlined the upgrade plan, stating they would like to implement an
AMI system preferably an RF (radio frequency) Mesh system, based on geographical location. All new
50 construction would be on the new system and paid for with meter fees already established. Also, the
existing AMR TS1 infrastructure would be maintained as long as it is feasible while installing new
52 AMI and RF based meters as failures occur. This will help maximize the return of investment on the
TS1 system.

54 Councilmember Sorensen asked if the mesh system can relay back information to where it can
be read. Metering Supervisor Stewart Bird replied it can be and is currently being done.

56 Superintendent Graham stated with the update they will be able to use one company and
eliminate multiple fees from other companies.

58 Public Safety Director Finlayson asked if cameras could be linked to the RF Mesh system.
Superintendent Graham replied they would look into it.

60 Superintendent Graham explained how the new system would be deployed. He stated the life
expectancy of a meter is 20 years. In 2021 they will begin budgeting for an aggressive replacement
62 schedule and continue the schedule through 2028 until full deployment is reached. He explained the
project capabilities; automatic reading, disconnect, connect, more reliable and accurate data and
64 provide a customer prepaid billing program, if desired. He noted the new system will be expensive;
however, it will be more cost efficient than reading meters manually.

66 Councilmember Creer asked if personnel would be needed to read power meters.
Superintendent Graham replied for power meters it is not likely.

68 Superintendent Graham stated the meters will have to eventually be replaced. Director
Fredrickson noted new residential building will have the new type of meter.

70 **b. Training – Public Safety Department**

72 Public Safety Director Finlayson commented on the newly installed Red Devil Drive (900
South) street signs. He stated five signs were installed on July 5, 2015 at \$85 each and special “vandal
74 resistant” rivets were used. On July 11, 2015 all of the signs were missing. Since then the old green
streets signs were installed. He explained different options for the signs; leave the old signs up and do
76 not install any more Red Devil Drive signs, purchase smaller signs and sell them at the High School at
a lower cost, and possibly install the new signs. He expressed, with Council approval, they would like
to add information to social media asking for information on where the signs are located.

78 Councilmember Olsen arrived at 5:43 PM.

80
82 Councilmember Creer stated the new signs are most likely going to be stolen; he likes the idea
of selling them at the High School.

84 Councilmember Sorensen expressed having the High School Booster Club sell them. The
Springville High School Class of 2015 donated \$500.00 for the signs. He suggested bringing it to the
student body and ask them what they would like to do.

86 Chief Finlayson continued with the second portion of his presentation and reported it has been
difficult to hire qualified new police officers. In April an officer resigned as a result of an internal
88 investigation. October 2014 one officer was moved out of the Justice Court when the Court changed to
private security. Officer Steve Pratt took a job with the Utah County Sheriff's Department. Also, last
90 month Officer Ray Flores left the department and went to the Utah County Sheriff's Department. All
of these officers had about six years of experience with the Springville Police Department. Chief
92 Finlayson commented with recent negative news media around the country regarding police officers it
has had some effect on hiring.

94 Chief Finlayson stated since the raise increases from the City it has closed the gap
substantially; it was approximately a \$1.00 difference with the City and the County. Chief Finlayson
96 expressed his appreciation to the Council and thanked them for listening and approving the wage
increase.

98 Chief Finlayson commented the Springville Police staff is high quality and they require high
standards of officers. He asked, "Do we maintain our standards and hire the best or "nibble" away at
100 our requirements." Chief Finlayson commented, "I want to keep the best."

Currently police officer candidates are required to put themselves through the police academy;
102 it usually takes about a year while they are working another job. Chief Finlayson remarked he would
like to sponsor a candidate through the academy and hire them. He feels it may be more successful and
104 he would like the Council's input.

Councilmember Sorensen remarked, "how do you know they will pass the final and physical
106 fitness; a very good prior screening would be needed." Chief Finlayson stated he agreed it would be a
concern. He remarked there is no cost to send them to POST; they must be 21 years old and if the City
108 sponsors them, the State covers the training and the Police Department would pay their salary. Council
agreed it may be something to try.

110 Chief Finlayson recounted the Fire Department is having similar problems. Over the past six
months there has been a big shift and the Fire Department has lost individuals to retirement. They have
112 hired part time fire fighters; in turn they are seeking full time positions. Three new fire fighters are in
the probation period, and three are currently in the hiring process, nine positions remain unfilled.
114 Currently it has been a struggle to keep Station #42 open and they need local fire fighters willing to
work part time.

116 Chief Finlayson explained he and Fire Chief Clinton have discussed a fire fighter training
scholarship for local residents. Councilmember Olsen asked how long of a probation period is
118 customary. Chief Finlayson responded six months, as they sign off on processes they are allowed to do
more during the probation period. Councilmember Sorensen, commented to have them do both fire
120 and police, and asked if it was an option. Chief Finlayson replied Orem City has tried and they have
realized the cost is so high and personnel are not getting all the mandated training because each
122 position is specialized.

124 Chief Finlayson explained once they transition into a full time fire department it will help in
retaining personnel and they will continue to need volunteer fire fighters for any larger incidents.
126 However, finding volunteers is not what it once was.

3. **MAYOR, COUNCIL, ADMINISTRATIVE REPORTS**

c) **Discussion with Department Directors**

Mayor Pro Tem Creer asked for updates from the Directors regarding their Departments.

130 Golf Pro Craig Norman reported business has been good for the golf course during July and
they have three upcoming events booked.

132 Recreation Director Corey Merideth advised his department is currently organizing fall sports.

134 Library Director Pam Vaughn stated the summer evening concert series at the Library has been
going well and tonight is the last concert.

136 Community Development Director Fred Aegerter reported the site plan for the Smith's
Marketplace is done and Smith's is currently working on the architectural.

138 Public Works Director Brad Stapley advised the PI Project is finished and the pipeline has been
installed. The water line is expected to pass within the next week and will be put into service. Crews
are currently working on some breaks and leaks. He recited, once he receives final numbers he plans to
140 go back to CUP for more funding. Director Stapley reported traffic signal poles will start going up
soon around the Brookside intersection. He explained the signal will help with the traffic flow.

142 Chief Finlayson expressed the cross walk on 400 south at Brookside is still needed. Director
Stapley replied he will work with staff to have it completed. Councilmember Sorensen asked if a seal
144 coat will be done. Director Stapley stated a contractor is on board and will have until October to
complete the project.

146 Councilmember Child asked if there would be any problem with algae, similar to Herriman
City, with the water that runs through Bartholomew pond coming from the Irrigation Company.
148 Attorney Penrod answered the County checks the pond regularly. Director Stapley replied they are
discussing the issue so as to not have any problems. Director Stapley reported they are going to try
150 and keep the road open at 950 West, and explained the digging is very deep.

152 Power Director Leon Fredrickson expressed the month of July was very busy for the Power
Department. He remarked there is a link to video on the current staff report showing an ariel view of
the power department installing power lines. He stated other cities are using drones to observe ariel
154 video of transformers and lines. Director Fredrickson explained as part of their meter audit, they
physically go out and read commercial meters. By doing this they have been able to make sure the
156 multipliers are correct. He reported one of the customers was billed too much and they have been able
to go back three years and the amount owed to the customer is significant.

158 Finance Director Bruce Riddle reported the Finance Department has entered into an agreement
with a utility billing audit firm and they have cycled through the City utility billing a couple of times,
160 with a very low find rate. He noted the billing system is in good shape and errors are very low.

d) **Commission, Board, and Committee Minutes**

i. Emergency Preparedness Committee minutes for June 18, 2015

164 ii. Water Board minutes for June 09, 2015

There was no comment

166 f) **Mayor and Council Reports**

There was none.

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4. **CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION**

170

The Springville City Council may temporarily recess this 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 State Code Annotated §52-4-205

172

There was no closed session.

174

ADJOURNMENT

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COUNCIL MEMBER SORENSEN MOVED TO ADJOURN THE CITY COUNCIL WORK/STUDY MEETING AT 6:33 P.M. COUNCIL MEMBER CHILD SECONDED THE MOTION, AND ALL PRESENT VOTED AYE. THE MOTION PASSED UNANIMOUSLY

178



**AGENDA FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
SEPTEMBER 01, 2015 – 5:15 P.M.**

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The following are the minutes of the Work/Study Meeting of the Springville City Council.
8 The meeting was held on **Tuesday, September 01, 2015 at 5:15 p.m.** in the Springville City Civic
Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this
10 meeting, as required by law, was posted on the Utah Public Notice Website, in the Civic Center and
on the City's website, and delivered to members of the Council and media.

12
14 Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present:
Councilmember Richard Child, Councilmember Craig Conover, Councilmember Chris Creer,
Councilmember Dean Olsen, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald,
16 Assistant City Administrator/Finance Director Bruce Riddle, Assistant City Administrator/City
Attorney John Penrod and City Recorder Kim Rayburn.

18 Also present were: Public Works Director Brad Stapley, Power Department Director Leon
Fredrickson, Public Safety Director Scott Finlayson, Recreation Director Corey Merideth, Library
20 Director Pam Vaughn, Museum of Art Director Dr. Rita Wright, Community Development Director
Fred Aegerter, Golf Pro Craig Norman and Administrative Services Manager Rod Oldroyd.

22
MAYOR AND COUNCIL DINNER – 4:45 P.M.

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

26
CALL TO ORDER- 5:15 P.M.

28 Mayor Clyde welcomed the Council, staff, and audience as he called the meeting to order at
5:15 p.m.

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COUNCIL BUSINESS

32 1) Calendar

- September 07 – Labor Day (City Offices Closed)
- 34 • September 08 – Work/Study Meeting 5:15 p.m.
- September 11 – Patriot Day
- 36 • September 15 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- September 16-18 – ULCT Fall Conference, Salt Lake City

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40 Mayor Clyde asked if there were any questions or additions to the calendar. Councilmember
Conover reported the Chamber of Commerce will be holding their annual Golf Tournament on
September 18, 2015 at Hobble Creek Golf Course.

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- 2) Discussion on this evening’s Regular Meeting agenda items
 - a) Invocation – Councilmember Olsen
 - b) Pledge of Allegiance – Councilmember Child
 - c) Consent Agenda
 - 1. Approval of City purchase orders required to be signed per Springville City Code §2-10-110(5)
 - 2. Approval of Minutes
 - 3. Approval of MariLee Allred’s reappointment to the Library Board
 - 4. Approval of Smith’s Food & Drug Centers, Inc., seeking final plat approval for the Smith’s Commercial Subdivision located in the area of 950-1200 west and 400 south in the CC-Community Commercial Zone – Fred Aegerter, Community Development Director

Mayor Clyde asked if there were any questions regarding the regular agenda. City Administrator Fitzgerald noted that item #4 on the Consent Agenda, approval of Smith’s Food & Drug Centers, Inc., final plat approval, should be after item #5 on the Regular Agenda, consideration of Smith’s Food & Drug Centers, Inc., seeking to amend Section 11-6-114(4)(ii) of the Springville Development Code. Mayor Clyde agreed there should be some discussion of Item 5 on the Regular Agenda prior to approving item #4 on the Consent Agenda. Mayor Clyde asked that this be considered during the Regular Council meeting.

3) **DISCUSSIONS/PRESENTATIONS**

- a) **Update on Aquatic and Activity Center Bond Proposition** – Troy Fitzgerald, City Administrator

Administrator Fitzgerald introduced a draft of the argument for the Aquatic and Activity Center Bond. He noted there have been a few changes and asked for feedback from the Mayor and Council. After discussion, the value of the average home was added to include \$270,596.00 and Nebo School District has committed to contribute \$2 Million towards the project. Also, three different resident committees and three different city councils have recommended the facility.

Mayor Clyde stated he had spent some time with a citizen that previously opposed the bond in 2011 and the resident requested full disclosure on the upcoming bond.

Administrator Fitzgerald announced the City Survey is ready to mail and is scheduled to go out next Wednesday. He explained the Survey is coming from the City and 1800 participants have been randomly selected. The date of the spouses’ birthday from previous years has been moved in order to give the other spouse the opportunity to participate.

- b) **Jolley’s Ranch Youth Camp Update** – Alex Roylance, Building and Grounds Director

Attorney Penrod presented on behalf of Director Roylance and gave an update on the Jolley’s Ranch Youth Camp. He reported the restroom has been constructed, the concerns with water, sewer and power, being too close to one another has been addressed and is ready to be completed.

84 Attorney Penrod described a service project scheduled for October. It will include wood
chips to campsites and trails, installation of a fire pit, and a flagpole. The access road has been
graded; it was decided to install the road at a lower location to allow those using the Jolley Pavilion
86 to have access with RV's.

88 Mayor Clyde inquired about the painting of dry wall and ceilings in the restroom. Attorney
Penrod replied he would follow up.

90 Attorney Penrod discussed policy issues for the area. It is proposed that the area would be
reserved to Springville Boy Scout, Girl Scout, or other organized youth groups to use individually
and not share with numerous groups at one time.

92 Councilmember Sorensen asked if it would be a destination for young women's camps.
Attorney Penrod noted Director Roylance was concerned about this use because of previous
94 problems with boys coming to the camp. Mayor Clyde replied it is not setup for a young women's
camp, it is too primitive and there is no pavilion. It is more of an overnight or two, carry all in and
96 out.

98 Attorney Penrod explained the gravel for the road has been donated and asked the Council
for input regarding the appropriate fees to maintain the area. Councilmember Sorensen suggested
\$50 as a reasonable fee. Councilmember Child concurred. Attorney Penrod commented a non-
100 resident fee could also be considered and all canyon park rules would apply.

102 Attorney Penrod remarked there have been concerns about the restroom facility being
secluded and it was decided to keep the facility locked when not in use to help prevent vandalism.

104 Councilmember Olsen asked Chief Finlayson if he had any concerns. Chief Finlayson
replied it is the Counties jurisdiction, but he would suggest setting up rules to help maintain the
campground.

106 Attorney Penrod commented there is no irrigation water to the area so grass will not be
possible and it will remain a somewhat primitive landscape with one fire pit. He asked the Council
108 for comments on a name for the campsite. Councilmember Olsen stated he favors Doc Creer
Campsite. Councilmember Creer suggested Doc and Shirley Creer or Creer Campground. Mayor
110 Clyde expressed Doc Creer wanted the area to be for youth and youth groups.

112 Councilmember Sorensen asked if there is a plan or design to have the Kelly's Grove road
connect into the Jolley's area. Attorney Penrod replied he was not aware of any discussion. Mayor
Clyde and Councilmember Child expressed they would like to see them remain separate.

114 Councilmember Conover commented the roads in Kelly's Grove need to be reviewed for
possible repairs.

116 Mayor Clyde stated he would like to recognize Rick Newton for donating time and effort on
the youth camp ground project and he has also put in cart paths at the golf course and donated
118 asphalt.

120 Attorney Penrod commented on another item, he has received notice from Nebo School
District that they will be selling two surplus properties in Springville and the City has the first right
of refusal. One of the properties is the old Grant Elementary School. Attorney Penrod noted staff
122 members would like to see the City purchase the property to utilize it for more recreation fields.
Attorney Penrod explained a resolution of intent to purchase would be needed. Then the City and

124 School district will get their own appraisals, and the price would be the middle of the two
126 appraisals. Councilmember Sorensen asked, if it would be possible to subdivide the property.
128 Attorney Penrod replied he would look into more information. Councilmember Conover stated the
130 City should go ahead with the purchase.

128 Mayor Clyde expressed pickle ball is becoming very popular and stated this property may be
a good use for this type of recreation. Recreation Director Corey Merideth has been looking into the
130 existing tennis courts and converting them to pickle ball courts. Director Merideth stated they are
currently using Cherry Creek elementary for pickle ball.

132 Attorney Penrod commented he would bring back more information and a resolution
regarding the Grant property for the Council's consideration.

134 Attorney Penrod explained the second property Nebo School District is looking at selling is
the old Westside Elementary property. He noted staff is not interested in this property and there may
136 be another developer interested. Attorney Penrod will bring back more information to the Council at
the next regular meeting.

138 c) **Training – Public Works**

Director Stapley reported on the Solid Waste Department and solid waste collection.
140 Currently the solid waste collection is nearing the need for another truck and driver at an
approximate cost of \$300,000.00. He explained the Solid Waste Department is looking at ways to
142 increase efficiency and save money to possibly avoid the need for the large purchase. The growth
rate is approximately 160 new solid waste cans a year and currently there are twelve different
144 collection routes; Monday through Thursday ten hour shifts and Fridays for servicing the trucks and
to accommodate for any holidays.

146 Director Stapley reviewed the daily routine of garbage pickup. He summarized the need for
more efficiency and is considering to have cans on the same side of street in some areas for pickup
148 and noted some areas in the City this would not be effective. Private lanes and cul-de-sacs are a
concern because of the large trucks, they refrain from backing these trucks for safety, however there
150 are times it is required.

Director Stapley reported they are seeing more violations with overfilled cans, cans to close
152 to parked vehicles and restricted items in cans.

Councilmember Olsen asked what kind of push back other cities have received regarding
154 same side collection. Director Stapley replied with any change there is push back and other cities
have received some complaints.

156 Councilmember Sorensen commented he recently attended a conference on solid waste
collection and these items were discussed. He noted communities are facing the need to be more
158 efficient, save money with fuel and the need for more trucks. Councilmember Sorensen said he
would provide the information he received to Director Stapley.

160 Mayor Clyde commented garbage trucks should not be going down private lanes and cans
that are overfilled or with materials in violation should be bypassed. He suggested adding
162 information to the City Source newsletter.

164 Mayor Clyde recognized Karen Ifediba in the audience for comments. Ms. Ifediba stated
Mapleton has been going down the one side of roads for solid waste collection. She said it took a

while for citizens to adjust and they were told collection rates would go up if there was no change. She added Mapleton streets are narrow and having them collect on one side of the street made it easier and more efficient.

Mayor Clyde commented on the upcoming 400 South widening project and stated he would like each property owner that is affected by the project to be contacted and have City staff help them with any issues or problems, he asked staff to be a part of the solution. Director Stapley mentioned a letter will be going out to each affected property. Mayor Clyde responded he would like each business and residence personally contacted and to discuss with them solutions. He expressed each property has its own unique challenge, with some effort there could be possible solutions. Director Stapley replied he would see they are contacted.

Councilmember Conover asked about the status of the traffic lights at 800 East and 400 South. Director Stapley replied the Contractor is scheduled to start soon, as early as next week.

City Administrator Fitzgerald disclosed an RFP was issued on the Rivoli Theater with no response. He has been contacted recently by two separate parties requesting information. One of the parties may approach the Council and have some interest.

Director Stapley noted he has been working with UTA (Utah Department of Transportation) and the UPRR (Union Pacific Railroad) regarding the 950 West crossing. He has received an email from UPRR and they stated they are not changing their schedule. The City would need to install lights and gates.

Director Stapley provided a presentation of the railroad crossing in question. He and his staff have suggested UTA build a new connection from the Tintic line therefore eliminating three to four crossings. Mayor Clyde stated the cost to build a mile of track could be very costly. Director Stapley stated he would report back to the Council with other comments regarding the 950 west crossing.

Mayor Clyde announced he would be attending the upcoming South County Mayors meeting and some of their discussion will be about projects at the south end of the county. He would like to be able to take information regarding Springville projects to this meeting. He stated there is a need to put more of Springville's projects on the planning schedule with the MPO (Metropolitan Planning Organization) that is facilitated by MAG (Mountainland Association of Governments) and keep pushing for them. Director Stapley noted he was working with MAG regarding the 1600 South interchange and track consolidation.

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

5) **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

There was no Closed Session.

206 **ADJOURNMENT**

208 COUNCILMEMBER SORENSEN MOVED TO ADJOURN THE WORK/STUDY
MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:56 P.M. COUNCILMEMBER
CONOVER SECONDED THE MOTION, ALL VOTED AYE.

210



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
SEPTEMBER 01, 2015 – 7:00 P.M.**

6

The following are the minutes of the Regular Meeting of the Springville City Council.
8 The meeting was held on **Tuesday, September 01, 2015 at 7:00 p.m.** in the Springville City
Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of
10 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.

12
14 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, Councilmember Chris Sorensen, City
16 Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod,
Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

18 Also present were: Public Safety Director Scott Finlayson, Administrative Services
Manager Rod Oldroyd, Public Works Director Brad Stapley, Community Development Director
20 Fred Aegerter, Golf Pro Craig Norman, Recreation Director Corey Merideth, Library Director
Pam Vaughn and Museum of Art Director Dr. Rita Wright.

22
CALL TO ORDER

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

26
INVOCATION AND PLEDGE

28 Councilmember Olsen offered the invocation, and Councilmember Child led the Pledge
of Allegiance.

30
APPROVAL OF THE MEETING'S AGENDA

32 COUNCILMEMBER CHILD MOVED TO APPROVE THE MEETING'S AGENDA
WITH THE FOLLOWING CHANGES. MOVE ITEM #4 APPROVAL OF SMITH'S FOOD &
DRUG CENTERS, INC., SEEKING FINAL PLAT APPROVAL ON THE CONSENT
34 AGENDA TO ITEM #5 ON THE REGULAR AGENDA. COUNCILMEMBER OLSEN
SECONDED THE MOTION, AND ALL VOTED AYE.

36
MAYOR'S COMMENTS

38 Mayor Clyde welcomed the Council, staff and audience.

42 **PUBLIC COMMENT**

44 Mayor Clyde introduced the Public Comment section of the agenda. He asked if there were any requests. There were none.

46 **CONSENT AGENDA**

- 48 1. Approval of City purchase orders required to be signed per Springville City Code §2-10-110(5)
- 50 2. Approval of Minutes from the August 08, 2015 Regular and Work/Study meeting of the City Council
- 52 3. Approval of MariLee Allred’s reappointment to the Library Board

54 COUNCILMEMBER SORENSEN MOVED TO APPROVE THE CONSENT AGENDA WITH THE APPROVED CHANGES.

56 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

58 **REGULAR AGENDA**

- 60 4. **Consideration of Smith’s Food & Drug Centers, Inc., seeking to amend Section 11-6-114(4)(ii) of the Springville Development Code in regards to driveway access along 400 South between 400 West and I-15** – Fred Aegerter, Community Development Director

62 Community Development Director Aegerter reviewed the proposed amendment with the Council. He explained the change ordinance is to meet the UDOT standards and is proposing two access points at the location. Director Aegerter reported during the Planning Commission there was discussion of traffic patterns and residents were able to express their concerns and agreement of the change.

68 Councilmember Sorensen asked if the access points would be a right turn only. Director Aegerter replied yes that is correct, citizens will need to adjust to the new traffic pattern and there will be the appropriate lane width.

72 Gary Krum, Springville resident and audience member remarked, “Is it a one-time change?” Director Aegerter replied it will be a permanent change.

74 COUNCILMEMBER CONOVER MOVED TO APPROVE **ORDINANCE #11-2015**, AMENDING SECTION 11-6-114(4)(ii) OF THE SPRINGVILLE DEVELOPMENT CODE.

76 COUNCILMEMBER CHILD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

78	COUNCILMEMBER CHILD	AYE
	COUNCILMEMBER CONOVER	AYE
80	COUNCILMEMBER CREER	AYE

82

COUNCILMEMBER OLSEN AYE

84 COUNCILMEMBER SORENSEN AYE

THE MOTION CARRIED UNANIMOUSLY **ORDINANCE #11-2015** ADOPTED.

86

5. **Approval of Smith’s Food & Drug Centers, Inc., seeking final plat approval for the Smith’s Commercial Subdivision located in the area of 950-1200 west and 400 south in the CC-Community Commercial Zone** – Fred Aegerter, Community Development Director

92 COUNCILMEMBER CHILD MOVED TO APPROVE THE FINAL PLAT OF THE
93 SMITH’S COMMERCIAL SUBDIVISION LOCATED IN THE AREA OF 950-1200 WEST
94 AND 400 SOUTH IN THE CC-COMMUNITY COMMERCIAL ZONE

95 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE MOTION
96 PASSED UNANIMOUSLY.

- 98 6. **Consideration of Noise Ordinance** – John Penrod, Assistant City Administrator/City
99 Attorney

100 Attorney Penrod reported the following item was previously asked to be addressed by the
101 City Council. He noted the revised code will limit some activities and times from 10:00 p.m. to
102 7:00 a.m.

103 Councilmember Child expressed sometimes there is an exception. Attorney Penrod
104 replied there are some exceptions such as; citizens can apply for a permit for various events.

105 Councilmember Sorensen commented he receives complaints about the trains blowing
106 their horns late at night. Attorney Penrod replied the Railroad is governed by the Federal
107 Government and does not pertain to this ordinance. City Administrator Fitzgerald did note that
108 in the proposal for the 950 West railroad crossing there is mention of establishing a quiet zone,
109 however, it would result in a higher cost.

110 Mayor Clyde requested the change of language in the ordinance from “commercial power
111 equipment” to “power equipment.” Attorney Penrod replied this is addressed in the ordinance
112 and it should include all necessary language. He also noted that a violation is an infraction and
113 involves a fine.

114

115 COUNCILMEMBER CREER MOVED TO APPROVE **ORDINANCE #12-2015** THAT
116 AMENDS SECTION 8-2-101 OF THE SPRINGVILLE CITY CODE BY MORE CLEARLY
117 STATING WHAT CONDUCT IS CONSIDERED A DISTURBANCE OF THE PEACE
118 BETWEEN THE HOURS OF 10:00 PM AND 7:00 AM.

119 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE VOTE IS
120 RECORDED AS FOLLOWS:

121 COUNCILMEMBER CHILD AYE

122 COUNCILMEMBER CONOVER AYE

COUNCILMEMBER CREER AYE

124 COUNCILMEMBER OLSEN AYE
COUNCILMEMBER SORENSEN AYE
126 THE MOTION CARRIED UNANIMOUSLY ORDINANCE #12-2015 ADOPTED.

128 **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

There was none.

130

CLOSED SESSION

132 7. *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,
134 *exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

There was no closed session.

136

ADJOURNMENT

138 COUNCILMEMBER CHILD MOVED TO ADJOURN THE CITY COUNCIL
MEETING AT 7:30 P.M. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND
140 ALL VOTED AYE.



STAFF REPORT

DATE: September 8, 2015
TO: Mayor and City Council
FROM: Bradley D. Stapley, Director of Public Works
SUBJECT: **CRACK SEAL 2014-15 PROJECT**

RECOMMENDED ACTION

Motion to approve M&M Asphalt as the low bidder for the Crack Seal 2015-16 Project for various Springville City roads (see attached map) not to exceed a total project cost of \$151,709.00, and authorize the Director of Public Works to issue a Notice to Proceed for the project.

SUMMARY OF ISSUES/FOCUS OF ACTION

The Streets Division of Public Works has developed a comprehensive 7-year Roadway Maintenance Plan for Springville City. The plan utilizes various methods of roadway maintenance to assure the best use of funds given the specific roadway condition.

The plan uses crack sealing, slurry seals, chip seals, Micro surfacing and asphalt overlays as methods of minor roadway surface rehabilitation. More costly maintenance techniques for severely dilapidated roadway surfaces involve asphalt overlays, asphalt grinding with asphalt replacement, and full depth reclamation with asphalt overlays.

DISCUSSION

Crack sealing inhibits water intrusion into the roadway surface, minimizing the formation of potholes. Crack sealing continues to be an effective part of the City's street maintenance program.

BID RESULTS

City staff has solicited bids for and received the following bids for the project:

- | | |
|------------------------|-----------|
| • M&M Asphalt | \$151,708 |
| • Bonneville Asphalt | \$216,027 |
| • Ridge Rock Inc. | \$228,670 |
| • Thunder Road Asphalt | \$247,965 |
| • Top Job | \$260,383 |

FISCAL IMPACT

CITY COUNCIL AGENDA

October 7, 2014

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Funding for this project will come from the C-Roads Streets Maintenance Budget 2015-16 budgets 10-4410-640.

CITY COUNCIL AGENDA

U:\City Council\Staff Reports\2015\09-2015\09152015\SR_Crack Seal_2015-16_MM Asphalt_20150915.doc



STAFF REPORT

DATE: September 10, 2015

TO: Honorable Mayor and City Council

FROM: Springville Arts Commission
Delora Bertelsen, Arts Commission Chair
Corey Merideth, Recreation Director

SUBJECT: ARTS COMMISSION GRANT AWARDS RECOMMENDATIONS

RECOMMENDED MOTION

Move to authorize funding for the arts organizations in the amounts as listed on the attachment. Total grants not to exceed \$25,000.

Motion to APPROVE/DISAPPROVE

SUMMARY OF ISSUES/FOCUS OF ACTION

The focus of this action is to review the funding recommendations as presented by the Springville Arts Commission distributing \$25,000 for various arts and humanities functions held within Springville during FY 2015/16.

BACKGROUND

On September 8, 2015 the Springville Arts Commission met and reviewed applications from local agencies and organizations requesting funding for various arts and humanities functions throughout the community. The grant program was properly noticed and agencies expressing an interest during the past 12 months were given the opportunity to submit an application. In addition to the administrative costs of the commission, applications for 12 programs were received. Springville Arts Commission unanimously agreed upon the attached recommendation and has submitted it for your approval.

ALTERNATIVES

If the Mayor and City Council wishes to make any changes to the recommendations from the Arts Commission, the funds may be allocated in different amounts.

FISCAL IMPACT

\$25,000 as budgeted.

ATTACHMENTS

Arts Commission Letter of Recommendation.



Letter of Recommendation to City Council

Springville City Board Name: **Arts Commission**

Applicant:	Request:	Date of Meeting: September 8, 2015
Arts Commission	To distribute the Arts Commission Grant Funds as listed below	

Motion by:	Second by:
-------------------	-------------------

RECOMMENDATION	<input checked="" type="checkbox"/>	APPROVE	<input type="checkbox"/>	DISAPPROVE	<input type="checkbox"/>	OTHER:
-----------------------	-------------------------------------	----------------	--------------------------	-------------------	--------------------------	---------------

CONDITIONS OF APPROVAL:

Move to distribute the Arts Commission Grant funds totaling \$25,000 as follows:

Springville Historical Society	\$2,000
Musettes	\$ 500
Springville Playhouse	\$5,000
World Folkfest	\$4,800
Arts In Educaiton	\$2,500
Dance	\$ 600
Talent Festival	\$1,500
Music Series	\$3,600
Pioneer Museum	\$1,000
Nebo Philharmonic	\$1,000
Heritage Days	\$1,000
Commission Administration	\$ 500
Statue Placement Expenses	<u>\$1,000</u>
TOTAL	\$25,000

Voting Record:

Member Name	APPROVE	DENY	ABSTAIN
Donna Breckenridge	X		
Daryl Tucker	X		
Ginny Ackerson	X		
Marilee. Allred	X		
Julie Ahlborn	X		
Sandy Allison	X		

September 8, 2015

Chair

Date



STAFF REPORT

DATE: September 10, 2015

TO: The Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: **PUBLIC HEARING TO RECEIVE INPUT WITH RESPECT TO (A) THE ISSUANCE OF UP TO \$11,195,000 GENERAL OBLIGATION BONDS, IF APPROVED BY ELIGIBLE VOTERS AT A SPECIAL BOND ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 03, 2015 AND (B) THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENTS, FACILITIES, OR PROPERTIES TO BE FINANCED WITH THE BONDS WILL HAVE ON THE PRIVATE SECTOR.**

RECOMMENDED ACTION

None.

BACKGROUND

Pursuant to Section 11-14-318 of the Utah Code, Springville is required to hold a public hearing no sooner than 30 days and no later than five days before the notice of election is published for the bond election for the Aquatics and Activities Center. The purpose of this public hearing is to receive input from the public with respect to:

1. the issuance of up to \$11,195,000 general obligation bonds for the proposed facility; and
2. the potential economic impact that the improvement, facility, or property for which the bonds pay all or portion of the cost will have on the private sector.

No action is to be taken on this item. This item is only to hold a public hearing and receive input from the public

The remaining portion of this staff report is to summarize what has happened to date with respect to the bond election for the proposed Aquatics and Activities Center.

Earlier this year, the City Council formed the Aquatic Activities Center Exploratory Committee to provide recommendations to the City Council concerning a new Springville Aquatic and Activities Center. The Committee recommended to the City Council that the City should move towards constructing an aquatic and activities center in the approximate amount of \$18,200,000. Of that total amount, the Committee recommended that the City should hold a bond election in November 2015 for the issuance of \$11,000,000 in general obligation bonds, with the remaining amount being paid through City reserve funds and money contributed by the Nebo School

CITY COUNCIL AGENDA

District. As a result of the Committee's recommendations, the City Council decided to move forward with a November 2015 bond election.

In July, the City Council approved a resolution that set the parameters of the special bond election. The following is a brief description of the proposed proposition:

- Question concerning whether the City Council should be authorized:
 - to issue general obligation bonds in an amount not to exceed \$11,195,000 to be due and payable in not to exceed 21 years,
 - for the construction of an Aquatics and Activities Center, and
 - to allow the City Council to accept a market premium on the bonds so long as such acceptance results in the lowest interest cost.
- The estimated cost per month for the average home value (\$207,695) is \$5.04 and for a business of the same value is \$9.17.

After this public hearing, State law requires the City to hold one more public hearing on the bond proposition, which hearing will be held October 20, 2015.

FISCAL IMPACT

If the bond passes, property taxes will be increased to pay \$11,195,000 towards a new aquatic recreation center. The City will pay approximately \$6 to \$8 million out of reserves and funds donated towards the project by the Nebo School District. Furthermore, the City will incur an estimated \$335,000 in ongoing annual operating costs.

Springville, Utah

September 15, 2015

The City Council (the “Council”) of Springville City, Utah (the “City”), met in regular public session at the regular meeting place of the Council in Springville, Utah, on September 15, 2015, at the hour of 7:00 p.m., with the following members of the Council being present:

Wilford W. Clyde	Mayor
Richard J. Child	Councilmember
Craig Conover	Councilmember
Chris Creer	Councilmember
Dean F. Olsen	Councilmember
Chris Sorensen	Councilmember

Also present:

Troy Fitzgerald	City Administrator
Bruce Riddle	Finance Director
Kim Rayburn	City Recorder
John Penrod	City Attorney

Absent:

The City Recorder noted that pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and other applicable provisions of State law, a notice of public hearing with respect to the calling of an election authorizing the City’s general obligation bonds in the principal amount of not to exceed \$11,195,000 (the “Bonds”) was (i) published twice, the first publication being not less than fourteen (14) days prior to this hearing, in The Daily Herald, a newspaper of general circulation within the City, (ii) posted on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, not less than fourteen (14) days prior to this hearing and (iii) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, not less than fourteen (14) days prior to this hearing. The hearing date is prior to the first publication of the notice of election related to the Bonds. The hearing was then opened to all members of the public desiring to give input with respect to the issuance by the City of its Bonds.

After all members of the public desiring to give input, with respect to the issuance by the City of its general obligation bonds, had provided such input, the public hearing was closed.

This 15th day of September, 2015.

(SEAL)

Mayor

ATTEST:

City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

Mayor

ATTEST:

City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Kim Rayburn, the duly appointed and qualified City Recorder of Springville City, Utah (the “City”) do hereby certify according to the records of the City Council of the City (the “Council”) in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Council held on September 15, 2015, and that said minutes are officially of record in my possession.

I further certify that a Notice of Public Hearing was (A) published once each week for two consecutive weeks in The Daily Herald, a newspaper having general circulation within the City, with the affidavits of said publications attached hereto upon availability, (B) posted on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended and (C) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this 15th day of September, 2015.

City Recorder

(SEAL)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Kim Rayburn, the undersigned City Recorder of Springville City, Utah (the “City”), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the public meeting, held on September 15, 2015, by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City’s principal offices on September ____, 2015, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice to be posted on the Utah Public Meeting Notice website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Daily Herald pursuant to its subscription to the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2015 Annual Meeting Schedule for the Issuer (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (i) posted on January 7, 2015, at the principal office of the City Council, (ii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year and (iii) provided to at least one newspaper of general circulation within the Issuer pursuant to its subscription to the Utah Public Notice Website (<http://pmn.utah.gov>).

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 15, 2015.

(SEAL)

By: _____
City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

ANNUAL MEETING SCHEDULE

(attach Proof of Publication of Notice of Public Hearing)



STAFF REPORT

DATE: September 10, 2015

TO: The Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF APPROVING A WRITTEN WAIVER OF THE CITY'S RIGHT TO PURCHASE 8.624 ACRES OF SCHOOL DISTRICT PROPERTY.

RECOMMENDATION

Motion to Approve authorizing the City Administrator to sign a written waiver of the City's right to purchase 8.624 acres of Nebo School District surplus property identified with tax serial numbers 23:035:0027, 23:036:0033, 23:036:0065, 26:030:0078, 26:030:0094, 26:030:0095, 26:030:0096, and 26:030:0110.

BACKGROUND:

Reed Park, Nebo School District's Legal Counsel, sent Springville City a letter dated August 20, 2015, that provided the City with a 90 day first right of refusal to purchase surplus property from the School District (the "Property"). The Property consists of 8.624 acres and is located at 570 South Main Street, Springville, Utah. The property is currently being used for the School District's Advanced Learning Center and was the old Westside Elementary School property. Pursuant to Section 53A-2-403 of the Utah Code Annotated, the District is required to provide the City with written notice that the City has 90 days to purchase the property for the great amount of either (i) the average of two appraisals or (ii) the amount the District paid for the property. At this time, neither the District nor the City knows what the purchase price would be.

Staff has considered whether or not it would be in the City's best interest to purchase the Property. The City is only allowed to purchase the property for a governmental purpose. Accordingly, Staff's recommendation is to forgo purchasing the Property.

Section 53A-2-403 of the Utah Code Annotated allows the City to waive its right to purchase the Property by providing the District with a written waiver. If the City is not going to exercise its right to purchase the Property, the School District has asked the City to provide the written waiver so that the District may start moving forward with finding a purchaser for the Property.

ALTERNATIVES:

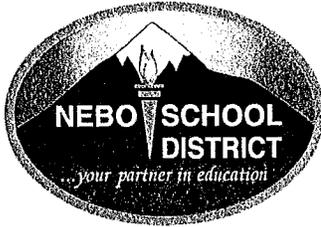
The City Council could elect to purchase the Property or decide to wait the 90 days to do more due diligence.

CITY COUNCIL AGENDA

FISCAL IMPACT:

None.

Attachments: Notice of Nebo School District Surplus Property, August 20, 2015, with an accompanying map of the property.



OFFICE OF ADMINISTRATION – LEGAL DEPARTMENT

350 SOUTH MAIN STREET □ SPANISH FORK, UTAH 84660
PHONE (801) 354-7475 □ FAX (801) 354-7487

REED B. PARK
District Legal Counsel

August 20, 2015

VIA: Personal Delivery

Troy Fitzgerald, City Administrator
John Penrod, City Attorney
SPRINGVILLE CITY
110 South Main
Springville, UT 84663

RE: Notice of Nebo School District Surplus Land
Property Tax Serial Nos. 23:035:0027, 23:036:0033, 23:036:0065, 26:030:0078,
26:030:0094, 26:030:0095, 26:030:0096, and 26030:0110
Approx. 8.624 Acres

Dear Troy & John:

Notice is hereby given to Springville City pursuant to Utah Code Ann., Section 53A-2-401, et seq. that on August 12, 2015, the Board of Education of Nebo School District declared as surplus property approximately 8.624 acres located at 570 South Main, Springville, Utah. A copy of the Board Resolution and a Utah County Plat Map are enclosed for your reference.

According to Utah law, the City has the option to purchase this surplus property from the School District. If the City is interested in purchasing this surplus property, Utah Code Ann., Section 53A-2-403(4)(a) provides, in relevant part, as follows:

The legislative body of the each eligible entity desiring to purchase surplus property under this section shall:

(i) within 90 days after the eligible entity received notice . . . adopt a resolution declaring the intent to purchase the surplus property and deliver a copy of the resolution to the school district; and

(ii) within 90 days after delivering a copy of the resolution . . . to the school district, deliver to the school district an earnest money offer to purchase the surplus property at the purchase price.

The "purchase price" is defined in Utah Code Ann., Section 53A-2-402(2) as the greater of: (a) an average of two appraisals (an appraisal obtained by the City, and an appraisal obtained by the School District); or (b) the amount the School District paid to acquire the surplus property.

BOARD OF EDUCATION

Shannon M. Acor
Rick B. Ainge
Kristen C. Betts
Randy Boothe
Christine Riley
R. Dean Rowley
K. L. Tischner

SUPERINTENDENT

Richard C. Nielsen

BUSINESS ADMINISTRATOR

Tracy D. Olsen

Letter to: Springville City
Dated: August 20, 2015
Page 2

Nebo School District acquired the property from numerous owners beginning in the year 1954 through 1998. Nebo School District has not obtained a recent appraisal on the property. Accordingly, the fair market value for the purchase price of the property has not yet been established.

Utah Code Ann., Section 53A-2-403(6) outlines the authorized purposes for which the surplus property may be utilized if acquired by the City.

Pursuant to Utah Code Ann., Section 53A-2-403(4)(b), should the City fail to comply with either of the requirements set forth in Utah Code Ann., Section 53A-2-403(4)(a), then the City forfeits the right to purchase the surplus property.

If the City has no intent to purchase this surplus property, a written waiver may be submitted to the School District pursuant to Utah Code Ann., Section 53A-2-403(5) waiving the City's right to purchase the surplus property.

Should you have any questions regarding this matter, please let me know.

Sincerely,

NEBO SCHOOL DISTRICT



Reed B. Park
District Legal Counsel

Encl.

cc: Richard C. Nielsen, Superintendent
Steven B. Maughan, Director of Operations

BOARD MOTION

Proposed Motion

I make the motion to adopt the Board Resolution declaring the Advanced Learning Center as surplus property consisting of approximately 8.624 acres located at 570 South Main in Springville, Utah.

BOARD RESOLUTION

RESOLVED that, after due consideration, the Board of Education of Nebo School District hereby declares the following as surplus property:

Advanced Learning Center - Approximately 8.624 acres of property located at 570 South Main, Springville, Utah, identified as Property Tax Serial Nos. 23:035:0027, 23:036:0033, 23:036:0065, 26:030:0078, 26:030:0094, 26:030:0095, 26:030:0096, and 26:030:0110.

(SEE ATTACHED SURVEY MAP)

Approved: August 12, 2015



Utah County Parcel Map
ALC - Springville, UT



Date: 8/19/2015

This plat is for reference only and no liability is assumed for any inaccuracies, in correct data or variations with an actual survey

Generated from the Recorder's Online Parcel Map