



WORK/STUDY AGENDA
SPRINGVILLE CITY COUNCIL MEETING
FEBRUARY 05, 2019 AT 5:30 P.M.
City Council Chambers
110 South Main Street
Springville, Utah 84663

MAYOR AND COUNCIL DINNER - 5:00 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- 5:30 P.M.

COUNCIL BUSINESS

1. Calendar

- Feb 12 - Work/Study meeting 5:30 p.m.
- Feb 18 - Presidents Day Holiday (City Offices Closed)
- Feb 19 - Work/Study meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Mar 05 - Work/Study meeting 5:30 p.m., City Council meeting 7:00 p.m.

2. DISCUSSION ON THIS EVENING'S REGULAR MEETING AGENDA ITEMS

- a) Invocation - Councilmember Creer
- b) Pledge of Allegiance - Councilmember Miller
- c) Consent Agenda
 - 1. Approval of the minutes for the Work/Study meetings held October 09 and 16, November 06 and 13, December 04 , 11 and 18, 2018 and January 08 and 15, 2019; Regular meeting minutes for January 15, 2019.
- d) Regular Agenda
 - 2. Consideration of Approving an Addendum to the Development Agreement for The Meadows at Jessie's Brook, Phase 1 - John Penrod, Assistant City Administrator/City Attorney
 - 3. Consideration of a Resolution Approving a Property Purchase Agreement to Purchase Property for 1200 West from 92057 LLC. - John Penrod, Assistant City Administrator/City Attorney

3. DISCUSSIONS/PRESENTATIONS

- a) Ditch #1 Options - Jeff Anderson, City Engineer
- b) Open and Public Meetings Training - John Penrod, Assistant City Administrator/City Attorney
- c) Amending the Street Tree Ordinance - Brad Neel, Buildings & Grounds Director

4. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

5. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.

6. ADJOURNMENT

CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE - POSTED 02/01/2019

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.

Meetings of the Springville City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to Springville City Municipal Code 2-4-102(4) regarding electronic meetings. s/s - Kim Crane, CMC, City Recorder





**REGULAR AGENDA
SPRINGVILLE CITY COUNCIL MEETING
FEBRUARY 05, 2019 AT 7:00 P.M.
City Council Chambers
110 South Main Street
Springville, Utah 84663**

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

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.

1. Approval of the minutes for the Work/Study meetings held October 09 and 16, November 06 and 13, December 04 , 11 and 18, 2018 and January 08 and 15, 2019; Regular meeting minutes for January 15, 2019.

REGULAR AGENDA

2. Consideration of Approving an Addendum to the Development Agreement for The Meadows at Jessie's Brook, Phase 1. - John Penrod, Assistant City Administrator/City Attorney
3. Consideration of a Resolution Approving a Property Purchase Agreement to Purchase Property for 1200 West from 92057 LLC. - John Penrod, Assistant City Administrator/City Attorney

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

4. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.*

ADJOURNMENT

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2 The following are the minutes of the Regular and Work/Study Meeting of the Springville City Council. The
meeting was held on Tuesday, October 09, 2018 at 5:15 p.m. in the Springville City Civic Center
4 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.

6 Mayor Richard J. Child presided. In addition to Mayor Richard J. Child, the following were
present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller,
8 Councilmember Mike Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City
Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, Deputy Recorder
10 Jennifer Grigg and City Recorder Kim Crane.

12 Also present were: Police Lieutenant Warren Foster, Administrative Services Manager Rod
Oldroyd, Buildings and Grounds Director Brad Neel, Public Works Director Brad Stapley, Community
Development Director Glen Goins, Recreation Director Corey Meredith, Distribution Supervisor Brandon
14 Graham, Facilities Manager Joel Bree, Golf Pro Craig Norman, Library Director Dan Mickelson, Children's
Librarian Lauren Tolman, Museum of Art Director Dr. Rita Wright and President of the Springville Museum
16 Art Association Trevor Weight .

18 Excused were: Councilmember Brett Nelson, Public Safety Director Scott Finlayson, and Power
Director Leon Fredrickson.

20 CALL TO ORDER- 5:30 P.M.

22 Mayor Child welcomed everyone and called the meeting to order at 5:33 p.m.

24 COUNCIL BUSINESS

Calendar

- Oct 16 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- 26 • Oct 31 - Safe Halloween 3:00- 5:00 p.m. Main Street
- Nov 04 - Daylight Savings (fall back)
- 28 • Nov 06 - Election Day
- Nov 06 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- 30 • Nov 12 - Veterans Day observed (city offices closed)

32 Mayor Child added an October 10th transportation open house. Administrator Fitzgerald explained
each community will have a table.

34 DISCUSSION AND PRESENTATIONS

- 36 a) Presentation from the Springville Museum of Art Association - Rita Wright, Museum
Director

38 Dr. Wright introduced Trevor Weight, Art Museum Board President. This is a report of what has
happened since the passing of the memorandum of understanding (MOU). He has expertise in managing
40 art; he is a Springville resident and the collection manager at BYUMOA (Brigham Young University
Museum of Art). He reviewed the mission statement. Mr. Weight said that after the memorandum of
42 understanding, the board saw a need to revise the mission statement. He reviewed the goals of the board.
Dr. Wright emphasized that the non-profit is fund raising and how the collection is increased. City funds
44 are not used.

Mr. Weight state the Association owns and maintains the collection and advises on conservation standards and nonprofit ethics. He continued by saying it costs a considerable amount of money to maintain the collection. In order to maintain a 501C3 nonprofit status we are working at complying with their standards and ethics and improve our best practices. Dr. Wright added the collection is a large asset, formerly valued at \$28 million. It now has been revalued for insurance purposes as a \$12-13 million asset value. Councilmember Jensen asked why the value went down. Dr. Wright answered the value went down partially from depreciation and some because of using an outside valuation/appraisal to comply with nonprofit law. The collection's value had been internally evaluated in the past. Mayor Child added that value of art can depreciate.

Councilmember Jensen asked about the historical art presentation at the museum yesterday. Mr. Weight said our collection is recognized as the best collection of Utah Art. Dr. Wright continued by stating the cost of the insurance for the collection dropped from \$18,000 to \$12,000 per year. The Russian collection dropped 70-90% in price.

Mr. Weight concluded that in behave of the board, that they are committed to foster a good relationship with the city. The board is actively working on insurance and fund-raising issues. The roles of the association and the city are being distilled. Dr. Wright said a lot has changed in the museum field in the last 15 years. It is fabulous that the collection has been stored since 1937 and it started in 1903. Now we are moving into a new phase with best practice and accountability for the funds and donations.

Mr. Weight added it is fantastic working with Dr. Wright because Rita gets it. It is great working with her and the other employees. Dr. Wright stated Holly Wilkinson is the one employee of the Association, creating a corporate veil between the museum and the city. In review, Dr. Wright stated the city owns the building and grounds. Nebo School District owns the parking lot. The city allows the museum to store the collection there. This MOU has really helped. The city is responsible for daily operations, losses and claims, the POTS performance grant and 501C3 fiscal oversight. Director Riddle staff helps. Administration is also handling hiring for the museum. Dr. Wright said that Mayor Child delivered a letter of appreciation to the museum yesterday.

Mr. Weight said that the association's primary revenue stream is art sales from the temporary exhibits. The association's expenses are the employee and insurance. He reviewed goals of the association including changing the way we raise funds like adding a gala fund raiser preview dinner party for those interested in purchasing art from the Spring Salon. There are several acquisitions we are working on and will be paying for over time. Ultimate the association would like to have a separate acquisition fund to build the collection, which is fantastic. There are holes and acquisition would make it stronger collection. Dr. Wright added we do not own a *Sutcliffe Maudsley*, like the one shown at the historical presentation yesterday. We would love funds to fill the gaps in a collection.

She said becoming a gathering place for Utah artists will be added to our mission statement. There was a survey that said 51% of the visitors only come to the city because of the museum and 93% spend money in Springville. Mayor Child said the *Artist's Wife and Daughters* was on display when he was in school and he wrote a theme on it.

Mr. Oldroyd asked what is the most valuable piece in the collection. Today, the most valuable piece is by *Joseph Henry Sharp*. Councilmember Jensen said he liked the high school show. Dr. Wright stated 91 high schools participated this year.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

b) Discussion with Department Directors

Lieutenant Foster reported no change in hiring.

Director Riddle noted that Doris Weight has announced her retirement and his department is posting and hiring for that position. It will be a tough position to fill; responsible for 700-800 paychecks. He concluded by stating he and Administrator Fitzgerald met with the auditor and they are looking hard at the finances of the city.

94 Director Goins stated the *Wavetronics* site plan is on the agenda for the planning commission tonight, which addresses the specifics of the realignment of two roads.

96 Councilmember Jensen asked about the neighborhood near 900 South. Director Goins stated their requests followed current standards. Councilmember Jensen requested the building permit
98 information be sent out each month.

Director Mickelson announced the *Star Wars Reads* day is this Friday as well as an author visit, Cameron Wright, author of *Orphan Keeper*. He asked the meeting how long the average person spends at *Smith's*. *Google* collects this information from cell phone data. At the library, the daily use/average person spends at the library is 1.5 hours. The library provides resources and is a destination where people want to hang out. Springville City is responsible for the locations with the longest hang out.

Director Wright announced the *Spiritual and Religious Show* opens next Wednesday. She noted the information Director Mickelson collected and plans to apply it to museum hours and evaluate community support. The Halloween party is next week with a donation of candy from Walmart.

Director Neel stated staff will start decorating Main Street on October 27. They will stay on until first week of January. Staff works hard and tries to stay positive. He concluded by stating there are several projects out to bid, roof repairs, products and services, Staff will strive for the best value for the city.

Director Meredith stated fall sports are wrapping up so staff is getting ready for indoor sports. Staff will work on the field house and get ready to start programing.

Mr. Norman stated he wishes for a break from six inches of rain this month. The golf course is very wet. Mayor Child added the landscaping looks good.

Distribution Supervisor Graham stated the Power Department had no report.

Director Stapley said the rain storm tested the storm drain system which functioned how it is supposed to. There are some claims for damage. Staff is looking at long-term solutions. The storm system spills into the street when it is full. Some backyards and homes with modifications that probably did not meet our design standards had damage.

Councilmember Snelson asked about modifications to prevent it in the future. Director Stapley said crews responded well. Everybody did exactly what they were supplied to. Administrator Fitzgerald stated the neighborhood responded positively.

Mr. Oldroyd reported *Safe Halloween* is ready to go. Administration accepted 130 passport applications this month. Councilmember Jensen asked if it is a money loser. Administrator Fitzgerald said it is a good revenue source.

Recorder Crane said voting is on November 6th and the county has a location here at the Civic Center to drop off ballots.

Attorney Penrod had no report.

- c) Commission, Board, and Committee Minutes
 - i. Parks and Recreation Board minutes from August 23, 2018

- d) Mayor and Council Reports
- Councilmembers had no report.

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

138 COUNCILMEMBER CREER MOVED TO ADJOURN THE CITY COUNCIL REGULAR MEETING AT 6:19
140 P.M. AND CONVENE IN CLOSED SESSION TO DISCUSS REAL ESTATE. COUNCILMEMBER MILLER
142 SECONDED THE MOTION.

142 THE VOTE IS RECORDED AS FOLLOWS:

144 COUNCILMEMBER CREER AYE
COUNCILMEMBER JENSEN AYE
146 COUNCILMEMBER MILLER AYE
COUNCILMEMBER SNELSON AYE
148

ADJOURNMENT

150 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 6:29
152 P.M. COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL VOTED AYE.

154 *This document constitutes the official minutes for the Springville City Council Regular meeting held on
Tuesday, October 09, 2018.*

156 *I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for
Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a
true and accurate, and complete record of this meeting held on Tuesday, October 09, 2018.*
158

160
162

Jennifer Grigg
Deputy City Recorder



MINUTES
Springville City Council Work/Study Meeting - OCTOBER 16, 2018

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, OCTOBER 16, 2018 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane.

Also, present were: Public Safety Director Scott Finlayson, Golf Pro Craig Norman, Public Works Director Brad Stapley, City Engineer Jeff Anderson, Building and Grounds Director Bradley Neel, Building and Grounds Superintendent Joel Bree, Community Development Director Glen Goins, Recreation Director Corey Merideth, Library Director Dan Mickelson, and Museum of Art Director Rita Wright. Excused from the meeting Councilmember Brett Nelson,

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:30 p.m.

COUNCIL BUSINESS

1) Calendar

- Oct 31 - Safe Halloween 3:00- 5:00 p.m. Main Street
- Nov 04 - Daylight Savings (fall back)
- Nov 06 - Election Day
- Nov 06 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Nov 12 - Veterans Day observed (city offices closed)
- Nov 13 - Work/Study Meeting 5:30 p.m.

Mayor Child asked if there were any questions or additions to the calendar. There was none.

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

- a) Invocation - Councilmember Creer
- b) Pledge of Allegiance - Councilmember Snelson
- c) Consent Agenda
 1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
 2. Approval of the minutes for the regular Council meetings held on May 01, 2018 and June 05, 2018.

Mayor Child asked if there was any discussion on tonight's consent agenda. There were none.

DISCUSSIONS/PRESENTATIONS

a) **FEMA Proposed Flood Maps - Appeal discussion - Jeff Anderson, City Engineer**

Engineer Anderson introduced Ricky Anderson with Jones and DeMille they assisted Springville City with the appeal to the Federal Emergency Management Agency (FEMA) regarding proposed flood maps. Ricky addressed the appeal process and expressed the goal was to prepare FEMA maps that are correct and a model Springville City could use directly with FEMA. While his company reviewed and verified the maps they looked to reduce the flood plain.

Ricky provided information on the research involved in providing the data; they will package the data and submit it to FEMA, where FEMA will provide new flood plain maps. Councilmember Jensen asked if the flood plain was reduced. Ricky stated to some degree it was,

Administrator Fitzgerald asked if FEMA could deny them. Ricky stated the City is in a really good position, they have been proactive in contacting FEMA, and FEMA has been supportive. Administrator Fitzgerald inquired if the City should be proactive in the future. Ricky replied Jones and DeMille put together a preliminary study of future projects.

Chief Finlayson asked about the area around the 1500 West Railroad Bridge. Ricky stated he walked the channel in that location and suggested a box culvert could possibly be put in, he expressed the area is a concern. Perhaps the City could talk with the June Sucker group and work together on a solution. Director Stapley indicated they will need to look at funding. The railroad bridge at 1500 West continues to be a problem when flooding occurs. The City has contacted the Railroad numerous times about the issue; ultimately it is the Railroads responsibility.

b) Large Cell Tower Leases - Bradley Neel, Building and Grounds Director

Director Neel reviewed existing Springville City leases for small cell towers and provided information regarding current tower sites in the city. He asked the Council if they wanted cell tower leases for the next thirty years on towers located at the Evergreen Cemetery site.

Attorney Penrod asked if the council wanted to reenter into new agreements. Council was in agreement to keep towers where they were and to negotiate options.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments.

Director Stapley gave an update on the new 400 South, Well #2 and explained the draw down has been very good.

Administrator Fitzgerald reported on the Utah League of Cities and Towns LPC meeting he attended with Councilmember Miller. Councilmember Miller commented affordable housing was discussed at the meeting.

Administrator Fitzgerald stated in the next legislative session there was talk from other groups about items cities are most likely to consider. Councilmember Snelson and Councilmember Jensen were in favor of Accessory Dwelling Units (ADU's).

Director Merideth gave an update on the field house located at the old pool site. He contacted multiple masonry companies and only received one bid back, it was from Child Enterprises. The City followed the procurement code and entered into an agreement, Councilmember Jensen asked when it would be completed. Director Merideth stated it would depend on construction and available clean fill.

Councilmember Creer commented on the flood plain discussion and asked if it was expanded. Engineer Anderson replied the flood way was expanded. Director Stapley affirmed more information would be forthcoming.

Administrator Fitzgerald discussed the Purchasing Code of the City and State Code with the council. Mayor Child expressed he would like some oversight. Administrator Fitzgerald commented its likely there will be a lower flow of purchase orders to the council, if there were any questions from the Mayor or Council, staff would be happy to share.

4) CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205

There was none.

ADJOURNMENT

COUNCILMEMBER MILLER MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:36 P.M.

COUNCILMEMBER SNELSON SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, October 16, 2018.

I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, October 16, 2018.

Kim Crane, CMC
City Recorder



MINUTES
Springville City Council Work/Study Meeting - NOVEMBER 06, 2018

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, NOVEMBER 06, 2018 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Jason Miller, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane.

Also, present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Golf Pro Craig Norman, Operations Manager Rod Oldroyd, Public Works Director Brad Stapley, Building and Grounds Director Bradley Neel, Community Development Director Glen Goins, Recreation Director Corey Merideth, Library Director Dan Mickelson, and Museum of Art Director Rita Wright. Excused from the meeting Councilmember Craig Jensen and Councilmember Brett Nelson.

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:36 p.m.

COUNCIL BUSINESS

1) Calendar

- Nov 06 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Nov 12 - Veterans Day observed (city offices closed)
- Nov 13 - Work/Study Meeting 5:30 p.m.
- Nov 20 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Nov 22, 23 - Thanksgiving Observed (city offices closed)
- Dec 4 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.

Mayor Child asked if there were any questions or additions to the calendar. There were none.

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

- a) Invocation - Councilmember Snelson
- b) Pledge of Allegiance - Councilmember Miller
- c) Consent Agenda
 1. Approval of the minutes for the Regular Council meetings held on June 19, July 03, July 17, and August 07, 2018.
 2. Approval of the Arts Commission grant recipients - Rita Wright, Museum of Art Director
 3. Approval of a Resolution and Interlocal Agreement with the State of Utah regarding dispatch services - Scott Finlayson, Public Safety Director

Mayor Child asked if there was any discussion on tonight's consent agenda. There were none.

DISCUSSIONS/PRESENTATIONS

- a) **Speed Study Results and Speed Limit Discussions (various locations in the community) - Brad Stapley, Public Works Director**

Director Stapley discussed the goal of the transportation flow, safety and consideration for the aesthetics of the community. He reviewed the different functional classifications of streets; from freeway, arterial, collector,

and local streets. He explained speed limits are tied to the general plan and the master plan based on function, characteristic and classification. He asked the council how much they want to deviate from the master plan regarding speed limits.

Councilmember Snelson asked if the speed limit is changed would it push individuals to go faster. Director Stapley gave an example of the 800 south and 900 south studies where they looked at speed all times during the day. The National standard has found the 85th percentile of people go the speed they feel comfortable driving.

Administrator Fitzgerald commented the Council has the authority to adopt the speed limit or change the speed limits. He asked if the Council wanted more information and to be a part of the decision or if they wanted staff to follow the studies and General Plan. Councilmember Miller expressed he would like knowing ahead of time any major changes to intersections.

Councilmember Creer asked about the status of the Brookside speed study. Director Stapley explained staff had discussed information with the residence and the speed did not warrant any changes.

b) Discussion of the grant award process - Troy Fitzgerald, City Administrator

Administrator Fitzgerald brought forth discussion on the grant award process and asked the Council for feedback. Historically grant awards and recommendations have been given to the council for approval. He asked if the Council wanted to continue with this option, or allow staff to award them with guidelines and the Council seeing the final recommendation.

Councilmember Miller asked if Director Wright would comment, Mayor Child stated he would like information on how it is working.

Museum Director Wright expressed concern with community members who sit on the Arts Council and receive the grants; she would like to consider this in the process. She suggested these types of grants go before the Council for approval.

Councilmember Snelson asked if the general citizenry knew there were grants available. Director Wright stated they were working to bring more attention to the available grants.

Director Wright conveyed she would like to see more applicants and focus on marketing. She felt the Arts Commission could make the recommendation and go before the council for approval. She believes it is time to review the bi-laws of the Arts Commission. Councilmember Snelson would like more people to be aware of the available grants.

Daryl Tucker, member of the Arts Commission, reported the members of the Arts Commission have served well and it has been difficult to have more served on the commission. He would also like to see a broader distribution of the grant funds.

Councilmember Miller asked what should be funded and stated it would be a good idea to discuss it further.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments.

Power Director Fredrickson updated the council on the Blue Mountain Bio-Gas Project. A court hearing was scheduled for this Friday; he will keep the Council informed.

4) CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205

COUNCILMEMBER CREER MOVED TO ADJOURN THE WORK/STUDY MEETING AT 6:15 P.M. AND CONVEIN IN A CLOSED SESSION REGARDING LITIGATION.

COUNCILMEMBER MILLER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER AYE

COUNCILMEMBER JENSEN ABSENT

COUNCILMEMBER MILLER AYE

COUNCILMEMBER NELSON ABSENT

COUNCILMEMBER SNELSON AYE

The City Council Work/Study meeting reconvened at 6:50 p.m. Mayor Child allowed for public comment, there was none.

ADJOURNMENT

COUNCILMEMBER MILLER MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:52 P.M

COUNCILMEMBER CREER SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, November 06, 2018.

I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, November 06, 2018.

Kim Crane, CMC
City Recorder



MINUTES
Springville City Council Work/Study Meeting - DECEMBER 04, 2018

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, DECEMBER 04, 2018 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also, present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Generation Superintendent Shawn Black, Operations Manager Rod Oldroyd, Building and Grounds Director Bradley Neel, Community Development Director Glen Goins, Recreation Director Corey Merideth, Library Director Dan Mickelson, and Museum of Art Director Rita Wright.

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:30 p.m.

COUNCIL BUSINESS

1) Calendar

- Dec 11 - Work/Study Meeting 5:30 p.m.
- Dec 18 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Dec 25 - Christmas Holiday Observed (City Offices Closed)
- Jan 1 - New Year's Day Holiday Observed (City Offices Closed) NO COUNCIL MEETING
- Jan 8 - Work/Study Meeting 5:30 p.m.
- Jan 15 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Jan 21 - Martin Luther King Day Observed (City Offices Closed)

Mayor Child asked if there were any questions or additions to the calendar. Administrator Fitzgerald suggested setting a date for the budget meeting in January, Council agreed to January 29, 2018. He also notified the Council of the employee Christmas lunch to be held on December 13, 2018.

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

- a) Invocation - Councilmember Creer
- b) Pledge of Allegiance - Councilmember Miller
- c) Consent Agenda
 2. Approval of the minutes for City Council Work/Study meetings held on May 08, June 19, August 07 and August 21, 2018.
 3. Approval of the Mayor's appointments to the Hobbie Creek Golf Course Committee of DeEtte Chivers, Clay Packard, Jay Lamb, Mike Harward, and Chris Sisk.
 4. Final approval of Sumsion West, Plat A Subdivision located in the area of 1150 South 950 West in the R1-10 Single-Family Residential and WF-1 Westfield's Overlay Zones - Glen Goins, Community Development Director
 5. Approval of an agreement and Resolution with Kestra Advisory Services - Troy Fitzgerald, City Administrator

Mayor Child asked if there was any discussion on tonight's consent agenda. There were none.

DISCUSSIONS/PRESENTATIONS

a) Power Resource Plan - Shawn Black, Power Generation Superintendent

Superintendent Black asked the council to provide comment on renewable energy sources, market risks and direction from previous councils. He explained the current renewable sources in the City's portfolio.

Councilmember Nelson stated it would be good to keep an eye on renewables.

Councilmember Miller commented renewables will be opportunistic; the City will need to be strategic and careful with new technologies.

Councilmember Jensen commented the gas hedge has been well done.

Mayor Child would like to see the City be able to continue with the market and renewables.

Councilmember Creer expressed it made financial sense, market hedging is losing the City money and he understands wanting to be safe from having a large jump in pricing.

Superintendent Black stated currently the City has hedges out to 2023 and the Council will need to make decisions for the future.

Administrator Fitzgerald discussed options regarding the power portfolio and rates. He explained the need for balance.

Councilmember Snelson commented renewables are important, however technology is not where it needs to be to protect the City from the cost.

Superintendent Black reported on the resource objectives of the Power Department. Decisions need to be made for 2022; staff will be bringing options to the Council for review. He explained what the future may hold in power resources to the City. Possibilities included decarbonization, by reducing coal fired plants; the California ISO and PacifiCorp ISO merger could have an effect on the City; as well as metering and storage.

Superintendent Black gave a review of previous summer power loads and how market pricing was affected.

Councilmember Nelson asked when the city would hit the void of power resources. Superintendent Black responded the void was around the corner and will be maxed out. More generation will be needed and older engines will need to be replaced. He explained a power purchase agreement (PPA) and how they are used in the purchasing of power.

Superintendent Black reported pumps used on each engine are no longer being maintained and a solution will need to be discussed. Mayor Child asked for his solution. Superintendent Black suggested trying and keeping them going while looking for upgrades.

Councilmember Nelson asked if the City should be preparing to replace the engines. Administrator Fitzgerald commented there were reserves in place, not specific to replacing the engines.

Director Fredrickson commented some of the older plants will be retiring and will be replaced by small reactors.

Superintendent Black reported more information will be forthcoming over the next few months regarding engine upgrades and power resources.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments. There was none.

4) CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING AT 6:39 P.M. AND CONVEY IN A CLOSED SESSION REGARDING LITIGATION.

COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE

COUNCILMEMBER NELSON
COUNCILMEMBER S NELSON

AYE
AYE

ADJOURNMENT

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 7:02 P.M

COUNCILMEMBER CREER SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, December 04, 2018.

I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, December 04, 2018.

Kim Crane, CMC
City Recorder

Springville City Council Work/Study Meeting - NOVEMBER 13, 2018

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, NOVEMBER 13, 2018 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

38:35 Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Deputy Recorder Jennifer Grigg and City Recorder Kim Rayburn.

Also, present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Public Works Director Brad Stapley, Community Development Director Glen Goins, Recreation Director Corey Meredith, Library Director Dan Mickelson, Children's Librarian Lauren Tolman, Operations Manager Rod Oldroyd, Golf Pro Craig Norman, and Museum of Art Director Rita Wright. Excused: Assistant City Administrator/City Attorney John Penrod, Administrator/Finance Director Bruce Riddle.

CALL TO ORDER- 5: 30 P.M.**COUNCIL BUSINESS****1. Calendar**

- Nov 20 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Nov 22, 23 - Thanksgiving Observed (city offices closed)
- Dec 4 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Dec 11 - Work/Study Meeting 5:30 p.m.
- Dec 18 - Work/Study Meeting 5:30 p.m., City Council Meeting
- Dec 25 - Christmas Holiday Observed (City Offices Closed)

2. Mayor, Council, And Administrative Reports**a) Discussion with Department Directors**

Mr. Norman reported there was some snow on the course keeping the golf course closed.

Director Goins reported that Wavetronics is proceeding on the site plan and it will be Planning Commission. Zeppies Italian Ice between Bank and Auto Parts store.

Councilmember Nelson asked when Wavetronics ground breaking will occur. Director Goins stated if they pass review it could be before the Planning Commission in December. The contractor is already meeting with us for building permits. This is a well-managed program. Director Fredrickson asked a construction site. Administrator Fitzgerald stated it is an office warehouse. Director Frederickson asked about the lift station at Spring Point. Director Goins stated nothing new has received approval.

Director Finlayson stated the police department is busy. There was some difficulty getting the deer permit from DWR, so deer harvesting started this weekend. They have until December 31 to hunt in city limits. We can stop them earlier than that if the deer start coming out of the mountains. Councilmember Snelson asked what area they are focusing on. Chief Finlayson answered the hill by the high school, the hill near Cherrington and Bartholomew Pond. Councilmember Nelson asked about deer being preserved and used. Chief Finlayson answered there is a list of people willing to butcher and process the meat. Mayor Child asked about the carcass. Chief Finlayson stated it must be bagged and put in a city dumpster. He invited council to the officer training simulation next Wednesday November 21,

2018. Director Wright asked if there is a director's meeting that day. Administrator Fitzgerald said probably not.

Director Mickelson reported the pro bono photoshoot went well. Low income families received free family portraits. The adult only Harry Potter program had about 150 20-30 somethings attend dressed up from as far away as Salt Lake City.

Director Wright 32nd Annual Spiritual and Religious Art of Utah show is still up and attendance is up because of it.

Director Meredith reported Winter sports tryouts are this week. The fieldhouse is waiting for fill. Councilmember Jensen asked about taking the signs off the old pool house.

Director Frederickson said staff is ready for Christmas lights. Crews are busy with maintenance programs; working on breaker replacements at the substation in this year's budget; keeping up with the development like Sumsion Springs, near 9th West and installing new infrastructure. He continued by reporting that October was a good revenue month with sales up 4% over last year. October is usually a shoulder month, flat. Staff is ramping up for summer loading. There were a couple of problems; people on a Sunday reported tripped circuits; a transformer went bad at the Arts Park; birds in the west fields, congregated on one pole and caused an arc. It melted the rich pin with an insulator on top of the pole at 2000 West and Center Street. Staff reports good reliability. Springville sent a journey lineman to help with pole restoration to Provo City on Freedom near Provo Recreation Center, per our mutual aid association with neighboring cities. They will help when our turn comes.

Director Stapley getting ready for the heaviest winter on record, we hope ☺. Staff is working pump stations, replacing ports, on 950 West, near Community Park, causing a road closure. Looking ahead to maintenance in the coming year. Soil in the west fields rusts things out quickly. The new well is designed for 4000 gpm testing. Director Frederickson asked about the carrot or gift card for residents near the pump while testing. Director Stapley answered there will be a hotel gift card and during the test there will be a hospital muffler installed.

Director Neel stated Buildings and Grounds staff is also in winter preparation mode. Recreation Center has new hours of operation, 5 am to 10 pm, and his staff will be clearing sidewalks and the parking lot. Certain cul-de-sacs will be cleared of snow with smaller trucks. Staff will leave Christmas lights up until mid-January. They are also blowing out irrigation systems. He put out some request for bids/proposals (RFB/RFP) Waste Management will retain the dumpster contract He is looking for a new elevator maintenance contractor and custodial services. The current custodial company has been given a 90-day notice of termination.

Mr. Oldroyd reported that Administration hired only 13 new employees last month. Administration collected a lot of positive feedback on interactions with several department employees last week. Administrator Fitzgerald stated late this afternoon Provo Housing is in discussion with Salt Lake Chamber and they are spinning a community land trust that will buy land with multiple governments' money. There is space for three staff members and three elected officials on the board. There is a meeting on December 6 to discuss what a CLT (Community Land Trust) does to build affordable homeowner and rental units while maintaining compliance and property upkeep. He invited staff and council to contact the CLT if interested in attending. He continued by stating that Mayor Child and he talked about items falling off the agenda next week before the holiday for next week's meeting. He is proposing a 7:00 p.m. for just one item from Director Goins. Council meeting for this next Tuesday, with no dinner or work session, then be done for the holiday. Recorder Crane reported Shannon Acor has nine Mayor Awards to present.

Councilmember Jensen stated Provo is considering doubling impact fees and will present before council in December. Dave Decker is the Public Works Director. Director Stapley says he has council convinced to build a new plant. Administrator Fitzgerald said it will be a \$200 million station with the city raising sewer rates to \$90 per month, which is triple the sewer fee right now. He continued by stating one of the reasons Provo fees are low is they are low development, having reached build out.

Councilmember Snelson asked bike guys for a heat map (bike traffic) and they will attend a council meeting to discuss bike traffic in Springville. Administrator Fitzgerald stated they can schedule it at the beginning of the year. Councilmember Jensen and Director Stapley reported BYU students proposed a solution for the ditch at the water board meeting this morning. Director Stapley suggested appropriating money for the first two lots and build a cut off wall with a budget of \$50,000, which is the cheapest way to take care of it. The bike trail issue needs to be combined with it.

Councilmember Nelson asked about a multidenominational choir, performing on December 16, that asked for a mayor or councilmember to open it as a guest of honor. Director Wright answered it is a choir that received a grant from the Arts Commission. Administrator Fitzgerald stated the language should be clarified to state that it is not an event sponsored by Springville City.

Ms. Crane reported that she attended the CURA (Central Utah Municipal Clerks Association) meeting where Amelia Powers, Utah County Clerk elect, asked if the city wants to meet with her office to discuss improving election night outcomes.

Director Goins added *Container Corner* store, proposed by Rick Salisbury, passed review.

b) Commission, Board, and Committee Minutes

- i. Springville Arts Commission minutes from July 10, 2018 and October 10, 2018
- ii. Springville Library Board of Trustees minutes from October 11, 2018
- iii. Springville Water Advisory Board minutes from September 11, 2018

c) Mayor and Council Reports

3. Adjournment

COUNCILMEMBER SNELSON MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6: 08 P.M.

COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, November 13, 2018.

I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, November 13, 2018.

Jennifer Grigg
Deputy City Recorder

Springville City Council Work/Study Meeting - DECEMBER 11, 2018

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, **DECEMBER 11, 2018** AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,
SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present:
Councilmember Jason Miller, Councilmember Michael Snelson, City Administrator Troy Fitzgerald,
Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director
Bruce Riddle and Deputy City Recorder Jennifer Grigg.

Also present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson,
Public Works Director Brad Stapley, Building and Grounds Director Brad Neel, Community Development
Director Glen Goins, Library Director Dan Mickelson, Operations Manager Rod Oldroyd, Recreation
Director Corey Meredith, Golf Pro Craig Norman, and Museum of Art Director Rita Wright.

Excused: Councilmember Brett Nelson, Councilmember Christopher Creer, Councilmember Craig
Jensen

CALL TO ORDER- 5:30 P.M.**COUNCIL BUSINESS****1. Calendar**

- Dec 18 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Dec 25 - Christmas Holiday Observed (City Offices Closed)
- Jan 1 - New Year's Day Holiday Observed (City Offices Closed) NO COUNCIL MEETING
- Jan 8 - Work/Study Meeting 5:30 p.m.
- Jan 15 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Jan 21 - Martin Luther King Day Observed (City Offices Closed))

2. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**a) Discussion with Department Directors**

Director Riddle reported staff is wrapping up the audit. Treasurer Doris Weight is retiring and her
replacement has been hired, starting on January 7, 2019. Doris will graciously stay to train her
replacement that week. The oath of office can be administered at the January 8, 2019 council meeting.
Doris' retirement ceremony will be January 15, 2019.

Director Goins announced Jersey Mike's will open tomorrow. Their business license was delayed,
but completed.

Director Mickelson reported the library has four weddings renting the upstairs in December as
well as other holiday parties. Councilmember Miller asked how much revenue is collected. Director
Mickelson estimated about \$700 per wedding. Mayor Child checked on attendance for the Employee
Christmas Party.

Director Wright added the Museum has several rentals this month. Santa's Workshop is tomorrow
night from 5-7 pm. Mayor Child added the parking is full lately. Director Wright said the \$100 Show went
well.

Director Neel said Tiffany Halverson is doing great as a new Grounds Superintendent and her
vacated position will be changed to a full-time City Sexton. Our cemeteries are a priority and the sextons
will make sure our standards are being met. Christmas lights are going well. There was a struggle the first
week because of rain causing shorting out. Councilmember Snelson commented there are more than

several compliments on the Christmas lights from residents. Director Neel expressed appreciation for his staff and their hard work.

Chief Finlayson stated his staff is working hard to fill vacancies. Four officers are starting the academy in January. Reed Esklund announced his retirement after 33 years. Councilmember Snelson asked about ride-alongs. Chief Finlayson stated council is always welcome.

Director Meredith said his staff is gearing up for basketball season. The southern Utah County cities are starting earlier this year to finish by February before President's Day weekend. Mayor Child asked about the gym space. Director Meredith stated every Nebo gym is used, none at the Clyde Recreation Center.

Mr. Norman reported the golf course is put to bed for the winter. Staff is on hand to sell gift certificates; sales are close to \$5,000, so far. He expects sales to get to \$15,000. Staff is working on equipment for the winter. Mayor Child noted this is the first winter without projects. Mr. Norman said the remodel is finished.

Director Fredrickson stated overall daily usage is about the same kilowatt hours as last year. The system only had one minor outage in November even with the large storm. It only affected a few customers. He expressed appreciation for the discussion on resources last week. Staff will be speaking with the Power Board in the morning about budget for solar projects. One project of interest is in the Skull Valley area that UMPA has invited Springville to participate in through a power purchase agreement at 3 cents a kilowatt hour. There is another possible project in Navajo Nation in the Four Corners area that could be less than 3 cents a kilowatt hour. That project already has transmission infrastructure because the San Juan project is winding down. The Mona station has become a key location for incoming power. The Blue Mountain Biogas project was purchased and they are struggling to get it going. City staff is already planning for summer and working on the engines to make sure they are up and ready to go. He concluded by highlighting our metering system. Staff is installing auto disconnect meters, which really helps on shut off day each month. A click on the computer screen reconnects the power as soon as the Finance Department calls Power Dispatch to report the bill has been paid, no truck required. Accuracy is increasing and monthly rereads are down, which keeps staff working on other projects.

Director Stapley reported that our culinary water use is down because of the season change. The 24-hour pump test on the new well showed 5000 gallons per minute and the draw down is ten feet. The interference test on other wells showed the wells only affected each other by one vertical foot. We have a good well. The bid for the pump and motor is out then will be attached to the well house contract which will go out to bid in January. That well should be up and running by the end of June. Water metering so far is normal.

Administration Fitzgerald reported the Clyde Recreation Center received its permanent certificate of occupancy. The architect turned in a report verifying the performance of glass and indoor systems from an energy standpoint. That project can be done soon.

Councilmember Snelson reported residents in the canyon are asking about high speed internet. Administrator Fitzgerald answered a new company is exploring tower locations without contacting the city. The company that is approved by the city to bring internet to the canyon has not proceeded with installation recently. Director Frederickson reported another company is asking to attach to city poles. Attorney Penrod answered installing antennas pole to pole in the canyon would be under county jurisdiction because it becomes a small cell site. Director Frederickson said they are close to county approval and want the city to approve pole attachment. Councilmember Miller asked about the counties autonomy over small cell towers in the canyon. Attorney Penrod answered yes and added not many cities are receiving small cell tower applications.

Councilmember Snelson asked about curb parking and snow plows. Mayor Child answered winter parking is not restricted on every street. Director Stapley referred to the snow route map on the website. Chief Finlayson answered cars cannot park for more than 24 hours so cars covered with two days of snow

94 get a ticket. Director Stapley answered the steep streets are restricted; no parking at all in the winter.
Administrator Fitzgerald asked if there are signs on all the restricted streets. He stated that if the city is
96 enforcing parking, the streets need to be signed.

98 Councilmember Miller stated the Clyde Recreation Center has been open for six months and
asked for a report on the proforma. He reported the LCT (Utah League of Cities and Towns) is concerned
that the legislature is actively seeking action on the low income housing idea. Concessions are being
100 negotiated, and the LCT is putting together a preemptive plan. Springville City already has a Moderate
Income Housing Plan included in the General Plan. If the city makes adjustments to that plan it will show
102 the city is making concessions toward the requirements asked for by the legislature. A change in sales tax
distribution was brought up. The 50/50 distribution was set up in 1983. Administration Fitzgerald said
104 distribution is divided between population and point of delivery. Councilmember Miller reviewed the
background of the sales tax distribution, saying larger cities in 1983 got more revenue because they had
more retail. The distribution formula was designed to help smaller cities. 1% sales tax was added for
106 municipalities and split 50/50. The state is considering changing the distribution formula.

Administration Fitzgerald said that changing the sales tax distribution formula has been discussed
108 in previous years. The motivation this year is funding affordable housing. Developers/legislators are
claiming cities are deliberately denying multi-family affordable housing in favor of commercial
110 development; therefore cities cannot be trusted to handle sales tax distribution. The Salt Lake Tribune
called municipalities out for not signing the Salt Lake Chamber of Commerce resolution requiring cities to
112 do things that Springville has already done. Springville City was part of the unanimous support of the Utah
League of Cities and Towns publishing a lengthy rebuttal/response in the Salt Lake Tribune. The state
114 legislature has planned untold numbers of ways to come after cities this year. Councilmember Miller
agreed saying it is a scary prospect and stated the LCT reflects that the legislature considers the
116 municipalities in the way and are making bad decisions to attract business, which impedes multifamily
housing, showing the bias of the legislature.

118 Councilmember Snelson asked what municipalities are on the list. Administrator Fitzgerald
answered 17 municipalities did not sign the chamber resolution. He was contacted by the league and he
120 gave them our position. Springville is not listed in the Tribune article. The Chamber has a list of who has
and has not signed the resolution on their website. Councilmember Miller added the LCT is reporting that
122 the legislature is pushing bills that will punish municipalities for not conforming. Instead, the LCT will
suggest withhold money in the UDOT/TIPs fund (Transportation Improvement Program) for compliance.
124 There will be a public relations blitz. Mayor Child asked that staff stay aware of what is happening at the
legislature. It comes back to the state not wanting the federal government to tell them what to do, but the
126 state telling municipalities what to do. He continued by stating the city has the right to decide what comes
to our city. He wants the city to stay strong and Springville has plenty of affordable housing in Springville.

128 Councilmember Miller agreed and added the feedback from resident shows they are very
concerned. Mayor Child said Springville does not have much space left and we definitely do not want to fill
130 it up with high density housing. Councilmember Miller said one of the concessions is each municipality
should designate certain areas for high density. Mayor Child interjected Springville already does.
132 Councilmember Miller agreed and said that shows we concede. He added it is crazy the current
legislature is so focused on development. Mayor Child said it is who is up there and who wants to make
134 the money. Councilmember Miller agreed saying it is the developers. It depends on the definition of
affordable housing. Mayor Child said affordable housing means more money for the developers. Look at
136 who will make the most money. It means more money for the developers. Councilmember Miller agreed
and said they make is sound altruistic; does the legislature expects municipalities to subsidize the
138 developments.

Mayor Child concluded by reporting the Springville Irrigation Company says irrigation will be held
140 tight this year especially if it is a low water winter. Some people might not get their water. There is not

much bank water left in Strawberry. There was a period of bad management of the water last year with many things at fault. They will be more careful and aware this year. Our pressurized irrigation system is really helping us out. He said he does not know what would have happened without it. It is really good. He expressed appreciation to everyone for coming.

- b) Commission, Board, and Committee Minutes
 - i. Springville Arts Commission minutes for October 10, 2018
- c) Mayor and Council Reports

3. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.

There was none.

4. ADJOURNMENT BY CONSENSUS BECAUSE THERE WAS NO QUORUM

*This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, **DECEMBER 11, 2018**.*

*I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, **DECEMBER 11, 2018**.*

Jennifer Grigg
Deputy City Recorder





MINUTES

Springville City Council Work/Study Meeting - DECEMBER 18, 2018

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, DECEMBER 18, 2018 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane.

Also, present were: Public Safety Director Scott Finlayson, Operations Manager Rod Oldroyd, Building and Grounds Director Bradley Neel, Community Development Director Glen Goins, Recreation Director Corey Merideth, and Museum of Art Director Rita Wright. Excused from the meeting; Councilmember Christopher Creer

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:35 p.m.

COUNCIL BUSINESS

1) Calendar

- Dec 25 - Christmas Holiday Observed (City Offices Closed)
- Jan 1 - New Year's Day Holiday Observed (City Offices Closed) NO COUNCIL MEETING
- Jan 8 - Work/Study Meeting 5:30 p.m.
- Jan 15 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Jan 21 - Martin Luther King Day Observed (City Offices Closed)
- Feb 5 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.

Mayor Child asked if there were any questions or additions to the calendar. Administrator Fitzgerald reported the Council budget meeting was scheduled for January 29, 2018; the time has yet to be determined.

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

- a) Invocation - Councilmember Miller
- b) Pledge of Allegiance - Councilmember Nelson
- c) Consent Agenda
 2. Approval of the minutes for the regular City Council meetings held on August 21, September 04 and 18, October 02 and 16, 2018.
 3. Approval of a Resolution adopting the 2019 Annual Meeting Schedule - Kim Crane, City Recorder
 4. Approval of the Mayor's appointment of Heather Penni as the new Springville City Treasurer effective January 08, 2019 - Bruce Riddle, Assistant City Administrator/Finance Director
 5. Approval of the Final Sumsion West Plat B subdivision located in the area of 1150 South 1250 West, Springville, Utah in the R1-8 and R1-10 Single-Family Residential Zones and within the Westfield's Overlay Zone. - Glen Goins, Community Development Director
 6. Approval of a Resolution and property purchase agreement for 1.85 acres at approximately 1200 West, Springville, Utah for the amount of \$300,000 from 92057 LLC - John Penrod, Assistant City Administrator/City Attorney
 7. Approval of accepting a quit-claim deed from Gary Miner for approximately 0.12 acres adjacent to Anderson Avenue, Springville Utah - John Penrod, Assistant City Administrator/City Attorney

8. Consideration of a property deed along 620 South, Springville, Utah to the owners of Lot 7 in the Spring Terrace Subdivision - John Penrod, Assistant City Administrator/City Attorney

Mayor Child asked if there was any discussion on tonight's consent agenda. There were none.

DISCUSSIONS/PRESENTATIONS

a) **Presentation of the Springville City 2018 Audit Report - Bruce Riddle, Assistant City Administrator/Finance Director**

Director Riddle introduced, Rob Wood, auditor with Hansen, Bradshaw, Malmrose & Erickson. Mr. Wood gave an overview of the Springville City Audit. He reported the City received an unmodified opinion also known as a clean review. A review of state compliance requirements the City was found in compliance and Auditors did not find any deficiencies. Fund balances were shown to be healthy with the general fund or operating fund saving money in the last year.

Mr. Wood reported the City's liability to the Utah Retirement System was at a manageable number, with a caveat it could change with the market.

Director Riddle commended City Administrator Fitzgerald and Directors for managing their budgets and staying the course for next year's budget.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments. He commented about receiving a letter from a citizen expressing appreciation for the Christmas lights along Main Street. They thanked the City and those who worked to put them up.

4) CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205

COUNCILMEMBER NELSON MOVED TO ADJOURN THE WORK/STUDY MEETING AT 6:09 P.M. AND CONVEINE IN A CLOSED SESSION REGARDING PROPERTY.

COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
COUNCILMEMBER NELSON	AYE
COUNCILMEMBER SNELSON	AYE

ADJOURNMENT

COUNCILMEMBER MILLER MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:34 P.M

COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, December 18, 2018.

I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, December 18, 2018.

Kim Crane, CMC
City Recorder

MINUTES OF THE WORK/STUDY AND REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, JANUARY 08, 2019 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane.

Also, present were: Public Safety Director Scott Finlayson, Public Works Director Brad Stapley, Recreation Director Corey Merideth, Building and Grounds Director Bradley Neel, Operations Manager Rod Oldroyd, Golf Pro Craig Norman, Community Development Director Glen Goins, City Treasurer Elect Heather Penni, City Treasurer Doris Weight and Museum of Art Director Rita Wright. Excused from the meeting: Councilmember Christopher Creer

CALL TO ORDER

Mayor Child welcomed everyone and called the meeting to order at 5:30 p.m.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER NELSON MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

MAYOR'S COMMENTS

Mayor Child welcomed the Council, staff and audience. He asked for any scouts or students on assignment to please stand and be recognized.

COUNCIL BUSINESS

1. Calendar

- Jan 15 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Jan 21 - Martin Luther King Day Observed (City Offices Closed)
- Jan 29 - Budget Planning Meeting
- Jan 30 - ULCT Local Officials Day at the Legislature
- Feb 05 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.

City Administrator Fitzgerald reported the Council Budget Planning Meeting is tentative for 3:00 pm. on January 29, 2019, more information would follow.

CEREMONIAL

2. Oath of Office for City Treasurer, Heather Penni

City Recorder Kim Crane gave the Oath of Office to the new incoming City Treasurer Heather Penni.

PUBLIC HEARING AGENDA

- ##### **3. Public Hearing for consideration of the proposed street vacation and plat amendment for the Spring Terrace Subdivision, Lots 7, 8 and 9 located in the area of 600 South 1325 East, Springville, Utah in the R1-10 Single-Family Residential Zone (Continued from December 18, 2018) - Glen Goins, Community Development Director**

Director Goins addressed the council regarding the street vacation. He explained part of the approval was for a public right of way that has not been fully developed. The proposed plat amendment includes the vacation of a portion of the unimproved street and amends Lots 7, 8 and 9. Lots 8 and 9 will be combined into one flag lot. The street portion being vacated is 50-feet wide and a little over 350 feet long. The three property owners involved will each receive a portion of the unimproved street, which will be incorporated into the amended lots.

The Spring Terrace Subdivision was approved in 1958 and included a roadway that was never improved along with all but one lot (that fronts on Canyon Road.) Later, at some point, "Red Devil Drive" or 620 South was developed through the center of the recorded subdivision. Springville City owns the majority of the undeveloped lots.

Director Goins reported the subdivision as fairly routine and the requirement of state law for vacating a right of way was explained. Director Goins reviewed the area to be vacated; Council discussed sewer and water access for the properties being affected and future development.

COUNCILMEMBER SNELSON MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL THOSE PRESENT VOTED AYE.

MAYOR CHILD OPENED THE PUBLIC HEARING

Donald Pierce, resident; stated he has civil engineering experience and measured from a fence in the area to 25 feet, and is not sure there is enough room, he would prefer it not be changed. They bought the home because they liked the cul-de-sac.

Byron Chappell, resident; would like to build and can do so with or without vacating. He explained how it was divided up previously and the road vacation. He was concerned about road access and said it should continue on through. The road has not been maintained, only some activity within the last few days. He stated there were possibly wetlands on the north side of the Gammel property.

Attorney Penrod commented something will need to be done with the road either a cul-de-sac or through road.

Brooke Lee, resident; she owns property in the area and would like to build on the property.

Julie Botcherby, resident; she lives in the area and understood there was a spring that comes off of the property. She was unsure something could be built around the stream and it is very narrow.

Amanda Allen, resident; lives in the area, they maintain the entrance to the cul-de-sac. She said she would not like a road through the area.

Administrator Fitzgerald reported the council is being asked if the City should give up the road so that residents in the area could do something.

Daniel Andrus, resident; lives in area, and expressed if the property owner wants rights back and wants to put a road in, he was okay with it, but was not sure there is enough room.

Attorney Penrod asked if a proper notice was sent to the Miners. Director Goins stated it was with the proper time and place. Attorney Penrod said he was told they may have got the wrong time. Director Goins confirmed the notice went out with the correct time.

Nathan Chappell, Provo resident; he stated he owns the lot in front of the area in question. He asked what normal protocol was, and if a bond was put into place. Attorney Penrod replied he was not aware of a bond, it occurred in 1959. Administrator Fitzgerald commented bonds were typically held for a period of time and then released.

COUNCILMEMBER MILLER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER NELSON SECONDED THE MOTION, ALL THOSE PRESENT VOTED AYE.

Motion #1

COUNCILMEMBER NELSON MOVED TO APPROVE **ORDINANCE #01-2019** VACATING A PORTION OF SPRING TERRACE AVENUE, LOCATED IN THE AREA OF 600 SOUTH 1350 EAST.

COUNCILMEMBER MILLER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER	ABSENT
COUNCILMEMBER JENSEN	AYE

100 COUNCILMEMBER MILLER AYE
COUNCILMEMBER NELSON AYE
102 COUNCILMEMBER SNELSON AYE

ORDINANCE #01-2019 APPROVED

104 TIME RECORDED 47:21 INTO MEETING

106 Motion #2

COUNCILMEMBER MILLER MOVED TO GRANT APPROVAL OF SPRING TERRACE SUBDIVISION, PLAT B, WHICH IS AN AMENDMENT TO LOTS 7, 8 AND 9 OF SPRING TERRACE SUBDIVISION, PLAT A, AND INCLUDES A PORTION OF THE VACATED SPRING TERRACE AVENUE.

110 COUNCILMEMBER JENSEN SECONDED THE MOTION. ALL PRESENT VOTED AYE

112 **4. Public hearing to amend the FY 2018/2019 Springville City Budget - Bruce Riddle, Assistant City Administrator/Finance Director**

114 Director Riddle provided informatin on the proposed amendment to the budget. He explained one relates to an item on the agenda, regarding the purchase of property. As developments have started, and this being the
116 second budget opening, the amount was added to cover a potential increase.

118 MAYOR CHILD OPENED THE PUBLIC HEARING

120 COUNCILMEMBER JENSEN MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER
122 SNELSON SECONDED THE MOTION, ALL THOSE PRESENT VOTED AYE.

COUNCILMEMBER JENSEN MOVED TO APPROVE RESOLUTION #2019-01 TO OPEN AND AMEND THE GENERAL CIP FUND AND VEHICLE AND EQUIPMENT REPLACEMENT FUND BUDGETS FOR CAPITAL EXPENSES APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2019 AS OUTLINED IN EXHIBIT A

126 COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER Absent
128 COUNCILMEMBER JENSEN AYE
COUNCILMEMBER MILLER AYE
130 COUNCILMEMBER NELSON AYE
COUNCILMEMBER SNELSON AYE

132 **RESOLUTION #2019-01 APPROVED**

134 **CONSENT AGENDA**

136 5. Approval of minutes from the Work/Study meetings held on September 04 and 18, 2018 and the Regular Meeting held on November 06, 2018.

138 6. Approval of a Class A Beer License for Fast Gas, 2009 West 400 South - Heather Bakker, Business License Official

140 7. Approval of the final Spring Pointe Condo Plat - Glen Goins, Community Development Director

COUNCILMEMBER SNELSON MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.
142 COUNCILMEMBER MILLER SECONDED THE MOTION, ALL PRESENT VOTED AYE.

144 **REGULAR AGENDA**

146 8. **Consideration of a property deed along 620 South, Springville, Utah to the owners of Lot 7 in the Spring Terrace Subdivision (Continued from December 18, 2018) - John Penrod, Assistant City Administrator/City Attorney**

148 Attorney Penrod explained lot number seven has an odd shape; the motion was to sell a portion of the property the City owns, as part of an old lot. He explained the quit claim process.

150 COUNCILMEMBER MILLER MOVED TO APPROVE DEEDING BY QUITCLAIM DEED
152 APPROXIMATELY 2,932 SQUARE FEET OF PROPERTY FOR THE AMOUNT OF \$5,460.00 TO THE OWNERS

OF LOT 7 IN THE SPRING TERRACE SUBDIVISION, CONTINGENT UPON THE CITY COUNCIL APPROVING THE PROPOSED STREET VACATION AND PLAT AMENDMENT FOR THE SPRING TERRACE SUBDIVISION, LOTS 7, 8, AND 9.

COUNCILMEMBER NELSON SECONDED THE MOTION. ALL PRESENT VOTED AYE.

9. **Consideration of a Resolution and property purchase agreement for 1.85 acres at approximately 1200 West, Springville, Utah for the amount of \$300,000 from 92057 LLC (Continued from December 18, 2018) - John Penrod, Assistant City Administrator/City Attorney**

Attorney Penrod explained the item involved changes to 1200 West. Dave Simpson is developing the entire property owned by Craig Sumsion. He explained the agreement up for approval and requested the need to allow the City Attorney to amend agreement before the Mayor signs. All is paid for by MAG funding, the city will install the road of 1200 west and demolition the buildings

COUNCILMEMBER JENSEN MOVED TO APPROVE RESOLUTION #2019-02 THAT APPROVES THE EXECUTION OF A PURCHASE AND SALE AGREEMENT BETWEEN SPRINGVILLE CITY AND 92057, LLC FOR THE PURCHASE OF A HOME AND 1.85 ACRES FOR THE AMOUNT OF \$300,000.

COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER	Absent
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
COUNCILMEMBER NELSON	AYE
COUNCILMEMBER SNELSON	AYE

RESOLUTION #2019-02 APPROVED

10. MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Mayor Child asked the Directors to give an update of their departments.

Director Stapley gave an update on the culinary water well that is in progress. He addressed Ditch #1 and whether it should be piped or leave as is. He explained they are able to pipe the damaged section for the allotted \$50,000 and asked the council what they would like to do. Council was in consensus for more information on the options.

Councilmember Nelson asked about the Brookside speed study. Director Stapley said they should have the information by February. Councilmember Nelson stated he would like to see a policy or strategy on speed bumps in the city. Administrator Fitzgerald stated the street master plan should be reviewed.

Director Riddle addressed the meeting he and Director Stapley attended with the Solid Waste Technical Committee, and expressed there should be more discussions with the council at the next work study meeting.

Chief Finlayson reported they are preparing for the funeral of Springville resident and Provo Police Officer Shinnors who was killed in the line of duty. Burial will be in Springville Evergreen Cemetery, services will be Saturday, January 12, 2019 at the UVU events center. The funeral procession will come through Springville down 400 south, and are expecting 700 vehicles.

Director Neel reported the Cemetery staff is coordinating with the Police Department for the funeral of Officer Shinnors. A new janitorial service will be starting on February 1, 2019 for the city buildings. Councilmember Nelson asked for an update on the Community Park. Administrator Fitzgerald stated he would bring an update to the council at a future meeting.

Director Mickelson reported they eliminated the rental fee for DVDs and have doubled circulation. They did so because staff felt it important for citizens to use the service for education and entertainment. The overdue fees are covering any loss from offering the service.

Director Wright gave an update on the current Museum showing.

Director Fredrickson reported the Power Department had a total of six small power loss events, the system is operating well.

Golf Pro Norman reported the Golf Course has booked some commercial events for the upcoming year.

Director Merideth reported the Clyde Recreation Center (CRC) has been very busy. Administrator Fitzgerald added he would have a yearend report on the CRC at the next work study meeting. The old pool is being excavated and filled with dirt.

206 Administrator Fitzgerald advised the local official's day at the legislature was coming up and asked the
208 Council who would like to attend. Councilmember Jensen stated he was interested. Administrator Fitzgerald
asked the Council about naming Red Devil Drive and explained there were two or three different streets named at
one time or another. The signage has been stolen in the past and will need to be addressed.

210 Director Riddle notified the Council the City Treasurer Doris Weights was retiring after 28 years and a
retirement gathering would be next week.

212 Councilmember Miller asked to see more information on affordable housing.

214 11. CLOSED SESSION

216 *The Springville City Council may temporarily recess the regular meeting and convene in a closed session*
218 *to discuss the character, professional competence, or physical or mental health of an individual, pending*
or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by
Utah Code Annotated Section 52-4-205.

There was no closed session.

220 12. ADJOURNMENT

222 Mayor Child asked if there were any further comments. There was none.

224 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 6:59 P.M.
226 COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

228 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, January 08, 2019.*
230 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County,*
232 *State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on*
Tuesday, January 08, 2019

234 _____
236 Kim Crane, CMC
City Recorder



MINUTES
Springville City Council Work/Study Meeting - JANUARY 15, 2019

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, JANUARY 15, 2019 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane. Councilmember Jason Miller arrived at 5:43 P.M.

Also, present were: Public Safety Director Scott Finlayson, Operations Manager Rod Oldroyd, Building and Grounds Director Bradley Neel, Community Development Director Glen Goins, Power Director Leon Fredrickson, Power Generation Superintendent Shawn Black, Recreation Director Corey Merideth, CRC Manager Penn Almoney and Museum of Art Director Rita Wright.

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:30 p.m.

COUNCIL BUSINESS

1) Calendar

- Jan 21 - Martin Luther King Day Observed (City Offices Closed)
- Jan 29 - Budget Planning Meeting 3:00 p.m.
- Jan 30 - ULCT Local Officials Day at the Legislature
- Feb 05 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Feb 12 - Work/Study Meeting 5:30 p.m.

Mayor Child asked if there were any questions or additions to the calendar. There were none.

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

- a) Invocation - Councilmember Jensen
- b) Pledge of Allegiance - Councilmember Creer
- c) Consent Agenda

2. Approval of the minutes for the Regular Council meetings held on November 06; December 04, 17, and 18, 2018; and the Work/Study meeting held on October 02, 2018; and Planning Retreat held on September 27 and 28, 2018

Mayor Child asked if there was any discussion on tonight's consent agenda. There were none.

DISCUSSIONS/PRESENTATIONS

a) **Southern Utah Valley Transfer Station Report - Terry Ficklin**

Director Riddle reported the South Utah Valley Solid Waste District (SUVSWD) Board Meeting is scheduled for next Wednesday where a property purchase item is up for review.

Director Riddle introduced Terry Ficklin, SUVSWD Manager and Nick Patterson with Forsgren Civil Engineering.

Nick provided a background of the Solid Waste District, who has been in Springville over the last 30 years. He gave a timeline of relocation from over the last 12 years for new pieces of property. The district sold the landfill at Bayview to have funds for potential relocation. The district is currently looking to purchase property in

Spanish Fork to relocate and build a new transfer station. The proposed transfer station has gone before the Spanish Fork City Council.

Administrator Fitzgerald asked about the infrastructure being required by Spanish Fork.

Nick provided information on the proposed design of the facility, along with impact fees and collector agreements with Spanish Fork City.

Councilmember Jensen commented the way it pencils in is your selling more valuable property in Springville to purchase the land in Spanish Fork, and it's not that Springville is more expensive it's that the land is more valuable. If the properties were identically priced Spanish Fork would be more expensive. So the District needs to decide is it that much nicer, because they are basically giving away valuable property.

Terry reviewed the interest of those wanting to purchase some of the Springville property owned by the Solid Waste District. Councilmember Nelson asked if there would be salvageable property to be used in Spanish Fork and who will tear down the old transfer station. Terry stated they are required by state law to tear it down; one of the compactors and scales will go to the new building.

Councilmember Snelson asked if there were any environmental issues. Terry expressed they are responsible for taking care of the cleanup and it will need to be approved.

Mayor Child asked about the capacity of newly proposed transfer station. Nick replied they have a 25-year projection, and it will not be expandable.

Terry stated they may look at expanding with smaller transfer stations, south of Utah County. Next Wednesday at the Solid Waste District Board meeting there will be a presentation on the Spanish Fork property up for approval.

b) Clyde Recreation Center operations and construction review - Penn Almoney, CRC Manager and Troy Fitzgerald, City Administrator

Administrator Fitzgerald provided a recap of the project regarding the budget and construction of the Clyde Recreation Center facility. It was completed under budget and opened later than expected, while funds are available for future features. The outdoor shade structure would cost approximately \$50,000. The ozone systems are working and doing what they need to do. Administrator Fitzgerald explained when there are a large number of people in an ozone treated pool; it eats up the chlorine quickly versus a chlorine treated system. Staff is recommending using a UV system on the wader pool and spa. The ozone can remain on for additional protection. He commented an ozone system works very well on an outdoor system. Overall it has been a good project and under budget.

CRC Manager Almoney gave a semi-annual report of the Clyde Recreation Center. He noted the online reviews of the facility and classes have been positive. Administrator Fitzgerald explained the net promoter score of the facility is very good. Instructor Facilitator Michelle Wakefield explained the structure of the class size. She expressed the need to have a bigger fitness studio in the future, with more cardio equipment and weights.

Councilmember Jensen stated he would like a review of the Nebo swim time at a future meeting.

Penn reported the concessions are behind and will be re-evaluated; vending is slow and expected to pick up. Retail picked up and then dropped once school started. Rentals have been good with the Utah county championships. Aquatic programming has been low

c) Natural Gas Hedge for the Nebo Power Plant - Shawn Black, Power Generation Superintendent

A presentation will be given during the evening's regular meeting.

d) Open and Public Meetings Training - John Penrod, Assistant City Administrator/City Attorney

Item moved to another date.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments. There was none.

4) CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated Section 52-4-205

There was none.

ADJOURNMENT

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:59 P.M

COUNCILMEMBER SNELSON SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, January 15, 2019.

I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, January 15, 2019.

Kim Crane, CMC
City Recorder

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, JANUARY 15, 2019, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane.

Also, present were: Public Safety Director Scott Finlayson, Public Works Director Brad Stapley, Recreation Director Corey Merideth, Building and Grounds Director Bradley Neel, Operations Manager Rod Oldroyd, Power Department Director Leon Fredrickson, Power Generation Superintendent Shawn Black, Community Development Director Glen Goins, and Museum of Art Director Rita Wright.

CALL TO ORDER

Mayor Child welcomed everyone and called the meeting to order at 7:04 p.m.

INVOCATION AND PLEDGE

Councilmember Jensen offered the invocation, and Councilmember Creer led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER SNELSON MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

MAYOR'S COMMENTS

Mayor Child welcomed the Council, staff and audience. He asked for any scouts or students on assignment to please stand and be recognized.

PUBLIC COMMENT

Mayor Child introduced the Public Comment section of the agenda. He asked if there were any requests. Layne Fisher, resident; asked the city to preserve and maximize the hobble creek frontage. He and his neighbors are seeking the preservation. He stated the old Springville pool sits on the frontage and could be used for multiple uses. He provided many options for the old pool site with conceptual drawings and benefits. He provided information from NRPA for a grant, and volunteerism in Springville.

Becky Fisher, resident; encouraged the council to value the beauty of the city and the creek. Use the old pool space to relax and enjoy it with families.

Debi Hall; member of the Parks and Recreation Board, she thanked the willingness of the Fishers to help with the preservation and possibly write for grants to take a beautiful resource and make it a treasure.

Paula Dunn, resident; she grew up in Indiana, the trees and the green was something she misses. To have greenery and trees it so comforting to the soul, Springville has done a great job in the canyons. To have the old pool area landscaped to have the green, and don't need any more concrete or buildings. Have a space to enjoy and read or relax.

CEREMONIAL

1. Presentation of the Mayor's Recognition Awards - Shannon Acor, CTC Coordinator

Coordinator Acor introduced the candidates for this month's Mayor's Awards; Paige Ballard, Alexia Lundberg and Jocelyn Mendez Espino. Councilmember Nelson assisted with the awards.

CONSENT AGENDA

2. Approval of the minutes for the Regular Council meetings held on November 06; December 04, 17, and 18, 2018; and the Work/Study meeting held on October 02, 2018; and Planning Retreat held on September 27 and 28, 2018

COUNCILMEMBER JENSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.
COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

REGULAR AGENDA

3. **Consideration of a Resolution approving two agreements for upsizing improvements in two different subdivisions: Sumsion Springs and Sumsion Springs West - John Penrod, Assistant City Administrator/City Attorney**

Attorney Penrod reported both agreements are with the same developer, they have already installed the improvements in Sumsion Springs and are working towards beginning the improvements on Sumsion West.

A development agreement for Sumsion Springs has already been entered and recorded with the subdivision plat. The agreement specifically states that the parties will work towards a separate upsizing agreement. Usually upsizing issues are included in the development agreement.

The developer of Sumsion Springs Plat A was required to upsize water lines. The required culinary water line size for a standard subdivision is an 8-inch pipe. The Developer was required to install sections of water line that were 10 and 20-inches. Accordingly, the City should pay the difference between the 8-inch and the 10 and 20-inch water lines and associated infrastructure, which amount is approximately \$65,325 based on infrastructure installed in the subdivision.

Sumsion Springs West Subdivision is a newly approved subdivision and is still under negotiations.

Attorney Penrod reported budget dollars have been ensured for upsizing

COUNCILMEMBER MILLER MOVED TO APPROVE A CONTRACT UPSIZING AGREEMENT AND A DEVELOPMENT AGREEMENT FOR SUMSION SPRINGS PLAT A

COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

4. **Consideration of approving a 5-year natural gas hedge for the Nebo Power Plant - Shawn Black, Power Generation Superintendent**

Superintendent Black reported the Power Department staff has pursued the goal of removing volatility out of future energy prices while maintaining a predictable budget. Approving the motion to hedge the remaining fuel needed to supply the Nebo Power Plant during the summer months of 2019-2023 would lower the costs from previous years, remaining under budget, while the market looks very good to do gas hedges.

Councilmember Miller expressed it is basically insurance if rates should turn, to keep cost stable. Superintendent Black explained the price was advantageous. Councilmember Creer commented the price was much better than other hedges.

Councilmember Miller asked if there could be a second bid, to see if others are available. Director Fredrickson stated UAMPS will do the bidding and shop for the best price not to exceed the amount stated. Councilmember Miller asked them to bring back information for the Council to see what was approved.

COUNCILMEMBER JENSEN MOVED TO APPROVE A NATURAL GAS HEDGE TO SUPPLY THE NEBO POWER PLANT DURING THE SUMMER MONTHS OF 2019-2023 AT A PRICE NOT TO EXCEED \$2.50 PER MMBTU (Million British Thermal Units).

COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

MAYOR, COUNCIL REPORTS

Mayor Child asked if there were any comments. There was none.

5. CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or

102 *reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code*
104 *Annotated Section 52-4-205.*

106 COUNCILMEMBER SNELSON MOVED TO ADJOURN THE REGULAR MEETING AT 7:38 P.M. AND
CONVENE IN A CLOSED SESSION REGARDING LITIGATION.

COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
COUNCILMEMBER NELSON	AYE
COUNCILMEMBER SNELSON	AYE

114 ADJOURNMENT

116 COUNCILMEMBER SNELSON MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:03 P.M.
COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

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122 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, January 15, 2019.*
124 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County,*
State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on
Tuesday, January 15, 2019.

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Kim Crane, CMC
City Recorder



STAFF REPORT

DATE: January 31, 2019

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF APPROVING AN ADDENDUM TO THE DEVELOPMENT AGREEMENT FOR THE MEADOWS AT JESSIE'S BROOK, PHASE 1.

RECOMMENDED MOTIONS

Motion to approve the execution of an addendum to the development agreement for the Meadows at Jessie's Brook, Phase 1.

BACKGROUND

In July 2018, the City Council approved a development agreement for the Meadows at Jessie's Brook, Phase 1 Subdivision. As part of the improvements for the subdivision, Bach Homes, the developer, is required to install approximately 1.33 acres of landscaping immediately west of 1200 West, under the power lines. The 1200 West improvements at the location of the landscaping improvements have not yet been installed. Under the development agreement, Bach Homes paid the City its portion to install 1200 West, and the City is going to install the improvements. The City plans to install the 1200 West improvements within the next few months. The City's staff and the developer agree that it will be better to install the landscaping improvements after 1200 West is installed. The addendum to the development agreement addresses the issues related to the landscaping improvements.

The addendum addresses the following:

1. Requires Bach Homes to provide bonding for the landscaping improvements.
2. Allows Bach Homes additional time to install the improvements, which requires City Council approval.

CITY COUNCIL AGENDA

3. Allows Bach Homes to obtain certificate of occupancies for homes until the improvements have to be installed. This also requires Council approval. Certificate of occupancies will not be given if the improvements are not installed by the earlier of March 15, 2020 or within 90-days of the 1200 West improvements being installed.

All other aspects of the subdivision will be governed by City Code and the development agreement.

FISCAL IMPACT

None.

Attachments: Proposed Addendum

**ADDENDUM NO. 1 TO DEVELOPMENT AGREEMENT
THE MEADOWS AT JESSIE'S BROOK, PHASE 1**

THIS ADDENDUM NO. 1 is entered into effective this ____ day of _____, 2019, by and between **SPRINGVILLE CITY**, a municipal corporation of the State of Utah, 110 South Main Street, Springville, Utah 84663 ("City"), and **BACH HOMES, LLC**, located at 11650 South State St., 300 Draper, Utah _____ ("Developer").

RECITALS

- A. City and Developer entered into the "Development Agreement, The Meadows at Jessie's Brook, Phase 1," dated August 31, 2018 (the "Development Agreement"). The Development Agreement addressed matters related to Developer's development of The Meadows at Jessie's Brook, Phase 1 (the "Subdivision"). The plat for the Subdivision is attached as Exhibit A.
- B. This Addendum is to address the installation of the required landscaping improvements on the west side of the Subdivision, which landscaping improvements are more fully described on the final approved landscaping plans for Subdivision (the "Landscaping Improvements").
- C. Developer desires to record the Subdivision Plat and start to pull building permits. However, Developer has not yet installed the Landscaping Improvements, which improvements are part of the required Public Improvements for the Subdivision.
- D. The parties agree that installing the Landscaping Improvements at this time may not be in the parties' best interest because the Landscaping Improvements are immediately adjacent to the 1200 West Street which is going to be developed in the near future. The construction of 1200 West will possibly disturb and destroy portions of the Landscaping Improvements.
- E. The parties desire to enter into this Addendum to address installing the Landscaping Improvements at a future time when the 1200 West infrastructure has been installed and completed.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and terms as more fully set forth below, Developer and City agree to the following:

1. **Recitals Affirmed.** The parties each certify the correctness and accuracy of the facts recited above and adopt the same as a statement of their principal reasons for entering this Agreement.
2. **Landscaping Improvements.** The Landscaping Improvements are part of the Public Improvements that are required to be installed as part of the development of the Subdivision.

The parties agree that it is in the best interest of the parties for the Landscaping Improvements to be installed after the 1200 West Street Improvements are installed. The parties agree to the following with respect to the installation of the Landscaping Improvements:

- a. Time Extension. In accordance with Section 14-5-101(1) of the Springville City Code, the City Council, as part of approving this Addendum, extends Developer's time for installing the Landscaping Improvements to either March 15, 2020 or within 90 days of City notifying Developer that the 1200 West street improvements have been installed and completed, whichever comes first (the "Time Extension"). If weather makes it impossible to install the Landscaping Improvements within the 90-day period, the parties may agree to extending the 90-day period. In no event, will the extended period go beyond March 15, 2020.
- b. Building Permits. At the time that City receives the Improvement Completion Assurance described in Section 3 and the Subdivision Plat is recorded, City may issue building permits to Developer for construction within the Subdivision.
- c. Certificate of Occupancy. Developer may receive certificate of occupancies for those structures issued building permits as long as Developer is in compliance with this Addendum, the Development Agreement, the Springville City Code and City's land use regulations. In the event that the Landscaping Improvements are not installed by the earlier of March 15, 2020 or within 90 days of City notifying Developer that the 1200 West Street improvements have been installed and completed, no certificate of occupancies shall be issued after the applicable date within the Subdivision until the Landscaping Improvements are installed and completed. The Landscaping Improvements will not be considered installed and completed until City approves the Landscaping Improvements in accordance with City's landscaping and inspection requirements.
- d. Warranty. After the Landscaping Improvements are approved and accepted by City, Developer shall warranty the improvements in compliance with the Development Agreement and Springville City Code.

3. **Improvement Completion Assurance.** Prior to the Subdivision Plat being recorded and City issuing any building permits within the Subdivision, Developer shall provide an improvement completion assurance in the amount of \$177,381.80 to City in a form that is acceptable to City's City Administrator in accordance with Section 14-2-202 of the Springville City Code (the "Assurance"). The Assurance shall be for a period of time not less than 18 months from the date of this Addendum and shall allow City to call upon and receive the amounts of the Assurance at any time, in the City's discretion. The itemization for the amount of the Assurance is attached as Exhibit C.

4. **Development Agreement.** Other than those specific provisions addressed in this Addendum, the Development Agreement, the Springville City Code and City's land use regulations shall govern the installation of the Landscaping Improvements, the installation of the Public Improvements, and all other matters related to the Subdivision.

5. **Miscellaneous.**

- **Authority and Authorization.** Developer hereby represents and warrants to City that the execution and delivery of this Agreement by Developer and the performance of the terms hereof by Developer, have been duly authorized through proper action and, upon full execution hereof, this Agreement will be binding on and enforceable against Developer.
- **Future Action.** Nothing in the Agreement shall limit the future exercise of the police power by City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances, and regulations after the date of this Agreement; provided, however, that subject to Developer's performance of its obligations hereunder, Developer shall have the vested right to develop the Project.
- **Other Laws.** Developer may be responsible to fulfill other federal, state and local laws, including, but not limited to Workers Compensation and Occupational Safety and Health Administration regulations. Developer agrees to comply with all laws during construction of the Project and Public Improvements.
- **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of City, which shall not be unreasonably withheld.
- **Attorney Fees.** In the event this Agreement or any of the exhibits hereto are breached, the party at fault agrees to pay the attorney fees and all costs of enforcement of the non-breaching party.
- **Severability.** Should any portion or paragraph of this Agreement be declared invalid or unenforceable, the remaining portions or paragraphs of the Agreement shall remain valid and enforceable.
- **Modification.** Modification of this Agreement shall only be effective if agreed upon, in writing, and approved by the City Council and Developer.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers.

SPRINGVILLE CITY

By: _____
Richard J. Child, Mayor

Attest:

CITY RECORDER

By: _____
Name: _____
Title: _____

On this ____ day of _____, 2018, before me personally appeared _____, known to me to be the person who executed this Development Agreement as the Developer and acknowledged to me that he executed the same for the purposes therein stated.

STATE OF UTAH)
)
) : ss.
)
COUNTY OF UTAH)

On this _____ day of _____, 2018, before me personally appeared Richard J. Child, known to me to be the person who executed this Development Agreement on behalf of Springville City and acknowledged to me that he executed the same for the purposes therein stated.

4



STAFF REPORT

DATE: January 31, 2019

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING A PROPERTY PURCHASE AGREEMENT TO PURCHASE PROPERTY FOR 1200 WEST FROM 92057 LLC.

RECOMMENDED MOTION

Motion to approve Resolution No. _____ that approves the execution of a Purchase and Sale Agreement between Springville City and 92057, LLC for the purchase of a home and 1.85 acres for the amount of \$387,328.

BACKGROUND

This item came before the City Council in December. In December, the Council approved purchasing the property for \$300,000. After the Council approved the property purchase, the seller and the City realized that there was a miscommunication between the two parties with respect to who was paying for what improvements in 1200 West. The City has always held the position that it is paying for the road improvements in 1200 West. Mr. Simpson understood that the 1200 West improvements included all underground improvements within the road. Mr. Simpson's price for the property was based on his understanding of what the City was installing in 1200 West.

As part of constructing 1200 West, culinary and pressurized water lines need to be installed. The cost for installing the waterlines in Sumsion West Subdivision along 1200 West is \$87,328. Accordingly, Mr. Simpson raised his price for the property by that amount.

Property Information.

Dave Simpson is developing a subdivision known as the Sumsion West Subdivision. The 1200 West arterial street runs through the Sumsion West Subdivision. Springville City received MAG funding to purchase and build the east half of 1200 West. Springville City will need to purchase approximately 1.85 acres of property from Mr. Simpson, which includes purchasing Craig Sumsion's home. The purchase price of \$387,328 for 1.85 acres and a 2,200 square foot home appears to be a fair market value for the property.

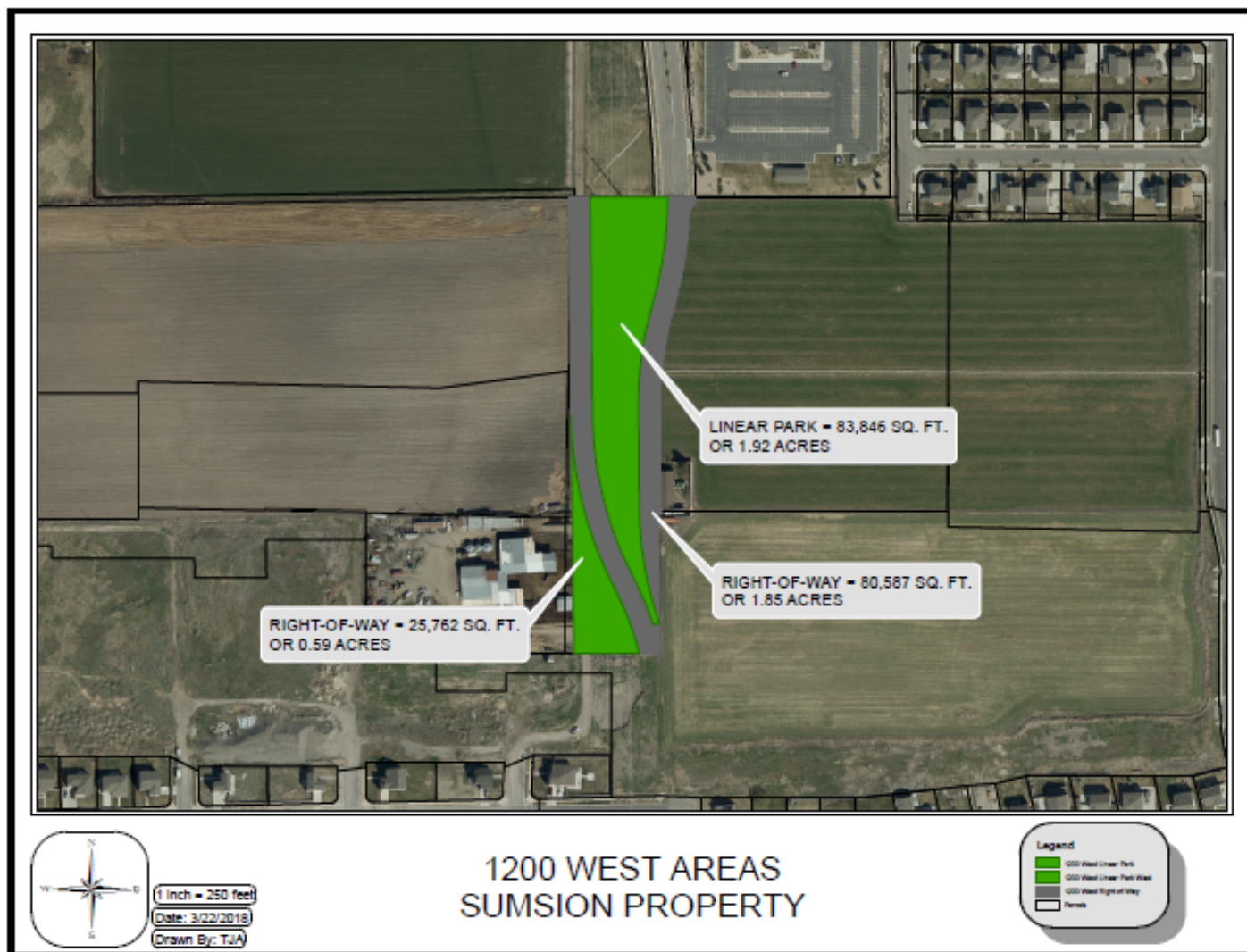
CITY COUNCIL AGENDA

The closing for the property purchase will take place shortly after the contract is entered.

FISCAL IMPACT

The City will pay \$387,328 for the property, which amount is part of the MAG funding received by the City.

Attachments: Map of the Property
 Proposed Resolution and Purchase and Sale Agreement.



RESOLUTION _____

A RESOLUTION APPROVING AN AGREEMENT BETWEEN SPRINGVILLE CITY AND 92057, LLC.

WHEREAS, 92057, LLC is developing the Sumsion West Subdivision (the "Subdivision"); and

WHEREAS, the 1200 West arterial street is planned to run through the middle of the Subdivision, and Springville City has received MAG funding for the purchase and construction of the east half of 1200 West; and

WHEREAS, 92057, LLC is willing to sell the 1200 West property and the Sumsion home to the City for 92057, LLC's purchase price of the property, which is \$387,328, and the City is willing to purchase the property for that amount; and

WHEREAS, the parties now desire to enter into the attached agreement; and

WHEREAS, the City Council finds that the attached agreement is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SPRINGVILLE CITY, UTAH:

SECTION 1. Agreement Approval. The Agreement, substantially in the form attached as Exhibits A is approved and shall be executed by Springville City. The City Attorney may make and/or agree to minor revisions to the Agreements, and the City Surveyor may approve the final legal description of the property being purchased by the City.

SECTION 2. Effective Date. This resolution shall become effective immediately upon passage.

PASSED AND APPROVED this ____ day of January 2019.

By

Richard J. Child, Mayor

ATTEST

Kim Rayburn, Recorder

DRAFT

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective as of the ____ day of _____, 2019, by and between Springville City, a Utah municipal corporation ("Buyer"), with an address of 110 South Main Street, Springville, UT 84663, Attn: Troy Fitzgerald, City Administrator; and 92057, LLC, a Utah limited liability company, with an address of 407 North Main Street, Springville, Utah 84663 ("Seller"). The parties to this Agreement are collectively referred to as the "parties" and individually as a "party."

RECITALS

A. Seller is the owner of property located at approximately 1200 West 1100 South in Springville, Utah, which property has the legal description as shown on Exhibit A (the "Real Property"). A map of the property is also included with Exhibit A.

B. Buyer desires to purchase the Real Property for the development of 1200 West Street (the "Intended Use").

C. Seller is willing to sell the Real Property to Buyer upon the terms and conditions set forth herein.

TERMS AND CONDITIONS

NOW THEREFORE, in consideration of the promises, covenants, representations and warranties hereinafter set forth, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer agree as follows:

1. **Recitals.** The above Recitals are incorporated into and made a part of this Agreement.

2. **Purchase and Sale.** Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the Real Property and all improvements and structures affixed to and appurtenant to the land, including, without limitation, fixtures, houses, buildings, fences, trees, vines, and crops (collectively, the "Real Property"), together with: (i) all easements, rights-of-way, and rights of access appurtenant to the Real Property, and (ii) all appurtenances, permits, licenses, water rights, water shares, subsurface rights, mineral rights and other rights related to the Real Property (collectively, the "Property").

3. **Purchase Price.** The purchase price to be paid by Buyer to Seller for the Property shall be Three Hundred, Eighty-Seven Thousand, Three Hundred, Twenty-Eight Dollars (\$387,328) (the "**Purchase Price**").

4. **Due Diligence Period.** Buyer shall have until 5:00 p.m. Mountain Standard Time on the date which is 15 days from the Effective Date to perform due diligence on the Property (the "Due Diligence Period").

a. Due Diligence. During the Due Diligence Period, Buyer may perform (at Buyer's expense) any due diligence it desires on the Property, including, without limitation, review of the Seller Disclosures (defined in Section 3.3), investigation of title, survey, soils, and perform any non-invasive necessary tests and reports regarding the condition of the Property (the "Due Diligence").

b. License. Seller hereby grants to Buyer and Buyer's employees, contractors and agents, upon reasonable notice, a nonexclusive revocable license to enter upon the Property, at Buyer's sole risk, to conduct Buyer's Due Diligence during the Due Diligence Period. Buyer and Buyer's employees, contractors, and agents shall exercise reasonable care and comply with all applicable laws, regulations and ordinances relating to, and immediately repair any damage to the Property resulting from, such entry upon, or testing or inspection of, the Property. At Seller's option, Seller or its representatives may be present for any such inspection, test or study. Buyer shall bear the cost of all inspections, tests and studies and shall promptly restore any damage or displacements caused by physical testing. In all events, Buyer shall use its best and most diligent efforts to minimize any inconvenience or disturbance of any and all tenants, users, or occupants of the Property in connection with Buyer's entry onto the Property.

c. Seller Disclosures. On or before ten (10) days following the Effective Date, Seller will deliver to Buyer: (i) copies of any existing surveys of the Real Property in Seller's possession, (ii) copies of all leases, drawings, plans, studies, appraisals, records, reports, tests, and other documents relating to the Property in Seller's possession, (iii) any and all disclosures required to be made by Seller pursuant to any applicable laws, and (iv) other information regarding the Property reasonably requested by Buyer that is in Seller's possession (collectively, the "Seller Disclosures").

d. Title Policy. Seller shall, within ten (10) days following the Effective Date, furnish to Buyer a commitment for title insurance (the "Title Report") issued by the Escrow Agent, together with copies of all documents referred to in the Title Report as exceptions to title. During the Due Diligence Period, Seller and Buyer will work together to agree upon the title exceptions in the Title Report that will remain in the final title policy (a standard coverage ALTA owner's title insurance policy - 2006 form) (the "Title Policy") at the Closing. All taxes and assessments against the Property which are not yet due and payable, all standard (pre-printed) exceptions contained in a standard coverage ALTA owner's title insurance policy, for Property in the State, and all other matters affecting title to the Property contained in the Title Report which are not otherwise objected to by Buyer during the Due Diligence Period shall constitute the "Permitted Exceptions." It shall be a condition of closing to Buyer's benefit that on and before the Closing the Escrow Agent (and its underwriter) shall commit to issue the Title Policy to Buyer at the Closing, subject only to the Permitted Exceptions, and together with such endorsements as Buyer shall reasonably request. Seller agrees to provide to the Escrow Agent such customary affidavits and other documents as the Escrow Agent may reasonably require.

e. Survey. During the Due Diligence Period, Buyer may, at Buyer's expense, obtain a survey for the Property by either updating the survey provided by Seller (if any), or causing to be prepared a new survey for the Property. The most recent survey for the Property, whether such survey is a new or updated survey prepared for the benefit of or commissioned by

Buyer, or any previous survey provided by Seller, shall be referred to herein as the "Survey." The Survey shall be prepared at Buyer's sole cost.

f. Termination. In the event, in Buyer's sole judgment and discretion, that the Property is not suitable to Buyer, or, if during the Due Diligence Period, Buyer for any reason (or no reason at all) decides not to purchase the Property, Buyer shall have the right to deliver a written termination notice to Seller on or before the expiration of the Due Diligence Period. If Buyer timely delivers to Seller such termination notice, then this Agreement shall terminate, and neither Buyer nor Seller shall have any further right, liability, duty or obligation under this Agreement, except for agreements or covenants that specifically survive termination. In the event that Buyer does not timely terminate this Agreement by written notice as described in this Section 3.g, then Buyer (i) shall be deemed (a) to have waived its right to terminate under this Section 3.g, and (b) to have approved the condition of the Property in all respects; and (ii) Buyer and Seller shall continue to consummate the Purchase and Sale Transaction subject to all other terms and conditions set forth herein.

5. Sumsion Home. The home owned by Thomas Craig Sumsion, with an address on the County website as 4477 South 940 East, Springville, Utah 84663 (located on property with Serial Number 26:040:0047), is not located within the legal description of the Property (the "Home"). As part of Buyer's intended use of the Property, the home will need to be removed. The parties agree and understand that Buyer shall have the right to enter upon the property on which the Home is located and Property surrounding the Home for the purpose of removing the Home without incurring any liability or financial obligation towards Seller or any of Seller's successors or assigns. To the fullest extent permitted by applicable law, Seller and Seller's successors and assigns shall indemnify, defend and hold Buyer harmless from any losses, costs, expenses, damages, injuries, causes of action, liens, penalties, fines, and liabilities of any and all kinds whatsoever (including, without limitation, reasonable attorneys' fees and costs) to the extent caused by the acts or omissions of Buyer and its employees, contractors and agents during and in connection with Buyer's removal of the Home or other destruction or damage of the Home or surrounding property. Seller's obligations under this paragraph shall survive Closing and survive any subsequent sale or transfer of the Property or portions thereof to third parties.

6. Seller Representations and Warranties. Seller, to the best of Seller's knowledge, represents and warrants to Buyer as follows:

a. Title. Seller has, or shall have at closing, fee title to the Property. Seller shall convey title of the Property at closing by general warranty deed, free of financial encumbrance.

b. Condemnation; Eminent Domain. Seller has no actual knowledge of any condemnation, eminent domain, or similar proceedings affecting any of the Property.

c. Liens. Seller is not aware of any claims of any mechanics, laborers, or persons furnishing materials to the Property.

d. Actions. Seller is not aware of any actions, suits, judgments, claims, bankruptcy proceedings, or other matters pending or threatened against or affecting Seller or the

Property, at law or at equity, before or by any person or entity, which would affect in any way Seller's title to or usage of the Property or any part thereof.

e. Leases. There are no leases or other encumbrances that effect the Property.

7. Closing.

a. Closing Documents. Closing of the transaction set forth in this Agreement (the "**Closing**") shall occur on or before the date which is 30 days from the Effective Date (the "**Closing Date**"). At the Closing, Buyer shall deliver to Provo Land Title (the "**Escrow Agent**") the Purchase Price, and any documents or instruments reasonably necessary or appropriate, consistent with this Agreement, as may be required by Escrow Agent. At the Closing, Seller shall deliver to Escrow Agent: (i) a Warranty Deed substantially in a form that is acceptable to Buyer (the "**Deed**"); (ii) a Non-Foreign Person Affidavit acceptable to the Escrow Agent; and (iii) any other documents or instruments reasonably necessary or appropriate, consistent with this Agreement, as may be required by Buyer or the Escrow Agent.

b. Closing Costs and Fees. At the Closing, Escrow Agent shall prepare, and each of Buyer and Seller shall execute, a settlement statement. On the settlement statement, (i) all real property taxes and assessments accrued for the current year shall be prorated between the parties; any rollback taxes or deferred taxes shall be the responsibility of Seller; (ii) Seller shall pay the cost of the Title Policy, and (iii) all other customary credits, debits and charges, including fees owed to Escrow Agent, shall be paid 50% by each party unless otherwise agreed in this Agreement.

c. Closing. Upon receipt of all cash and documents required by this Agreement, Escrow Agent shall obtain authorization from both Seller and Buyer to close and shall thereafter proceed to close by recording the Deed and delivering the Purchase Price to Seller, and otherwise handling all matters necessary to close this transaction. Seller shall deliver possession of the Property to Buyer immediately on the Closing.

8. Risk of Loss. All risk of loss and destruction of the Property and improvements, and all Property expenses and insurance, shall be borne by Seller until the Closing. If any condemnation proceedings are brought or threatened respecting any portion of the Property or any damage or destruction of all or a portion of the Property occurs between the Effective Date and the Closing, Seller shall immediately notify Buyer, which notice shall specify the type and extent of such condemnation or damage. Within fifteen (15) days after receipt of such notice, Buyer shall have the option to either (i) terminate this Agreement upon written notice to Seller or (ii) proceed to close the transaction contemplated by this Agreement, in which case Buyer shall be entitled to receive and Seller shall assign to Buyer, all of the condemnation awards, damages, and proceeds resulting from such condemnation, and/or all insurance proceeds resulting from any damage.

9. Default. If either Seller or Buyer shall default in its obligations under this Agreement, the non-defaulting party shall give the defaulting party written notice of default and thirty (30) days in which to cure such default. If such default is not cured within such thirty (30)

day period, thereafter the non-defaulting party shall have all of its rights and remedies as allowed by the laws of the State.

10. Brokerage Commissions. The parties agree that no brokers, agents or finders have been involved in this transaction and each party hereby agrees to indemnify and hold the other completely free and harmless from any and all liability based upon claims from brokers, agents, finders or others claiming through or under the indemnifying party.

11. Notices. Except as otherwise required by law, any notice, demand, or request given in connection with this Agreement shall be in writing and shall be given by personal delivery, overnight courier service, facsimile, or United States certified mail, return receipt requested, postage or other delivery charge prepaid, addressed to Seller or Buyer at the following addresses (or at such other address as Seller or Buyer or the person receiving copies may designate in writing) and to Escrow Agent if required by this Agreement:

BUYER: Springville City
Attn: Troy Fitzgerald
110 South Main Street
Springville, Utah 84663

SELLER: 92057, LLC
Attn: Nickolas Simpson
407 North Main Street
Springville, Utah 84663

12. Successors and Assigns. All the terms and provisions of this Agreement shall bind and inure to the benefit of the parties hereto, their heirs, successors, personal representatives, and assigns. This Agreement may be assigned by Buyer to any entity controlling, controlled by or under common control with Buyer, in Buyer's sole discretion.

13. Miscellaneous. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah. This Agreement (including all attached exhibits) constitutes the entire agreement of the parties. All prior and contemporaneous agreements, representations and understandings of the parties hereto, oral or written, are hereby superseded and merged herein. No supplement, modification or amendment of this Agreement shall be binding unless in writing and executed by the parties hereto. If either party brings or commences a legal proceeding to enforce any of the terms of this Agreement, the prevailing party in such action shall have the right to recover reasonable attorneys' fees and all other associated costs from the other party. Time is of the essence of this Agreement. If any deadline falls on a Saturday, Sunday or nationally recognized holiday, the deadline shall be the next business day. The captions of this Agreement are for convenience and reference only and in no way define, describe, extend, or limit the scope or intent of this Agreement, or the intent of any provision hereof. This Agreement may be signed in multiple counterparts, all of which taken together shall constitute one and the same agreement. Further, copied or electronically transmitted signatures of an original signature shall be treated for all purposes as an original signature. After execution and delivery of this Agreement, a copy of the signed Agreement shall be considered for all

purposes as an original of the Agreement to the maximum extent permitted by law, and no party to this Agreement shall have any obligation to retain a version of the Agreement that contains original signatures in order to enforce the Agreement, or for any other purpose, except as otherwise required by law.

[Signatures to Follow]

IN WITNESS WHEREOF the parties have executed this Agreement as of the Effective Date.

BUYER:

CITY OF SPRINGVILLE,
a Utah municipal corporation

By: _____
Richard J. Child
Springville City Mayor

Attest:

Kim Crane, City Recorder

SELLER:

92057, LLC, a Utah limited liability company

By: _____
Nickolas Simpson
Its: _____

Exhibit A

LEGAL DESCRIPTION OF THE REAL PROPERTY

Real property located in Utah County, Utah, described as follows: