



**AGENDA FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JANUARY 7, 2014 – 5:45 P.M.**

MAYOR AND COUNCIL DINNER – 4:45 P.M.

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

OATH OF OFFICE CEREMONY – 5:15 P.M.

Judge Sherlynn Fenstermaker will administer the Oath of Office for the newly-elected officials: Wilford W. Clyde, Craig Conover, and Chris Sorensen. There will be a reception for families, friends, and interested persons directly after the ceremony.

CALL TO ORDER – 5:45 P.M.

COUNCIL BUSINESS

- 1) Minutes
- 2) Calendar
 - a) January 11 – ULCT Newly Elected Officials Training, Provo City Hall, 8:00 a.m. – 1:30 p.m.
 - b) January 14 – Work/Study Meeting 5:15 p.m.
 - c) January 20 – Martin Luther King Day, City Offices Closed
 - d) January 21 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
 - e) January 29 – ULCT Local Officials Day at the Legislature
 - f) February 4 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- 3) **DISCUSSIONS/PRESENTATIONS**
 - a) Discussion regarding a request for a Lease Agreement by the Boy Scouts of America for Camp Jeremiah Johnson in Hobble Creek Canyon – Troy Fitzgerald, City Administrator
 - b) Discussion on the schedule for the Budget Retreat – Troy Fitzgerald, City Administrator

This meeting was noticed in compliance with Utah Code 52-4-202 on January 2, 2014. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

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

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

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

- a) Art City Substance Abuse Prevention (ASAP) Committee – Councilmember Dean Olsen
- b) Utah Lake Commission – Councilmember Dean Olsen

5) **CLOSED SESSION**

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

ADJOURNMENT

This meeting was noticed in compliance with Utah Code 52-4-202 on January 2, 2014. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

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**MINUTES OF THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
DECEMBER 17, 2013 – 5:15 P.M.**

6

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, December 17, 2013 at 5:15 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Councilmember Richard Child, Councilmember Christopher Creer, Councilmember Benjamin Jolley, Councilmember Dean Olsen, Councilmember Mark Packard, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, and City Recorder Venla Gubler. Also present were: Community Development Director Fred Aegerter, Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Public Works Director Brad Stapley, and Museum of Art Director Dr. Rita Wright.

MAYOR AND COUNCIL DINNER – 4:45 P.M.

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

CALL TO ORDER- 5:15 P.M.

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

COUNCIL BUSINESS

1) **Minutes** – December 3, 2013 & December 10, 2013

COUNCILMEMBER OLSEN MOVED TO APPROVE THE MINUTES OF DECEMBER 3, 2013 AND DECEMBER 10, 2013. COUNCILMEMBER JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

2) **Calendar**

- December 19 – Springville City Employees' Christmas Luncheon, Library, 12 noon
- December 24 – Christmas Eve
- December 25 – Christmas Day, City Offices Closed
- December 31 – New Year's Eve
- January 1, 2014 – New Year's Day, City Offices Closed
- January 7 – Oath of Office Ceremony 5:15 p.m.
- January 7 – Work/Study Meeting 5:45 p.m., City Council Meeting 7:00 p.m.

Mayor Clyde noted the Employees' Christmas Luncheon on December 19. He commented that the Council usually helps at this Luncheon and asked them to be there early. He noted that the City offices would close at 2:00 P.M. on Christmas Eve, and that the Oath of Office Ceremony for the newly elected officials would be on January 7 at 5:15 P.M. The Work/Study Meeting would not start until 5:45 P.M. that evening. Administrator Fitzgerald added that, if anyone asks, the City would have regular hours on New Year's Eve. Mayor Clyde asked if there were any other items for the calendar. There was none.

3) **Discussion on this evening's Regular Meeting agenda items**

- a) Invocation – Cl. Jolley
- b) Pledge of Allegiance – Cl. Packard
- c) Consent Agenda
 - 3. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
 - 4. Consideration of an Interlocal Agreement with Utah County for the City's CTC Coordinator – John Penrod, Assistant City Administrator/City Attorney

Mayor Clyde noted that there were two items on the Consent Agenda. He observed that the Interlocal Agreement with the Council appears to be the same one signed last year. He asked if there were any changes. Attorney Penrod reported that the State has cut their grant amount, but the County increased their grant. The proposed grant will still cover the position because it is now a part-time position at 27-hours-a-week instead of half-time with benefits.

4) **DISCUSSIONS/PRESENTATIONS**

a) **Presentation of the 2013 Citizen Survey** – Troy Fitzgerald, City Administrator

Administrator Fitzgerald reported that the results of the 2013 Citizens' Survey came in last week. He wanted to get the information to the Council right away and share what the citizens are saying. He informed the Council that the sample size for this survey was 2,000 instead of 1,800 as in previous years. The surveys completed and returned totaled 1,065, which is 55.3 percent. The survey handlers report that their confidence level is 95-percent. The survey consists of over 200 questions, and results in over 200,000 pieces of data to work with and an additional 270 pages of open-ended responses.

Administrator Fitzgerald displayed a graph showing responses to questions regarding overall quality of life in Springville. He noted that this data is accumulated over several survey seasons, and citizen opinions continue to improve each year. He pointed out that citizens are mostly pleased with the overall direction the City is taking. The citizens that responded "very good" and "extremely good" are increasing, while the responses in the categories of "good" and "just average" are declining. However, (next slide) the citizens who responded that they "agree" or "strongly agree" with the overall direction the City is taking peaked in 2009 and have declined since. He asked the Council why this was occurring. Councilmember Jolley replied that the City building was completed in 2009 and the Library in 2011. There was a lot of conversation prior to construction about building a better community. Administrator Fitzgerald noted that the percentage that "agree" and "strongly agree" are still over 50-percent. The percentage that

“neither agrees nor disagrees” is growing. There is a small minority on the “disagree” side. He added that there was growth in the opinion that “most elected officials care what people like me think” in 2007 and 2009, but the opinions have held consistently steady since then.

Administrator Fitzgerald reported that citizens are reporting that “taxes” are “not a problem” or a “minor problem” have grown significantly even though the City added taxes for the library. Responses in the “important problem,” “major problem,” and “extreme problem” categories have dropped. Councilmember Packard commented that the word “taxes” is non-specific and may include school district and federal taxes, too.

Administrator Fitzgerald reported that those citizens that feel drugs are an “extreme problem” have been dropping since 2003. There is still a significant number that consider “drugs” an “important problem,” but the message to “Know What’s True” is getting out. He noted that less than 10-percent see “drugs” as an “extreme problem.” He observed that when citizens indicate where to spend extra funds, “drug prevention” still remains a priority.

Administrator Fitzgerald commented that “power rates” as a “problem” was as much as 60-percent when the City was charging the PCA. However, now there is resurgence on both ends—“not a problem” and “extreme problem.” He suggested that taking the survey after a long, hot summer may be a possible explanation for this opinion change.

Administrator Fitzgerald observed that the next category, “Recreation for Families” as a “problem” saw a dramatic 20-percent increase in “not a problem.” The percentage that felt family recreation opportunities fell all across “important problem,” “major problem,” and “extreme problem” categories. Councilmember Packard suggested that the Provo Rec Center has opened and some may feel that this is close enough. Director Stapley noted that the City opened the splash pad. Councilmember Child noted the addition of several soccer fields as well. Administrator Fitzgerald suggested that the library fills some of the expectations for programs, too. Councilmember Jolley noted that the City is experiencing growth in accelerated teams, and in other types of field sports, like lacrosse. Councilmember Olsen commented that he feels that people are recognizing the City’s effort to spend tax monies wisely, and they are seeing parks development. Chief Finlayson commented that the last election displayed citizens’ opinion that they did not want to pay for a recreation center.

Administrator Fitzgerald reported that citizens feel safe from violent crimes and property crimes. The categories of “very safe” and “extremely safe” are headed in the right direction—up, on both questions. He added that most citizens feel “somewhat safe,” “very safe,” or “extremely safe” in their neighborhoods, and in City parks as well. However, feeling safe in parks has a higher percentage on “somewhat safe.” Opinions about feeling safe in neighborhoods and parks are trending up. Councilmember Child commented that there is so much crime in the news that it may make some people feel unsafe even if the crime is occurring somewhere else. Administrator Fitzgerald reported that the power of the survey is that information is available to the Directors on which neighborhoods generate more feelings of safeness than others.

Administrator Fitzgerald reported that citizens support “efforts to attract retail businesses.” In 2011, 66-percent expressed their support. In 2013, 66-percent still do, but opposition is growing. He noted that a small minority of 11-percent do not want growth. Councilmember Jolley asked for demographic information on this question based on age. He

commented that some of his neighbors are not eager to see businesses come to town, and yet others are annoyed that Costco is not three blocks away. Administrator Fitzgerald replied that he would get this information for Councilmember Jolley.

Administrator Fitzgerald displayed a graphic showing the support, and opposition, of the expansion of youth activities and facilities. He pointed out that support is dropping since the high of 81-percent in 2009. The numbers who are less interested are growing. He displayed the support and opposition to mandatory recycling. He suggested that if the City decides to go mandatory, there will be a battle with about 30-percent of the citizens. However, if the Council is interested, the subject can be reintroduced since 38-percent support it and 32-percent neither support nor oppose it. He added that this is a new question this year, so there is no comparison data.

Administrator Fitzgerald reported that another new question this year asked the support of keeping the carnival downtown rather than at the Arts Park. He noted that only 14-percent oppose this question. Most are equal, and about half prefer the carnival downtown. The final new question regards the interest in a levy for a recreation and arts sales tax. He reported that 43-percent are interested and 13-percent opposed. He commented that he cross-tabulated this question to swimmers, but not to the drama community. Councilmember Jolley commented that the measure may have a hard time since the supporters and opposition is almost equally distributed.

Administrator Fitzgerald commented that the next question is intended to gauge interest in the support for an indoor or outdoor pool. He found that the respondents were highly supportive of an indoor pool and not an outdoor pool. There are 45-percent opposed to an outdoor pool and 55-percent want an indoor pool. Interestingly, they don't want to pay for it as he will show in a follow-up slide later. Councilmember Jolley suggested that the City consider some education on the subject since the funding needs for an indoor pool are high. An outdoor pool costs less. Administrator Fitzgerald observed that Spanish Fork is losing more on their outdoor pool than Springville is on an indoor pool. The Council discussed promotions at 7-Peaks and how that might affect outdoor pool attendance.

Administrator Fitzgerald turned to the rating on the City's services. He noted that a "four" is average, and a "six" is good. He reported that the pool's quality of service is rated the lowest, the utility and billing office is above good, and the library is extremely good.

Administrator Fitzgerald then offered the Council a sampling of the open-ended responses. The question was what types of retail businesses Springville should try to attract. He noted that the answers range from nothing, to senior clothing, consignment stores, cafes, and fast food, and then to any and all that will come. He reported that the number one answer was Target and the next were high-end and sit-down restaurants.

Administrator Fitzgerald reported that the open-ended question about what new programs the City should offer elicited responses from adding employees in City Parks to assist in activities, to a new recreation center, to mandatory recycling, to offering classes that could be used as a couples' date night, and free recycling. Programs to eliminate elicited responses such as the PCA charge, the activity held last weekend (family or heritage days), over patrolling and monitoring by animal control, traffic ticketing to generate income, the art gallery and the

swimming pool, welfare, and anything to do with art. He added that the majority of responses in this category were blank, and 18-percent responded with nothing or none.

Administrator Fitzgerald then displayed a more complete chart on the rating of City services. New rating asked for this year includes the splash pad, and the art gallery (missed in previous years. He noted that the ratings are listed for each survey since 2007, along with the change between the 2011 survey and the 2013 survey. He noted that the library has jumped to #1, passing the golf course. He reported that 0.1 percent of change requires 1,000 families to move one category (1 – extremely poor, 2 – very poor, 3 – poor, 4 – just average, 5 – good, 6 – very good, and 7 – extremely good). He noted that most all of the services went up, so citizens are feeling highly of City services. Some did have downward trends, and some were bouncing around, but overall the ratings are up past the good level. Only one rating was below average and that was the pool. Councilmember Packard commented that he was impressed with the new programming at the pool, but it will take time for people to participate and know what is happening there. Councilmember Jolley commented that it is interested to note that services that were declining in the ratings have now rebounded back to where they were four-years-ago. He commented that it would be nice to know if citizens feel the services have changed significantly for the better or if the service has become more visible.

Administrator Fitzgerald displayed a slide that extrapolates the survey results from the number of respondents to the full City population of 30,000. He commented that this gives an idea of what it takes to get a “very good.” He noted that the extrapolation finds that about 500 people marked the library as “poor,” “very poor,” or “extremely poor.” All the rest rated the library as above average. He noted that ratings for all services and compared there two categories to the pool. Councilmember Jolley asked if the rating was for customer service, or just service in general. Administrator Fitzgerald replied that the rating is for service in general, but there is a big delineation in opinions. He reported that, extrapolating to the full City population, almost 14,000 people are rating the pool as poor minus, but when you examine the detail, most do not use the pool. They are relying on old perceptions and hearsay. He suggested that this is also why the golf course is high. When he examines the respondents that actually use the golf course, the opinions are higher. Pool users are rating the pool as either extremely good or extremely bad, so there are strong opinions, but users are coming back with the same percentages of opinions as non-users.

Administrator Fitzgerald commented that when he examines safety by neighborhoods to see who feels unsafe, he found that the South Central neighborhood is felt to be the least safe, and the Foothills neighborhood is felt to be the safest. He handed out a map showing the boundaries of each neighborhood. He also found that when he drilled into the South Central neighborhood, there was still a high number that feel safe, but 15-percent did not feel safe. He is planning to correlate the data to GIS to see how accurate the respondents marked their house. He directed attention to the streetlights by neighborhood. He pointed out that less than half of the respondents in the Wal-Mart area feel they have good street lighting. Others are near 70-percent on whether they feel they have good street lighting. Directors can focus on upgrading street lighting in the areas where the opinion is low. The highest opinions are held in neighborhoods where the old street lighting has already been replaced with LED lights.

2 Administrator Fitzgerald reported that the neighborhood near Wal-Mart also does feel
they have access to parks. Apparently, they are not satisfied with the green space provided by
4 their homeowners' association. The Hunter Valley neighborhood has a high opinion about their
access to parks. Overall, citizens feel they have good access to parks in Springville.

6 Administrator Fitzgerald then presented some "fun stuff." He asked the age of the oldest
respondent. The answer was 96 years old. He asked if there was a guess on the percent of
8 respondents making over \$150,000 a year. The answer was 4.4-percent. He asked if the Council
could guess what the top answer was to a question about making Springville better. He reported
10 that 10.1-percent of respondents reported that the top one thing that would make Springville
better is a Recreation Center. The second answer at 7.8-percent was roads/curbs/sidewalks, and
12 the third answer at 6.4-percent was retail businesses. He asked if the Council could guess the
percentage that held social media accounts. He reported that 70.3-percent of respondents held
14 social media accounts. He noted that the largest household that responded was 19. He added that,
when asked where their work was located, respondents indicated that the primary work location
16 for residents is Springville at 28.7-percent, Provo at 27.2-percent, Orem at 12.7-percent, North
Utah County at 8.4-percent, Spanish Fork at 8.2-percent, and another state at 0.9-percent.

18 Administrator Fitzgerald asked if there were any questions. He reported that the Council
will have the opportunity to review the types of questions asked, and the survey would be posted
20 on the City's website. He observed that the survey contains valuable information about how
citizens feel regarding their community. He added that the survey would be discussed in more
22 detail in the coming budget retreat in January.

24 Councilmember Jolley commented that a significant statement is found in the fact that
70-percent of this community is heading north to work. It says a lot about what he is seeing
26 happen regarding development. Administrator Fitzgerald reported that 2011 was the first time
Springville made the top of the list for employment location. Councilmember Jolley observed
that more are working remotely was well. Administrator Fitzgerald agreed that noted that 18.8-
28 percent are telecommuting.

30 **b) Discussion of the canal located in The Rivers Subdivision** – Jeff Anderson, City
Engineer

32 Attorney Penrod noted that he had been asked by Engineer Anderson to present this
recent request by Springville Irrigation. He reminded the Council about the discussion regarding
34 keeping Ditch #1 open with a trail along it during the development of The Rivers Subdivision.
He displayed an aerial of Bartholomew Park and the adjoining Rivers Subdivision, and pointed
out the alignment of the canal and trail. He also showed how the trail would be continued along
36 Hobble Creek and back into the park in a circle.

38 Attorney Penrod reported that Springville Irrigation does not like keeping the canal open.
They have access to grant monies they want to use to pipe the canal through this area. Since this
subdivision was constructed and the agreement reached to keep the canal open, two canals in
40 other parts of the state have been breached. One was in Murray last April that caused significant
property damage; and, one in Logan in 2011 that cost lives and property damage. Attorney

2 Penrod reported that the Logan canal breach cost the irrigation company over \$1 million in
damages.

4 Attorney Penrod asked if the Council wants to allow the Irrigation Company to pipe the
canal. He suggested that the Council wait until fall and look at the issue in more detail before
6 making a final decision. He displayed pictures of the canal. It was noted that neighborhood
children play in the water. City crews have expressed concern about the trees along the canal
8 trail being destroyed by construction of the pipeline. The Irrigation Company feels the trees are
taking water. He reported that the Irrigation Company has asked the subject to be presented to
the Council, but he would recommend waiting a year.

10 Councilmember Child reported that the Irrigation Company has access to grant money
that the City cannot get. The grant must be used to address special types of water issues. The
12 Irrigation Company would like to cover the ditch because of liability issues. Attorney Penrod
agreed that breaches are a concern, but the examples were high on a hill and not the same as
14 here. He feels that the City does not have enough information to make a recommendation of
“yes” or “no.” He would like a chance to make an assessment of risk and address the issue next
16 year. Director Stapley reported that the breaches in Murray and Logan were major canals that
drained a long distance when they were breached. This ditch has only a short distance to drain
18 and the amount of water would be significantly less. Mayor Clyde commented that there would
still be damage.

20 Chief Finlayson reported that he walks this trail regularly. The walk under the trees next
to the water is cooler and pleasant. If the canal is piped, the trees will die. The walk is beautiful
22 now. He added that the path would most likely be removed if they pipe the canal, and he would
hate to see that happen. He pointed out that the canal is shallow and contains little water. He
24 asked if the Bartholomew Pond could be used to cut off the flow in the canal if there is a breach.
Director Stapley replied that this would have to be investigated. Chief Finlayson reported that the
26 breach in Logan occurred on a canal that had not been improved for years. He cannot see a
comparison to this canal. This canal is not affected by spring run-off, and can be controlled.
28 Director Stapley agreed that only a controlled amount is let into this canal. Chief Finlayson
suggested that the only effect of piping the canal would be the loss of the beauty of trees.

30 Mayor Clyde asked the Council if they felt the canal should be left open for the path and
trees. Councilmember Jolley replied yes. Attorney Penrod reminded the Council that the
32 neighborhood had sent representatives asking to keep the canal open and to put in a pathway
when the subdivision had been approved. Mayor Clyde asked if there were other opinions. There
34 was none.

36 **CLOSED SESSION**

38 5) *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*

40 COUNCILMEMBER JOLLEY MOVED TO TEMPORARILY ADJOURN THE
WORK/STUDY MEETING AND CONVENE IN A CLOSED SESSION AT 6:16 P.M. IN
42 ORDER TO APPROVE MINUTES OF PREVIOUS CLOSED SESSIONS.

COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS
2 FOLLOWS: COUNCILMEMBER JOLLEY – AYE; COUNCILMEMBER CHILD – AYE;
COUNCILMEMBER PACKARD – AYE; COUNCILMEMBER OLSEN – AYE; AND
4 COUNCILMEMBER CREER – AYE. THE MOTION CARRIED UNANIMOUSLY.

6 THE WORK/STUDY MEETING WAS RECONVENED AT 6:29 P.M. BY
CONSENSUS.

8 COUNCILMEMBER JOLLEY MOVED TO ADJOURN THE WORK/STUDY
MEETING AT 6:30 P.M. THE MOTION DIED FOR LACK OF A SECOND.

10 **6) MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

12 a) Art City Days – Councilmember Jolley

b) Utah County Council of Governments – Mayor Clyde

There were no reports.

14 c) **Review of accomplishments in City Council terms of Mark Packard and
16 Benjamin Jolley – Troy Fitzgerald, City Administrator (6:30 p.m.)**

18 The Council waited while the families of Councilmember Packard and Jolley assembled
in the Chambers. At 6:44 p.m., Administrator Fitzgerald reported that he had prepared a review
20 of the accomplishments achieved in the last eight-years. To start, he displayed a chart showing
the City’s sales tax history. He pointed out the dip in sales tax revenues that were a result of the
recession. He noted that this is the first year revenues from sales taxes were returning to the level
22 they reached before the recession in 2007-2008.

24 Administrator Fitzgerald reported that the recession created significant issues for the
City’s general fund. The City’s employees were forced to do more with less. The City was able
to keep the General Fund flat. He displayed a slide showing what a 3-percent growth would have
26 looked like. He reported that there could have been \$2 million more a year if standard growth
had held. He added that, in 2005, the City’s reserve funding in the General Fund stood at \$1.6
28 million. Now, in 2013, reserve funding stands at \$3.4 million. Reserve funding in the Water
Fund, the Sewer Fund, the Electric Fund, and the other “non-major” Funds have all increased.
30 The City is now holding \$20 million. However, he wanted to point out that the Council made
significant efforts to make sure the City was on sound financial ground, but not at the cost of
32 citizens. He reported that Springville’s power rates are now less than Rocky Mountain Power.
The City’s property tax rate, including the Library Bond, is below the Utah County average.
34 Springville’s residential water rates are below neighboring cities’ rates, and Springville bond
rating is UP to AA.

36 While the recession was at its deepest, Springville engaged in projects to make the City a
better place. The City constructed a new City Center, Splash Pad, started a Winter Recreation
38 Program, bought the Villa Theater, remodeled the Community Services Center, expanded Art
City Days, developed the Canyon Road Well, built a new Main Fire Station, rebuilt and
40 expanded 400 South, constructed a new Library and a new Electrical Operations Center, rebuilt
and improved 400 East, upgraded the Wastewater Treatment Facility, built a Fire Substation on
42 the east side, completed a new Sculpture Garden at the Museum, and remodeled the Carnegie

2 Building and the Senior Center. Other accomplishments include the purchase of new “911”
3 equipment; initiation of an anti-graffiti program and the “Tip-A-Cop” program; purchase of new
4 ambulances; a contract for dispatch services with Mapleton; and the purchase of a new fire
5 engine.

6 The City’s Public Works Department also started a new Storm Drain Utility, introduced a
7 tiered water rate, offered curbside recycling to residents, installed a traffic signal at 200 East and
8 400 South, purchased property for two future roundabouts, eliminated heavy truck parking on
9 portions of Main Street, constructed the 1500 West Sewer line and lift station, adopted
10 Engineering Standards and Specifications, purchased new garbage trucks, rebuilt Cutler Lane,
11 upgrade the Konold Spring, adopted a flexible parking restrictions policy to address commercial
12 parking in residential neighborhoods, constructed a chlorination station in the Canyon, and a new
13 24-inch water line along Canyon Road, adjusted the City’s Pressure Zones, and replaced the
14 sewer line in 600 East and the Water line in 400 South from the Canyon to I-15.

15 The City’s Power Department upgraded transformers, and purchased backup
16 transformers. They saved and created a reserve fund that started at \$1 million in 2007 and now
17 totals over \$10 million—all with no increases in power rates. They sold three EMD engines and
18 started a Net Metering Program that gives credits for solar and wind production by homeowners
19 in Springville.

20 The City’s Parks Department initiated a Street Tree Program, developed Clyde Park,
21 exchanged property for a new park at 400 South 1900 East (Cherrington Park), expanded Kelly’s
22 Grove, started the installation of a new fence at Evergreen Cemetery, initiated an online
23 reservation system for the park pavilions, and began construction on Community Park and
24 Bartholomew Park.

25 Finally, the City completed a Green Room at the Arts Park Stage, adopted design
26 standards for Plat A, worked on the rehabilitation of the runway at the airport, started the
27 Communities That Care Program, and hired a Volunteer Coordinator—and much more.

28 Administrator Fitzgerald observed that he could have spent more time talking about
29 project—these are just the highlights. He noted that he has worked for Springville for 15 and ½
30 years and he believes that these accomplishments dwarf happenings of former years. He
31 commented that Councilmembers Jolley and Packard attended meetings that kept them away
32 from their families in order to accomplish this extensive list of projects. He added that the City
33 needs to look back more often to see what has been accomplished. These Council members have
34 overseen dramatic changes in Springville. He thanked them for their service and for being
35 supporters of staff. There was applause. Mayor Clyde suggested that this meeting be adjourned
36 and the review continued to the formal meeting at 7:00 p.m.

37 **ADJOURNMENT**

38 COUNCILMEMBER JOLLEY MOVED TO ADJOURN THE WORK/STUDY
39 MEETING AT 6:55 P.M. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND
40 ALL VOTED AYE.



STAFF REPORT

DATE: January 3, 2014
TO: Honorable Mayor and City Council
FROM: Troy Fitzgerald, City Administrator
SUBJECT: LEASE WITH THE BOY SCOUTS OF AMERICA IN HOBBLE CREEK CANYON

BACKGROUND

The Boy Scouts of America (BSA) has operated a camp in the Hobble Creek Canyon for many decades. Some of the property associated with the Camp is owned by Springville City. BSA would like to make improvements to the property, but does not want to make improvements without knowing that they will have access to the property for a sufficient length of time to properly use the assets constructed.

The BSA would like at least a 40 year lease. Thus far, the City Council has been concerned about going beyond a 20 year lease without options for the City to cancel the lease arrangement.

DISCUSSION

The attached lease provides the BSA with access to and use of approximately 8 to 10 acres of Springville City Property in Hobble Creek Canyon. The property has historically been used as a scout camp. The lease was originally drafted by the BSA with changes made by City Staff.

As submitted here, the lease will commence immediately and last for a maximum of 40 years. Either party may cancel the lease is five year increments starting after 20 years. If the lease is cancelled after 20 years, the City agrees to pay the depreciated value of any improvements made during the lease. If cancelled at 25 years or later, any remaining improvements will simply become the property of the City.

The lease price begins at \$4,000 per year and increases according to the following schedule:

Years 6-10	\$4,500 per year
Years 11-15	\$5,000 per year
Years 16-20	\$6,000 per year

Years 21-25	\$7,000 per year, if lease is not cancelled
Years 26-30	\$8,000 per year, if lease is not cancelled
Years 31-35	\$9,000 per year, if lease is not cancelled
Years 36-40	\$10,000 per year, if lease is not cancelled

Most of the provisions of the lease were negotiated between the parties. There are two primary issues remaining. These are the length of the lease and whether to allow overflow parking around the Bartholomew Hydro Facility adjacent to Rotary Park. This provision is NOT in the current lease.

At our last meeting, the BSA suggested a rolling 20 year lease. Effectively, either party could cancel at any time and lease would terminate 20 years from the cancelation. This would allow the BSA to build new facilities and now they would always have 20 years to use the value of the facility. Obviously, if the Council were to entertain this option, other lease terms would need to be adjusted.

BSA would also like a 'buy out' (meaning the City would pay the BSA the value of existing improvements) provision in all versions of the lease.

This camp served around 15,000 youth during the summer of 2013.

ALTERNATIVES

Cancel the existing arrangement and take back City property.

Amend or alter any lease terms.

FISCAL IMPACT

Springville City will receive \$4,000 in additional annual revenue.

Troy K. Fitzgerald

Troy K. Fitzgerald
City Administrator

Attachments

cc:

LEASE AGREEMENT

This Lease made on the _____ day of _____, 20____, by and between

Springville city, a municipality of the State of Utah, with its principal office at 110 South Main Street, Springville, Utah, 84663 hereafter referred to as Lessor, and Utah National Parks Council, Boy Scouts of America, of 748 North 1340 West, Orem, Utah 84057 herein referred to as Lessee.

IN CONSIDERATION of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Lessor leases to Lessee and Lessee hires from Lessor, for the purpose of conducting thereon a scout camp and for no other purpose, the real property located in Utah County, State of Utah, more particularly described as follows:

Beginning at the Southeast corner (Corner No. 1) of Special Section 67 in Section 33, Township 7 South, Range 4 East, Salt Lake Base and Meridian; thence North 35° East 1983.96 feet East 376.2 feet, more or less, to the East line of the Northwest 1/4 of said Section 33, South 1679.0 feet more or less along the East line of said Northwest 1/4, to the Southeast corner of said Northwest 1/4, thence West 1465.2 feet, more or less, along the south line of said Northwest 1/4 to the point of beginning.

2. The term of this lease shall be from the date hereof until 12.00 midnight on December 31, 2054, unless sooner terminated under the terms hereof. The lease may be terminated on December 31 in the years 2034, 2039, 2045 or 2049 by either party giving written notice to the other of nonrenewal at least six months prior to the dates set forth in this paragraph. Lessee shall surrender the premises to Lessor immediately on termination of the lease as referenced in paragraph 7.

3. Lessor does not by this agreement grant any right of access to the premises across any other property owned by Lessor, except such access as Lessee may have through other property leased to Lessee by an agreement dated June 3, 1988.

4. The rental for the term of this lease shall be the sum of \$4,000, per annum Which shall be paid by Lessee to Lessor in advance on the date hereof. Each subsequent annual payment shall be paid in advance of the anniversary of the date of this lease. The rental rate shall increase as follows:

Years 6-10	\$4,500 per year
Years 11-15	\$5,000 per year
Years 16-20	\$6,000 per year
Years 21-25	\$7,000 per year, if lease is not cancelled
Years 26-30	\$8,000 per year, if lease is not cancelled
Years 31-35	\$9,000 per year, if lease is not cancelled

Years 36-40 \$10,000 per year, if lease is not cancelled

5. Lessee shall not use nor allow the use of the premises in any way which shall result in waste on the premises, a public or private nuisance which may disturb the reasonable enjoyment of other property in the vicinity or any improper, unlawful, or objectionable use. Lessee shall comply with all governmental regulations and statutes affecting the premises.

CONSTRUCTION OF IMPROVEMENTS

6. Lessee may at Lessee's sole expense prepare plans and specifications for new buildings to be erected on the premises and Lessee shall at Lessee's sole expense, commence, and shall thereafter diligently prosecute to completion the construction of the buildings in accordance with such plans and specifications.

Lessee shall have the right to make such alterations, improvements and changes to any building which may from time to time be on the premises as Lessee may deem necessary, or to replace any such building with a new one.

The requirement that Lessee shall perform such construction shall not extend authority to Lessee to obligate Lessor on or encumber fee title to the premises.

All improvements placed on the property must first be approved by the Lessor. Such approval shall not be unreasonably withheld. Lessor shall state the reasons for any such disapproval. Attached and made a part of this Lease is Exhibit "A" that describes the proposed improvements as of the date of execution of this Lease. Lessee shall determine the time frame for completing the proposed improvements. By signing this Lease, Lessor gives prior approval to all the proposed improvements on Exhibit "A". However Lessee is not hereby automatically obligated to make those improvements. If Lessee places any improvements on the property which are not approved by the Lessor, the Lessor will not be obligated to pay for the improvements under Paragraph 7.

DISPOSITION OF IMPROVEMENTS ON TERMINATION OR END OF LEASE TERM

7. On termination of this lease for cause prior to the end of the lease term, Lessor shall become the owner of any building or improvements on the demised premises. Lessee may remove any such improvements, alterations and fixtures made on or to the premises if it desires. Lessor may negotiate with the Lessee for compensation to be paid to Lessee for the improvements, alterations and fixtures that Lessor wishes to remain on the property. Lessor has no right to demand that any improvement, alteration or fixture be left on the property unless a mutual agreement for compensation is reached between the parties. Any improvements, alterations and fixtures left on the property by Lessee after giving notice to Lessor that Lessee has vacated the property, shall be deemed abandoned by Lessee and shall become the property of the Lessor.

If the lease Agreement is terminated by the Lessor in year 2034, Lessor agrees to pay the 30 year, straight line depreciated value of any improvements placed by Lessee after the commencement of the

lease. Upon payment of the appropriate value, these improvements shall become the sole property of the lessor.

8. Lessee shall arrange for and pay the cost of all utilities to the premises.

9. Lessee shall keep all of the premises and every part thereof and all buildings and other improvements at any time located thereon free and clear of any and all mechanics and materialmens liens and other liens for or arising out of or in connection with work or labor done, services performed, or materials or appliances furnished for or in connection with the operations of Lessee, any construction, alteration improvement or repairs which Lessee may make or permit or cause to be made on or about the premises, or any obligations of any kind incurred by Lessee. Lessee shall promptly and fully pay and discharge any and all claims on which any such lien may or could be based. Lessee shall indemnify Lessor and all of the premises and all improvements thereon against all such liens and claims.

10. Lessee shall provide public liability insurance in the amount of \$1,000,000 per person and \$3,000,000 per occurrence and \$500,000 property damage covering all accidents and injuries which may occur on the premises or in connection with Lessee's use thereof, such insurance shall name Lessor as an additional insured. Lessor reserves the right to increase these amounts by giving written notice to Lessee and granting Lessee six months to purchase insurance with higher limits. Any such increase shall be in accordance with changes in limits associated with the Utah Governmental Immunity Act.

11. Lessee waives all claim against Lessor for damages for goods or injuries to persons on or about the premises from any cause. Lessee will indemnify Lessor on account of any damage or Injuries arising from the use of the premises by Lessee, or arising from the failure to keep the premises in good condition.

12. Lessee shall not assign any rights or duties under this lease nor sublet the premises or any part thereof, nor allow any other person to occupy or use the premises without prior written consent of Lessor. A consent to one assignment, sublease, or occupation or use by any other person shall not be a consent to any subsequent assignment, sublease, or occupation or use by another person. Any assignment or subletting without consent of Lessor shall be void. This lease shall not be assignable, as to the interest of Lessee, by operation of law without the written consent of Lessor.

13. In case suit shall be brought for an unlawful detainer of the premises or for the recovery of any rent under the provisions of this lease, or for Lessee's breach of any other condition contained herein. Lessee shall pay to Lessor a reasonable attorney's fee which shall be fixed by the court and such attorney's fees shall be deemed to have accrued on the commencement of the action and shall be paid by successful completion of the action by Lessor. Lessee shall be entitled to attorney's fees in the same manner if judgment is rendered for Lessee.

14. This lease has been drawn and executed in the State of Utah All questions concerning the meaning and intention of any of its terms or its validity shall be determined according to the laws of the State of Utah.

15. Any notice which is required to be given hereunder shall be complete when deposited in the United States mail, postage prepaid, certified or registered mail, addressed to the party to whom it is directed at this address given above for that party or at such other address as a party may specify in a notice which complies with this paragraph.

In witness whereof, the parties have executed this agreement the date first above written.

SPRINGVILLE CITY

Attest:

City recorder

UTAH NATIONAL PARKS COUNCIL
BOY SCOUTS OF AMERICA

DRAFT

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



**AGENDA FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JANUARY 7, 2014 – 7:00 P.M.**

THIS MEETING IS CANCELLED FOR LACK OF AGENDA ITEMS

**THE NEXT CITY SCHEDULED CITY COUNCIL MEETING IS
JANUARY 21, 2013 AT 7:00 P.M.
IN THE CIVIC CENTER COUNCIL CHAMBERS,
110 SOUTH MAIN STREET, SPRINGVILLE**

This meeting was noticed in compliance with Utah Code 52-4-202 on January 2, 2014. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

- Venla Gubler, City Recorder

The next regular Council Meeting will be held on January 21, 2014 at 7:00 p.m. in the Civic Center Council Chambers, 110 South Main Street, Springville, unless otherwise noticed. In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

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