

MINUTES OF THE REGULAR AND WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, JANUARY 11, 2022, AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Presiding and Conducting: Mayor Matt Packard

Elected Officials in Attendance: Craig Jensen
Jason Miller
Mike Snelson
Chris Sorensen

Absent: Liz Crandall

City Staff in Attendance: City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, City Recorder Kim Crane, Deputy Recorder Jennifer Grigg, Community Development Director Josh Yost, Building and Grounds Director Bradley Neel, Assistant Public Works Director/City Engineer Jeff Anderson, Police Chief Lance Haight, Management Analyst Jack Urquhart, Library Director Dan Mickelson, Golf Pro Craig Norman, Power Director Leon Fredrickson, Superintendent of Power Generation Shawn Black, Administration Director Patrick Monney, Recreation Director Stacey Child and Museum of Art Director Dr. Rita Wright.

CALL TO ORDER

Mayor Packard welcomed everyone and called the meeting to order at 5:31 p.m.

COUNCIL BUSINESS

1. Calendar

- Jan 17 - Martin Luther King Day Observed (City Offices Closed)
- Jan 18 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Jan 24 - Budget Retreat 3:30 p.m. - 8:00 p.m.
- Feb 01 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Feb 08 - Work/Study Meeting 5:30 p.m.

Administrator Fitzgerald asked the council if they preferred Monday or Tuesday for the Budget Retreat. They agreed on Monday. He invited them to register in advance online for the Utah League of Cities and Towns meeting on January 18, 2022, the first day of the 2022 Utah State legislature. Councilmember Miller confirmed the ULCT meetings will be online. Councilmember Jensen said Utah County needs representation. Mayor Packard said he spoke with Representative Whyte who said state legislature meetings and sessions and subcommittee meetings will be online.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

- a) **Impervious Surface Discussion - Brad Stapley, Public Works Director**
Mayor Packard postponed this discussion.

b) Discussion regarding Boards and Commissions

After the regular agenda item, Administrator Fitzgerald explained the purpose of boards and commissions. Councilmember Jensen said boards and commissions help the City Council as a second set of eyes to vet issues. Councilmember Sorensen said boards, and commissions, should help recommend budgets. Councilmember Snelson agreed especially when it comes to applying the PAR tax. Councilmember Miller clarified that empowering a board must be written into ordinance and a board must blend community and expertise to prevent one side from overwhelming the other.

Administrator Fitzgerald conducted the discussion with the Council on the pros and cons of consolidating boards and commissions. He stated April 1, 2022, is a transition date to move on to something new and this is an opportunity to do this better. Staff members that are liaisons will suggest combining certain committees. Committees will determine their own rules and subcommittees can decide the direction of programming and volunteers.

Mayor Packard said this change, is not malicious but is proposed to help Springville City, and its citizens create an opportunity for more meaningful participation.

c) Discussion regarding Market Power Purchase Hedges - Shawn Black, Superintendent Power Generation

Mr. Black started his presentation by showing energy price bids to solidify a supply of baseload power to Springville City in the future which removes the risk of the price going higher. He explained the current energy economy and a proposed 5-year hedge purchase for the baseload needs of the City. He explained that because of politics, and growth, all Utah cities are behind on planning energy purchases for the future. This proposed purchase is cheaper than power previously budgeted and purchased from the San Juan Coal Generating Station which comes offline in the summer of 2022. The Council asked him to crunch the numbers and return with a staff report containing the background and financial backing of the company submitting the accepted bid.

Mayor Packard complimented Shawn Black on how lucky Springville City is to have someone who understands and watches these markets.

d) Mayor and Council Reports

Mayor Packard asked if there were any comments. There were none.

REGULAR AGENDA

2. **Consideration of a Resolution that approves settlement agreements to resolve objections to water rights in the Hobbie Creek Canyon water adjudication known as the General Determination of All the Rights to the Use of Water, Both Surface, and Underground, Within the Drainage Area of the Utah Lake and Jordan River in Utah, Salt Lake, Davis, Summit, Wasatch, Sanpete, and Juab Counties in Utah; Utah County Division; Hobbie Creek Subdivision; Area 51, Book 4 - John Penrod, Assistant City Administrator/City Attorney**

Mayor Packard moved this item to the beginning of this meeting and excused himself from this portion of the meeting due to owning property in the area.

COUNCILMEMBER MILLER MOTIONED TO APPOINT COUNCILMEMBER JENSEN AS MAYOR PRO TEM. COUNCILMEMBER SNELSON SECONDED THE MOTION AND ALL PRESENT VOTED AYE.

Mayor Pro Tem Jensen turned the time over to Attorney Penrod who explained the claims and objections in this proposed settlement. Councilmember Snelson asked if the city is taking water from

anyone who has purchased water or land that has water rights. To answer that question, Attorney Penrod explained the history of water rights. He said any water right claim before 1903 is a diligence claim and this adjudication (or objections to water rights that are taken to court) opened in 1934. Property owners filed claims that the state engineer approved in the 1970s and 1980s to which Springville City objected in court. In 2016, the state appointed a special master to start pushing these water rights and claims through the court system.

He continued by explaining the water rights process and stated on the eve of this trial, these settlement agreements are before us tonight. To claim a water right, an application is filed with the state engineer, who creates a book of proposed water rights for the court. To answer Councilmember Snelson's question, Attorney Penrod explained property owners filed an application with the state engineer and the city filed an objection to some of those applications. Councilmember Snelson confirmed no money transaction was involved to get those water rights. Attorney Penrod continued explaining an applicant must show the use of the water was established prior to 1903. Property owners might claim use of the water after 1903, but the city has a diligence claim prior to 1903. Attorney Penrod said each claim in tonight's proposed settlement is a diligence claim prior to 1903. Mayor Pro Tem Jensen asked the Council for a motion.

COUNCILMEMBER SNELSON MOVED TO *APPROVE* **RESOLUTION #2022-01** APPROVING SETTLEMENT AGREEMENTS IN THE GENERAL DETERMINATION OF ALL THE RIGHTS THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE UTAH LAKE AND JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT, WASATCH, SANPETE AND JUAB COUNTIES IN UTAH; UTAH COUNTY DIVISION; HOBBLE CREEK SUBDIVISION; AREA 51, BOOK 4.

COUNCILMEMBER MILLER SECONDED THE MOTION.

Mayor Pro Tem Jensen opened the floor to discussion and commented that there were more water rights given than existed and this is a step in the right direction. A representative of the Springville Irrigation Company stated that the Irrigation Company is a party to every settlement except the 5-star settlement, which is the biggest. Councilmember Sorensen said there will never be more water and if we do not settle it could be worse. Attorney Penrod added Springville City has a member on the River Commissioner's board.

THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER MILLER	AYE
COUNCILMEMBER JENSEN	MAYOR PRO TEM ABSTAIN
COUNCILMEMBER CRANDALL	ABSENT
COUNCILMEMBER SNELSON	AYE
COUNCILMEMBER SORENSEN	AYE

RESOLUTION #2022-01 APPROVED

CLOSED SESSION

3. The Springville City Council may temporarily recess the regular meeting and convene in a closed session as provided by UCA 52-4-205.

There was none.

ADJOURNMENT

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE REGULAR MEETING AT 7:00 P.M. COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

*This document constitutes the official minutes for the Springville City Council Regular Meeting held on Tuesday, January 11, 2022
I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy 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 11, 2022.*

DATE APPROVED: January 18, 2022

Jennifer Grigg
Deputy Recorder