

**5:30 P.M. - WORK MEETING - MULTI-PURPOSE ROOM**

**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.*

No decisions will be made at this meeting. The public is invited to observe the work session. Public comment is generally not taken during work sessions.

**CALL TO ORDER**

**COUNCIL BUSINESS**

**1. Calendar**

- May 20 - Al Curtis Day at Memorial Park - All Day
- May 29 - Memorial Day Observed (City Offices will be closed-Monday)
- Jun 01-07 - Municipal Candidate Filing Period
- Jun 06 - Work Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

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

- a) Invocation - Councilmember Crandall
- b) Pledge of Allegiance - Councilmember Snelson
- c) Consent Agenda
  - 5. Approval of the minutes for the April 24, 2023 Budget Meeting and the May 02, 2023 Work Study and Regular meetings.
  - 6. Approval of a Resolution approving the Utah County Municipal Recreation Grant - Stacey Child, Parks and Recreation Director
  - 7. Approval of the Firework Restrictions and Map for the wildland interface areas of Springville - Henry Clinton, Fire Chief
  - 8. Approval of a Resolution authorizing the volunteers for Art City Days festivities - Stacey Child, Parks, and Recreation Director

**3. DISCUSSIONS/PRESENTATIONS**

- a) Power project finance options - Shawn Black, Power Director
- b) Update on the status of current Planning Projects and Developments - Josh Yost, Community Development Director
- c) Discussion on Truth in Taxation process - Bruce Riddle, Assistant City Administrator/Finance Director
- d) Art City Days preparations - John Penrod, Assistant City Administrator/City Attorney

**MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

**ADJOURNMENT**

**CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION**

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

7:00 P.M. REGULAR MEETING - CITY COUNCIL ROOM

CALL TO ORDER

INVOCATION

PLEDGE

APPROVAL OF THE MEETING'S AGENDA

MAYOR'S COMMENTS

CEREMONIAL

1. Presentation of the Mayor's Awards - Cassandra Southam, Prevention Coordinator/Youth Court Director
2. Recognize CERT Graduates
3. Presentation by Art City Days Rodeo Royalty
4. Presentation and approval of a Resolution recognizing Constitutional Week

**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 previously discussed or 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.

5. Approval of the minutes for the April 24, 2023 Budget Meeting and the May 02, 2023 Work Study and Regular meetings.
6. Approval of a Resolution approving the Utah County Municipal Recreation Grant - Stacey Child, Parks and Recreation Director
7. Approval of the Firework Restrictions and Map for the wildland interface areas of Springville - Henry Clinton, Fire Chief
8. Approval of a Resolution authorizing the volunteers for Art City Days festivities - Stacey Child, Parks, and Recreation Director

REGULAR AGENDA

8. Consideration of a Resolution for the purpose of a Quit Claim Deed selling 0.12 acres of property adjacent to Bartholomew Park to Nathanael and Kristi Lee Bartholomew - John Penrod, Assistant City Administrator/City Attorney
9. Consideration of a Resolution to approve an agreement to defer utilities with D.R. Sumsion LLC at 2120 South State Street, Springville - John Penrod, Assistant City Administrator/City Attorney



10. Consideration of an extension to the Hobble Creek Industrial commercial development improvement bond - Chris Wilson, City Engineer
11. Consideration of a Resolution and agreement with Wheeler Machinery for the purchase of three Caterpillar 3520H Generators - Shawn Black, Power Director

## **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

## **ADJOURNMENT**

## **CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION**

The Springville City Council may adjourn the regular meeting and convene into a closed session as provided by UCA 52-4-205.

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CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE - POSTED 05/12/2023

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



MINUTES OF THE BUDGET WORK MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON MONDAY, APRIL 24, 2023, AT 4:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

Presiding and Conducting: Mayor Matt Packard  
Elected Officials in Attendance: Liz Crandall  
Craig Jensen  
Jason Miller  
Mike Snelson  
Chris Sorensen

**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, Community Development Director Josh Yost, Public Works Director Brad Stapley, Assistant Public Works Director/Engineering Jeff Anderson, Assistant Public Works Director Jake Nostrom, Golf Pro Craig Norman, Public Safety Director/Police Chief Lance Haight, Fire Chief Hank Clinton, Library Director Dan Mickelson, Power Director Shawn Black, Administration Director Patrick Monney, Parks and Recreation Director Stacey Child, Parks and Recreation Assistant Director Tyler Wilkins, and Museum of Art Director Emily Larsen.

#### CALL TO ORDER

Mayor Packard welcomed everyone at 4:06 p.m.

#### WELCOME AND INTRODUCTION - TROY FITZGERLAD, CITY ADMINISTRATOR

Troy greeted everyone and informed them that the upcoming week could have the highest runoff water of the year, with an expected rate of around 500 cfs (cubic feet per second).

Mayor Packard then addressed the council and requested that Brad from Public Works contact Utah County to ensure that the debris basin is cleared in order to avoid any large water releases at once.

#### SHIFTING METHODOLOGY - A NEW BUDGET APPROACH - TROY FITZGERALD, CITY ADMINISTRATOR

Troy presented on how the city budget has evolved over the past 25 years, with changes in service levels due to growth and inflation. He noted that the current budget year had a new methodology, which included adaptive challenges. Directors were given base budget allocations to create new service levels and revenues, with guidance from Administration and Finance to balance the budget. Directors found the process challenging but responded positively, taking more ownership and engaging more with their departments. Troy and Bruce reported on the benefits of this new budget approach, including more director control and understanding of their budgets, as well as scalability as the city grows. However, a potential negative is the risk of accountability issues with more choices being made by directors.

Councilmember Snelson expressed his approval of the new budget approach, stating that it should have been implemented earlier.

Mayor Packard commented on the importance of trusting the directors to make the new approach work and commended them for their hard work.

Councilmember Crandall likened the new process to a grassroots movement, highlighting that the departments are accountable for their spending and know what they need.

## **AN OVERVIEW OF THE GENERAL FUND - BRUCE RIDDLE, ASSISTANT CITY ADMINISTRATOR/FINANCE DIRECTOR**

Bruce provided an overview of the general fund, stating that the Fire Department is now fully funded with an increase of up to \$1 million, and is operating at full service. Additionally, Bruce noted that insurance benefits have increased this year.

Bruce presented on General Fund revenues, noting that taxes accounted for less than half at 48%. Councilmember Crandall inquired about the proposed property tax increase and noted that Springville had not increased the mil levy for property tax or truth and taxation for approximately 25 years, with growth helping to offset the need for increases. Councilmember Jensen expressed his desire to avoid a property tax increase, citing the emotional nature of the process.

Bruce provided further information on the General Fund revenues. He reported that there would be a 6.9% increase in property tax rates and that energy use reflects higher utility costs. Sales tax reflects growth but may decrease depending on economics, and there will be no more ARAPA funds from the government.

Bruce also presented on the General Fund expenditures, which included full-time fire and EMS coverage, as well as personnel changes. Additionally, a large portion of the capital improvements are related to streets, specifically 1200 West, and most of these improvements are MAG Funded.

Bruce provided information on several projects, including a civic center gazebo, bike park, Memorial Park, mini-grants, and general fund operations, with a total cost of \$485k. Councilmember Crandall questioned the expense of the gazebo for the city park, and Stacey explained that it is a large gazebo meant for hosting performances and events.

Councilmember Jensen asked about the location of interest earnings in the budget. Bruce responded that there is a line item in the budget for interest earnings. Additionally, Councilmember Miller inquired about whether transfers can be handicapped. Bruce noted that each city is different, and some depend on whether they have a power facility. He also emphasized that transparency requires notifying citizens.

## **REVISITING OUR RESERVES - BRUCE RIDDLE, ASSISTANT CITY ADMINISTRATOR/FINANCE DIRECTOR**

Bruce gave an update on property acquisition funding. He explained that there was a problem during the current year, as \$6 million was spent on land at 1600 S, using the Capital Improvement Fund and creating a shortfall. The funds will need to be moved and brought to the council for approval.

Mayor Packard asked for more information on reserves and Troy agreed to add it to a work session in the future.

**BREAK            TIME OUT: 5:19 p.m.            TIME BACK: 5:32 p.m.**

## **A REVENUE REVIEW OF THE GENERAL FUND - TROY FITZGERALD, CITY ADMINISTRATOR**

Troy reviewed tax revenues and explained that some have limited use. He stated that approximately \$18 million will be spent in the general fund, with operating transfers based on employees. Additionally, there are about \$21 million in taxes and administrative transfers to spend this year.

Troy provided an analysis to the council based on the information discussed. He covered various topics, including the percentage of spending, tax cost per family, and the question of why families are charged for cemeteries and some other services. Troy explained that revenue recovery for cemeteries is upwards of 90%. Additionally, there were discussions about having a justice court if it is not required and

the expense that comes with it. Troy mentioned that he will likely bring back more information to the council on this topic.

Troy also discussed street fees, which were previously litigated with another city and are now legal, with more cities charging them. He asked the council if they were interested in this topic and would like more information.

Troy reviewed the debt service, and Councilmember Sorensen asked if any current bonds were up for refinance. Troy explained that they keep an eye on it and work with a bond financial advisor. Troy went on to review revenues, expenses, and tax burden by each department.

Troy clarified that Stacey did an analysis this year for municipal canyon parks and cemeteries, but he did not provide any information on the status of looking at old abandoned cemetery lots in response to Councilmember Sorensen's question and would look into bringing more information back to the council.

Troy brought up the possibility of switching to a regional dispatch system. However, the council came to a consensus that they would like to keep the current dispatch system in place since the dispatchers know the area and the officers well.

Councilmember Sorensen suggested looking into getting credit for cell phone fees for Springville. Troy asked if the council would like to consider implementing a streets fee instead of a property tax, to which the mayor suggested having a work session to discuss further. Councilmember Jensen expressed a preference for a streets fee over a property tax. Troy mentioned the fee/rate recovery policy and process and asked if the council would like to review and provide better direction. The council expressed a desire for more discussion. Troy also brought up the CRC and expressed a desire for further discussion later in the meeting.

## **WAGES AND BENEFITS - PATRICK MONNEY, DIRECTOR OF ADMINISTRATIVE SERVICES**

Patrick presented a report on compensation increases over the past 24 months, with Springville receiving 23% in compensation increases and an additional 9.5% for police. For FY2023, he proposed a 3.5% to 4% increase. Other communities are also proposing increases, but it's not yet clear what has been approved. There was a discussion about reviewing compensation annually for each position, and some cities do reviews and increases later after the budget is passed. Councilmember Sorensen asked if attrition helps with the budget, and there was talk about an early retirement incentive. Councilmember Miller mentioned that the employment market will be changing over the next six months, which could lead to more applicants.

Patrick also reported on health insurance, with costs increasing by 22% this year. They went out to bid for health insurance and ultimately went with PEHP for a proposal. Troy mentioned that the staff is open to discussing benefits with the council, and Councilmember Miller suggested that employees pay a percentage of the insurance cost. Troy explained that they have been balancing the benefits over time and have been tracking the annual cost of family insurance, and they need to see the differential between the employer and employee.

## **A CLOSE LOOK AT UTILITY RATES - SHAWN BLACK, POWER DIRECTOR, AND BRAD STAPLEY, PUBLIC**

Brad presented four items the budget is based on including the organizational structure of Public Works, funding of training and education, and developing deep maintenance routines. He reviewed the trends in solid waste and recycling and the expenses associated with truck parts and tipping fees. The recommendation is a 6.8% increase in solid waste and 8.8% in recycling, and Mayor Packard suggested doing some cost analysis. The budget also includes a 20-year plan cash flow analysis and comparisons of water, sewer, and stormwater rates with other cities.

Shawn reported on monthly market wholesale costs and proposed rate increases in September to let the fuel adder fee drop off. He also discussed the challenges for the FY2024 budget and suggested adding information to quarterly reports regarding marketplace rates for council review.

#### **AN OVERVIEW OF THE ENTERPRISE FUNDS - TROY FITZGERALD, CITY ADMINISTRATOR**

Troy provided a report on rate comparisons for average homeowners compared to other cities. He also discussed the power adjustment and how it will impact smaller commercial businesses that are sensitive to rate increases. The proposed water/sewer/stormwater rates include base rate increases, and the Public Works Department is prioritizing a deep dive into underground operations. Stormwater fees were also discussed, as they do not currently cover drainage from the canyons, which would require a large pipe infrastructure. In terms of power, a capital project of 9.7 million dollars may not be enough, and the power purchase budget is up over 3 million dollars. Solid waste and recycling costs were also mentioned, and Councilmember Sorensen asked about the timeline for the completion of the solid waste building. In conclusion, golf revenues have been increasing, and deferred maintenance projects are starting to take place.

**BREAK OUT 7:44 p.m.      BACK 7:50 p.m.**

#### **PUBLIC WORKS FACILITY OVERVIEW - BRAD STAPLEY, PUBLIC WORKS DIRECTOR**

Brad proposed a new facility for Public Works because of the growth of the community and increasing customers, which are currently served by three different locations. They are looking for short-term office space rental and covered facilities. The city owns a property by the Whitehead, and they would like to purchase adjoining property to build a new facility. Currently, they are using three bays at the power plant for equipment. Brad reviewed the costs, and there is \$500k for the purchase of the property. They plan to initiate planning and design, preliminary site work, with a budget of \$2.52 million in various divisions in the fiscal year 2023-2024. Water will stay at the 400 South compound, and Buildings and Grounds will be able to use the 400 South compound. There was a discussion about outsourcing garbage collection, but Brad said it would be at the whim of the market and level of service. There needs to be more discussion with the council about whether everything could be combined and the 400 South shop shut down.

#### **CLYDE RECREATION CENTER REVENUE OVERVIEW - STACEY CHILD, PARKS AND RECREATION DIRECTOR**

Stacey presented an update on the CRC's five-year anniversary celebration and discussed some of the challenges they faced over the last year, including the unexpected wage increase for lifeguards. She shared that the membership grew and daily attendance is trending up, but last year's operating budget was in the red, and the goal is to reduce the gap and end the next budget year in the black. Councilmember Sorensen asked to see the cost of the bond and noted that it has lowered over time. Stacey proposed a 7% increase in membership fees, including swimming lessons, seals team, and water polo, as well as adding paying events and providing programs during off-peak hours and fitness events. Councilmember Miller asked about the limits on memberships or the number of people allowed inside the building at once, and Troy noted that they are looking at ways to handle numbers, such as limiting the number of people inside at one time and having them line up outside. Councilmember Sorensen suggested starting to look at a plan to expand for the future, including design and budget, and Troy noted that there is a concept that fits the original space.

## QUESTIONS AND CLOSING THOUGHTS - TROY FITZGERALD, CITY ADMINISTRATOR

During the city council meeting, there was a discussion about credit card fees. Councilmember Jensen asked about charging for credit card fees and Troy explained that many fees are tax inclusive. Bruce clarified that credit card fees are allocated out to departments and are part of the rate and fee that is recouped. Councilmember Sorensen inquired about the budget for Art City Days, stating that they saw it as less than \$10,000. Troy explained that there are several lines for different events. The council expressed its approval of the new budget approach.

## ADJOURNMENT

**Motion:** Councilmember Jensen moved to adjourn the meeting at 8:37 p.m. **Councilmember Crandall seconded** the motion. **Voting Yes:** Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion **Passed Unanimously; 5-0**

## 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.

*This document constitutes the official minutes for the Springville City Council Budget Planning meeting held on Monday, April 24, 2023. 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, accurate, and complete record of this meeting held on Monday, April 24, 2022*

DATE APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Kim Crane  
City Recorder



**MINUTES**  
**Springville City Council Work/Study Meeting - MAY 02, 2023**

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MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, MAY 02, 2023 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:** Liz Crandall  
Craig Jensen  
Jason Miller  
Mike Snelson  
Chris Sorensen

**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, Administrative Services Director Patrick Monney, Community Development Director Josh Yost, Library Director Dan Mickelson, Museum of Art Director Emily Larsen, Parks and Recreation Director Stacey Child, and Fire Chief Hank Clinton.

**CALL TO ORDER** - Mayor Packard welcomed everyone and called the Work/Study meeting to order at 5:35 p.m.

**COUNCIL BUSINESS**

1. Calendar

- May 09 - Work Study Meeting 5:30 p.m.
- May 16 - Work Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- May 29 - Memorial Day Observed (City Offices will be closed-Monday)

Mayor Packard asked to add the following to the calendar. May 20 - Alan Curtis Day 9:00 - 11:30 a.m., May 13 - Bike with the Mayor, and May 13 - Art Ball

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

- a) Invocation - Councilmember Miller
- b) Pledge of Allegiance - Councilmember Crandall
- c) Consent Agenda
  2. Approval of the minutes for the Work Meeting held on April 11, 2023, and the Work Meeting and Regular Meeting held on April 18, 2023
  3. Approval of a Resolution and Interlocal Agreement with Utah County for Everbridge Mass Notification Services - John Penrod, Assistant City Administrator/City Attorney

Mayor Packard asked if there was any discussion on the consent agenda. There was none.

### 3. DISCUSSIONS/PRESENTATIONS

#### a) 2023 Legislative Update - David Stewart

Dave Stewart discussed railroad issues which are key to the City and explained that Union Pacific has been a focus of the legislature. Bills related to the issue were delayed for a year, and Senator McKell will continue to push. The city also discussed a bill for an incentive of secondary meters, with each city capped at \$2 million, and should be available by July 1. They also discussed the Transit bill, which the county can impose, and the city will need to pass a resolution if they approve. Dave also mentioned that Speaker Brad Wilson is running an exploratory committee to run for senate for Mitt Romney's seat, and the state has a cushion going into next year.

Mayor Packard asked about the availability of active transportation funding, and Dave explained that there is no statewide plan, but prioritization and coordination with MAG will be beneficial. Councilmember Snelson also raised concerns about gaps in the city's trail system and the need for funding to complete them. Dave offered his help with grants the city may be interested in. The Mayor thanked Dave for his assistance with the city.

#### b) Discussion of City Reserves - Bruce Riddle, Assistant City Administrator/Finance Director

Bruce provided an update on the reserve levels of the city during the council meeting. He shared information on the fund balances and unassigned funds, indicating that most revenues were coming in as expected. According to state law, operating reserves must be at least 5% but not more than 30%. Enterprise funds, which include power, water, sewer, stormwater, solid waste, golf, and internal service, do not have a mandated balance but cannot be at zero. The city maintains a policy of a reserve target of 30%, which can be used for natural hazards, and equipment failures, and affects the city's credit rating. Bruce referred to it as a rainy-day fund. He also mentioned that there were no excess reserves in the capital fund.

#### c) Discussion of Power Project Finance Options - Bruce Riddle, Assistant City Administrator/Finance Director

Bruce updated the council on the city's reserve levels and reported that funds had been saved in the power capital fund to purchase two new engines due to concerns about the power supply during the summer. A third engine is also being considered for purchase. The reserves are set aside due to market volatility, and some of the funds have been requested by the council to avoid utility increases. However, the manufacturer's cost for the two new engines is approximately \$2.5 million more than budgeted, and paying cash will deplete the reserves. The council discussed options for financing and paying for the engines, considering market projections and ROI. They ultimately reached a consensus to purchase three engines and requested more market research and rate information from Bruce before making a final decision on financing.

### MAYOR PACKARD, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Packard asked if there was any further discussion. There was none.

### ADJOURNMENT CLOSED SESSION IF NEEDED - TO BE ANNOUNCED IN MOTION

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

There was none.

88 **ADJOURN**

90 **Motion: Councilmember Snelson moved to adjourn the meeting at 6:49 p.m. Councilmember Jensen**  
92 **seconded the motion. Voting Yes:** Councilmember Crandall, Councilmember Jensen, Councilmember  
Miller, Councilmember Snelson, and Councilmember Sorensen. The motion **Passed Unanimously; 5-0**

94 *This document constitutes the official minutes for the Springville City Council Work/Study Meeting held on Tuesday, May 02, 2023.*  
96 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County,*  
98 *State of Utah. I do hereby certify that the foregoing minutes represent a true, accurate, and complete record of this meeting held on Tuesday,*  
*May 02, 2023.*

100 DATE APPROVED: \_\_\_\_\_

102 \_\_\_\_\_  
104 Kim Crane  
City Recorder

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY,  
MAY 02, 2023, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE,  
UTAH.

**Presiding and Conducting:** Mayor Matt Packard

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

**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, Administrative Services Director Patrick Monney, Community Development Director Josh Yost, Library Director Dan Mickelson, Museum of Art Director Emily Larsen, Parks and Recreation Director Stacey Child, Public Works Director Brad Stapley, and Fire Chief Hank Clinton.

#### CALL TO ORDER

Mayor Packard called the meeting to order at 7:02 p.m.

#### INVOCATION AND PLEDGE

Councilmember Miller offered the invocation, and Councilmember Crandall led the Pledge of Allegiance.

#### APPROVAL OF THE MEETING'S AGENDA

**Motion:** Councilmember Jensen moved to approve the agenda as written. **Councilmember Snelson seconded** the motion. **Voting Yes:** Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion **Passed unanimously 5-0**

#### MAYORS COMMENTS

Mayor Packard welcomed the Council, staff, and those in attendance.

#### CEREMONIAL AGENDA

1. **Presentation of the Mayor's Awards - Cassandra Southam, Prevention Coordinator/Youth Court Director**  
Postponed until May 16, 2023

## PUBLIC COMMENT

Mayor Packard introduced the Public Comment section of the agenda. He asked if there were any written requests to speak submitted.

Mr. Swapp raised concerns about trees dying from lack of water and falling in recent wind storms. John explained an email was sent and the parks crew will be coming to remove the trees. They have been busy with flooding.

Spencer Headlee and Ava Wood presented about the youth city council and Constitution Week Live, which encourages reading of the constitution in schools. The council discussed ways to support their efforts, and Mayor Packard requested it be added to the agenda for May 16, 2023.

## CONSENT AGENDA

2. Approval of the minutes for the Work Meeting held on April 11, 2023, and the Work Meeting and Regular Meeting held on April 18, 2023

3. Approval of a Resolution and Interlocal Agreement with Utah County for Everbridge Mass Notification Services - John Penrod, Assistant City Administrator/City Attorney

**Motion: Councilmember Snelson moved to approve the consent agenda as written. Councilmember Sorensen seconded the motion. Voting Yes: Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion Passed unanimously 5-0. Resolution #2023-12 Approved**

## REGULAR AGENDA

4. Consideration of an Ordinance amending Springville City Code 11-6-133 Residential Short-Term Rental (STR) to establish requirements for sleeping rooms to meet current building code requirements for egress and smoke and carbon monoxide alarms - Carla Wiese, Planner II/Economic Development

Planner Carla Wiese reported city code permits a homeowner to use part of the home as a short-term rental (STR) for less than 30 days. STR's located in older homes are of a concern as these older homes may not meet the current building code requirements and as such life and safety issues are not adequately addressed as they are in newer homes. The amendment ensures that safety requirements, such as egress and smoke and carbon monoxide detectors, are present in homes that are being used as an STR.

Carla reported to the council that the city building official has notified that there is no way to determine if an older home meets the current building standards. Councilmember Snelson asked if older homes without egress would be eligible for an STR license, to which Carla replied that they would not be eligible until the issue is addressed. Councilmember Crandall inquired whether the request for licensure could create liability for the city, and Carla responded that it is primarily for safety reasons and she is unsure if there is a liability.

**Motion: Councilmember Jensen moved to approve Ordinance #07-2023 to amend Springville City Code 11-6-133 Residential Short-Term Residence to require each sleeping room, and the residence in which it is situated, to comply with minimum standards of life safety. Councilmember Snelson seconded the motion. Roll Call Vote: Voting Yes: Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion Passed unanimously 5-0. Ordinance #07-2023 Approved**

5. **Consideration of an Ordinance amending Springville City Code 11-4-708 Building Height - Josh Yost, Community Development Director**

Director Yost reported the Main Street South Gateway Zone (MSSG) was adopted on September 1, 2020. Several revisions have been made to the zone since its original adoption. The first set was adopted on December 21, 2021, and the second on February 7, 2023. Planning and the regulatory structures that support it require continual refinement and iteration. The past amendments and those proposed in this amendment result in an improved ordinance.

Josh provided information on decreasing ground floor minimum floor-to-ceiling height specifically for townhomes. The amendment does not affect the overall maximum height of any building set by the Main Street South Gateway (MSSG) Zone. Planning Commission recommended the change, as the height limits make it difficult to construct buildings. Staff proposed amending the measurement within the building while maintaining the maximum parapet height of 53 feet.

**Motion: Councilmember Sorensen moved to approve Ordinance #08-2023 to amend Springville City Code 11-4-708 Main Street South Gateway Building Height. Councilmember Miller seconded the motion.**

**Roll Call Vote: Voting Yes: Voting Yes: Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion Passed unanimously 5-0. Ordinance #08-2023 Approved**

6. **Consideration of an Ordinance amending the Official Zone Map from the Community Commercial (CC) Zone to the Main Street South Gateway Zone (MSSG) for parcels generally located along Main Street from 400 South to 800 South; including the following parcels. 23:036:0010, 23:036:0053, 23:036:0059, 23:036:0061, 23:036:0062, 23:036:0063, 23:036:0064, 23:036:0091, 23:036:0092, 23:036:0105, 23:036:0107, 23:036:0109, 23:036:0110, 26:030:0009, 26:030:0035, 26:030:0039, 26:030:0043, 26:030:0045, 26:030:0082, 26:030:0083, 26:030:0086, 26:030:0089, 26:030:0090, 26:030:0091, 26:030:0091, 26:030:0101, 26:030:0102, 26:030:0104, 26:030:0105, 26:030:0112, 26:030:0113, 26:030:0115, 26:030:0117, 34:222:0204, 34:519:0001, 34:519:0002, 34:519:0003, 34:519:0004 - Josh Yost, Community Development Director**

Director Yost reported Springville Community Development has been working over the past year on a plan for downtown Main Street known as Reframing Downtown. The preliminary recommendations in the plan calls for downtown to become a vibrant cultural, commercial, and residential destination. After a public hearing, the Planning Commission recommended that the City Council adopt the proposed zone map amendment and accommodate the proposed development of a new facility for Art City Auto Body.

The City Council discussed this proposal in its April 18 2023 meeting. The Council expressed support for the proposed zone map amendment and for accommodating the proposed Art City Auto Body development if it complies with all provisions of the Main Street South Gateway Zone. The key element of the MSSG Zone regarding the proposed automobile repair facility does not comply with is the permitted use table. In order to accommodate the proposed development, staff proposes to amend the zone text to create an implementation period after the adoption of the zone map amendment during which the establishment of a new Automobile Repair - Minor uses will be permitted.

Mayor Packard allowed for public comment. Daniel with Art City Autobody expressed his appreciation to the council.

**Motion: Councilmember Jensen moved to approve Ordinance #09-2023 to amend the Official Zone Map from the Community Commercial (CC) Zone to the Main Street South Gateway Zone (MSSG) for parcels generally located along Main Street from 400 South to 800 South, including provisions permitting the**

development of Art City Auto Body's new facility on the vacant unaddressed parcels between 587 and 655 South Main Street. **Councilmember Miller seconded** the motion. **Roll Call Vote: Voting Yes: Voting Yes:** Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion **Passed unanimously 5-0. Ordinance #09-2023 Approved**

7. **Consideration of a Resolution regarding the Springville City tentative budget for Fiscal Year 2023/2024, and a request to schedule a Public Hearing date and time for formal adoption of the Final Budget - Bruce Riddle, Assistant City Administrator/Finance Director**

Director Riddle provided an update on the budget and mentioned that there have been no significant changes from the budget meeting. He also provided a budget at a glance, which showed the proposed property tax increase. He explained that the budget would be adopted in June, and there would be a hearing in August for truth and taxation.

Councilmember Miller mentioned that most of the personnel increase is related to public safety and Bruce provided some details on the additional personnel. Troy personnel is being funded out of the funds from city growth.

Councilmember Snelson clarified that the 6.9% increase is the city portion and not the entire tax bill. Troy added that the increase would be approximately \$16.70 per year on a \$400,000 home, which would be a 1% increase in the total tax bill.

Director Riddle also mentioned that there would be a reduction of three positions in the Building Department based on the forecasted workload. Transfers to the general fund would help offset costs, and a notice would be provided to the public. He also mentioned that enterprise rate increases would leave Springville with the lowest rates among surrounding cities even with the increase.

**Motion: Councilmember Snelson moved** to approve Resolution #2023-13 to adopt the City of Springville tentative budget for the fiscal year 2023-2024 and set a public hearing for adoption of the final budget on June 20, 2023, at 7:00 p.m. **Councilmember Miller seconded** the motion. **Roll Call Vote: Voting Yes: Voting Yes:** Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion **Passed unanimously 5-0. Resolution #2023-13 Approved**

## **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

Mayor Packard asked the council how they would like to respond to MAG regarding raising the sales tax, and staff will provide more information to the council. Councilmember Sorensen noted that it would affect the county and that what Springville receives is complicated. He said all council members except for Councilmember Crandall have toured the Salisbury property at Strap Tank and they will be applying for a liquor license. Councilmember Snelson mentioned that they are trying to create an entertainment venue, not just a bar. Troy suggested that this is something that can be brought to the council with more information.

John announced that another \$200,000 grant was received for Parks and Recreation, with help from Stacey Child and Carla Wiese.

Troy reported that the state hydrologist says Hobbie Creek peaks tonight and stays high again tomorrow. The city has multiple patrols from public works and public safety 24 hours. The golf course is seeing areas of increased flow, and the city received exceptional help from the community and city employees in filling and placing sandbags at the golf course. A lot is going on with banks experiencing some erosion, but the debris basin is functioning how it should. Once the flows slow, they will get in and have the grates cleaned. Councilmember Snelson commended the city employees for their hard work.

182 **CLOSED SESSION, AND ADJOURNMENT IF NEEDED - TO BE ANNOUNCED IN MOTION**

184 *The Springville City Council may adjourn the regular meeting and convene into a closed session as provided by UCA 52-4-205.*

There was none.

186 **ADJOURNMENT**

188 **Motion: Councilmember Crandall moved** to adjourn the regular meeting at 8:23 p.m. **Councilmember Snelson seconded** the motion. **Voting Yes:** Councilmember Crandall, Councilmember Jensen, Councilmember Miller, Councilmember Snelson, and Councilmember Sorensen. The motion **Passed unanimously 5-0**

198 *This document constitutes the official minutes for the Springville City Council Regular Meeting held on Tuesday, May 02, 2023.*  
200 *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, accurate, and complete record of this meeting held on Tuesday, May 02, 2023*

204 DATE APPROVED: \_\_\_\_\_

206 Kim Crane  
City Recorder



## STAFF REPORT

**DATE:** May 16, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Stacey Child, Parks and Recreation Director

**SUBJECT:** CONSIDERATION TO ACCEPT AND APPROVE STAFF RECOMMENDATION FOR THE USE OF THE 2023 UTAH COUNTY MUNICIPAL RECREATION GRANT IN THE AMOUNT OF \$16,199.35 AND AUTHORIZE STAFF TO SUBMIT THE APPLICATION AS PRESENTED.

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### **RECOMMENDED ACTION**

Approve a resolution to authorize Mayor Packard to sign the 2023 Utah County Municipal Recreation Grant application in the amount of \$16,199.35.

### **EXECUTIVE SUMMARY:**

Springville City has the opportunity to apply for the 2023 Utah County Municipal Recreation Grant. This grant is for the amount of \$16,199.35 and is due May 30, 2023. The Parks and Recreation staff is recommending to City Council that the grant funds be used to purchase new picnic tables, trash receptacles, and a bench for the Civic Center Park.

### **BACKGROUND**

Utah County is currently accepting grant applications from municipalities for recreation. In order to be eligible for funding, "a project must involve the development or construction of tourism, recreation, or cultural, and/or convention facilities. All projects must be for publicly owned or operated facilities." The available amount that Springville City is eligible for the year 2023 is \$16,199.35.

Staff recommends to the City Council that this year's grant funds be used to purchase new picnic tables, trash receptacles, and a bench for the Civic Center Park.

It is a goal of the Parks and Recreation Department to update and beautify our city parks. Current funds from the 2022-23 budget will be used to purchase new picnic tables and benches to place around the playground and splash pad at the Civic Center. Grant funds would be used to purchase an additional four picnic tables, five trash receptacles, and a bench to complete the project. The picnic tables would replace the current tables on the north east area of the park. This area, and especially the tables, are used by individuals and groups of all ages daily. They are heavily used during events like Art City Days, the Farmers Market, Art Festival, etc. These new pieces would be customized with the Springville logo and would enhance the beauty of the park.

### **DISCUSSION**

2023 grant allocations:

### ***CITY COUNCIL AGENDA***

|   |                                                 |              |
|---|-------------------------------------------------|--------------|
| 4 | 6 ' Picnic Tables with City Logo Insert         | \$ 4,805.00  |
| 5 | 44 gal classic flare receptacles with dome top. | \$ 10,592.50 |
| 1 | Springville Bench                               | \$ 702.50    |

**TOTAL: \$ 16,100.00**

**FISCAL IMPACT**

The total cost of these projects will not exceed the allotted \$16,199.35, in County Recreation Grant Funds.

**ATTACHMENTS**

1. 2023 Utah County Application
2. Photos of Tables and Benches



**RESOLUTION #2023--**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND THE CITY OF SPRINGVILLE, UTAH REGARDING THE ADMINISTRATION OF THE 2023 UTAH COUNTY MUNICIPAL RECREATION GRANT.**

**WHEREAS**, Utah County is appropriating TRCC Funding “restaurant tax” in the form of a Grant;

**WHEREAS**, the City has been awarded funds for projects of development or construction of facilities;

**WHEREAS**, it is the mutual benefit of both Utah County and Springville City to enter into an agreement providing for the parties’ joint efforts to administer the 2023 Municipal Utah County Recreation Grant, and;

**WHEREAS**, an Interlocal Cooperation Agreement, in the form attached hereto as **Exhibit A**, has been prepared to define the joint election administration and responsibilities.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Springville, Utah:

1. The Interlocal Cooperation Agreement attached hereto as **Exhibit A** is hereby approved.
2. The Mayor is hereby authorized to execute the Agreement substantially the form attached hereto as **Exhibit A**, with such minor changes and modifications as may be recommended by the City’s legal counsel.

This resolution shall take effect immediately, as allowed by law.

**PASSED AND APPROVED** this 16<sup>th</sup> day of May, 2023.

\_\_\_\_\_  
Matt Packard, Mayor

ATTEST:

\_\_\_\_\_  
Kim Crane, City Recorder

## EXHIBIT A

### 2023 Utah County Municipal Recreation Grant Application



## Utah County Commission

Amelia Powers Gardner  
Brandon Gordon  
Thomas V. Sakievich

Historic Courthouse  
51 S University Ave  
Provo, UT 84601

Phone: 801-851-8100  
Fax: 801-851-814  
www.utahcounty.gov

### 2023 Municipal Recreation Grant Application

**Application deadline is May 30, 2023 @ 5:00p.m.**

Municipality: Springville City

Name of Preparer/Contact Person: Stacey Child

Mailing Address: 443 South 200 East, Springville, Utah 84663

Phone: 801-489-2734 E-mail: schild@springville.org

#### Grant Amount Requested

(Please refer to this year's funding amount document for your entity's available funding)  
*Any unused funding will automatically be rolled forward into future years*

TOTAL: \$ \$16,199.35

Project Name: Springville City Civic Center Park Picnic Tables, Receptacles, and Bench

Project Location: Springville City Park

Project Type: (Please check all that apply.)

- ☒ Tourism Promotion      ☒ Tourism Facility      ☒ Cultural Facility  
☒ Recreational Facility      ☐ Convention Facility

**\*\*\*Please submit a detailed project description with application\*\*\***

Date Approved by Municipal Council: \_\_\_\_\_

\_\_\_\_\_  
Mayor or Administrator Signature

\_\_\_\_\_  
Date

#### FOR COMMISSION OFFICE USE ONLY

| Application Received by Commission Office | County Attorney Review | Commission Approval/ Agreement # | Agreement Sent to Municipality | Signed Agreement Received by Commission Office | Receipts Received by Commission Office | PO Sent to County Auditor | Funds Paid |
|-------------------------------------------|------------------------|----------------------------------|--------------------------------|------------------------------------------------|----------------------------------------|---------------------------|------------|
|                                           |                        |                                  |                                |                                                |                                        |                           |            |



## STAFF REPORT

**DATE:** May 11, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Fire Chief Henry Clinton  
Director of Public Safety Lance Haight

**SUBJECT:** FIREWORKS BAN IN PROHIBITED AREAS OF SPRINGVILLE AND  
RESTRICTIONS IN ALL OTHER AREAS

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**Recommended Motion:**

Approve the fireworks ban for the wildland interface and high-risk areas as detailed in this staff report and attached map. Also approve firework restrictions in all other areas of Springville.

**Executive Summary:**

Due to the extreme fire danger this year some areas of Springville City should be closed to all fireworks. This is the same boundary as last year. Limitations should be imposed in allowable areas.

**Focus of Action:**

All fireworks are to be banned in the following areas:

- The “North East Boundary” on the northeast foothill area of Springville. The fireworks ban is designed to prevent any fireworks being used within 1000 ft. of the US Forest/Springville City boundary near the foothills. The boundary is defined as follows:  
Starting at Main Street and 1400 North, east up through Millpond Dr.; east on 400 North to 800 East then south to 400 N and east to 800 E then south to 200 N then east to 180 N. then to the intersection of 1300 East and Center St. & 1300 E. Then east to 1470 E. then south to 400 S and East to 1800 E. then south to Canyon Rd. and west to Cove Dr.
- The area west of the railroad tracks at 400 West, starting on the North end of town and extending south to the “Devon Glen” development starting at 300 N



and 400 W (following the Creek to 950 West) then South to 550 N, west to 1500 W, south to Center St, east to 1200 W. south to 200 S, east to 950 W, south to 700 S, and back up to the Railroad Tracks near 400 W.

**Newly opened areas as of 2021 are:**

- The area East of Devon Glen to 1500 West
- Cimarron and Dalton streets between 2200 South and Stetson Dr.
- Evergreen Road between Eldorado and 400 East.
- Rodeo Drive, Winchester Dr. and the adjacent (Silverado Dr.) 300 East St.
- Bridger Drive between Rodeo Dr. & Winchester Dr.
- The residents on 350 East, & 400 East between 1600 South and 1875 South (North of the Evergreen Cemetery)

Reference the attached 2023 Firework Prohibition map for clarification.

Legal fireworks may be used in other areas of town from 11 am to 11 pm, between July 2. through July 5 and July 22 through July 25, except that on July 4 and July 24, the hours are 11 am to midnight.

**Background:**

The 2013 Utah State Legislature changed state law and now requires the City Council to prohibit fireworks in certain areas of our community. Utah Code 15A-5-202.5 (1)(c)(i) states, “the legislative body of a municipality within which the hazardous environmental conditions exist may prohibit only the ignition or use of the ignition source in mountainous, brush-covered, or forest-covered areas or the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose;”

History has proven that the fire threat to our community through the “wildland interface” is real, as demonstrated by wildland fires in our recent past.

**Discussion:**

Residents in prohibited areas are able to use city parks outside the prohibited area to set off fireworks.

**Alternatives:**

The City Council may choose to allow fireworks in all areas of Springville, at considerable risk of wildland fire.



**Fiscal Impact:**

There are no fiscal impacts resulting from the restriction of fireworks from designated areas of Springville, other than potential loss of sales tax revenue from the sales of fireworks.

A handwritten signature in blue ink that reads "Lance Haight".

**LANCE HAIGHT**

Chief of Police

lhaight@springville.org

801.491.5520

springville.org

The logo for the Springville Police Department features a stylized graphic of three curved lines in blue above the word "springville" in a lowercase, sans-serif font. Below "springville" is the word "POLICE" in a blue, uppercase, sans-serif font.





# **2023 FIREWORKS SALES AND DISCHARGE DATES**

## **Sales**

Class "C" fireworks can be sold the following dates:

June 24 – July 25

December 29 – December 31

2 days before & on Chinese New Year's Eve

## **Discharge**

Between the hours of 11am & 11pm except as noted:

July 2 – July 5

(July 4 hours extended to midnight)

July 22 – July 25

(July 24 hours extended to midnight)

December 31\*

(11am – 1am, January 1)

Chinese New Year's Eve (January 21 - January 22, 2023)

(11am – 1am the following day)

\*if New Year's Eve is on a Sunday and the county, municipality or metro township determines to celebrate New Year's Eve on the prior Saturday (December 30), then a person may discharge Class C common State approved explosives on that prior Saturday within the county, municipality, or metro township;

## 2023, Springville City Fireworks Restrictions

Utah fireworks laws allow the purchase of lawful fireworks from June 24 – July 25. Fireworks can only be discharged two days prior and one day after the holiday (July 4 and July 24). Due to the high level of fire danger, the Springville City Fire Chief is closing certain areas of Springville for the use of all fireworks from July 2<sup>nd</sup>. – July 25<sup>th</sup>. Fireworks are banned in certain areas of town.

All fireworks are prohibited in the following areas:

- The “North East Boundary” on the northeast foothill area of Springville. The fireworks ban is designed to prevent any fireworks being used within 1000 ft. of the US Forest/Springville City boundary near the foothills. The boundary is defined as follows:  
Starting at Main Street and 1400 North, east up through Millpond Dr.; east on 400 North to 800 East then south to 200 N then east to 1170 E then South to 180 N. and around to the intersection of 1300 East and Center St. east to 1470 E then south to 400 S and East to 1800 E. (Note: 1800 East turns into 1900 East) then south to Canyon Rd. and east to the end of Cove Dr. extending to the city boundary to the south.
- The “South West Boundary” follow the railroad tracks from the northern city boundary and 400 West. Continue south to the “Devon Glen” development starting at 300 N and 400 W (following the Creek to 950 West) continue west on 550 North, to 1500 West, south to Center St, east to 1200 W. south to 200 S, east to 950 W, south to 700 S, and back East to the railroad tracks near 400 W. North to 400 South. East to Main St. South on Main St. following Hwy. 89 South to the southern city boundary.

Legal fireworks may be used in other areas of town from 11 am to 11 pm, between July 2. and July 5 and July 22. and July 25, except that on July 4 and July 24, the hours are 11 am to midnight.

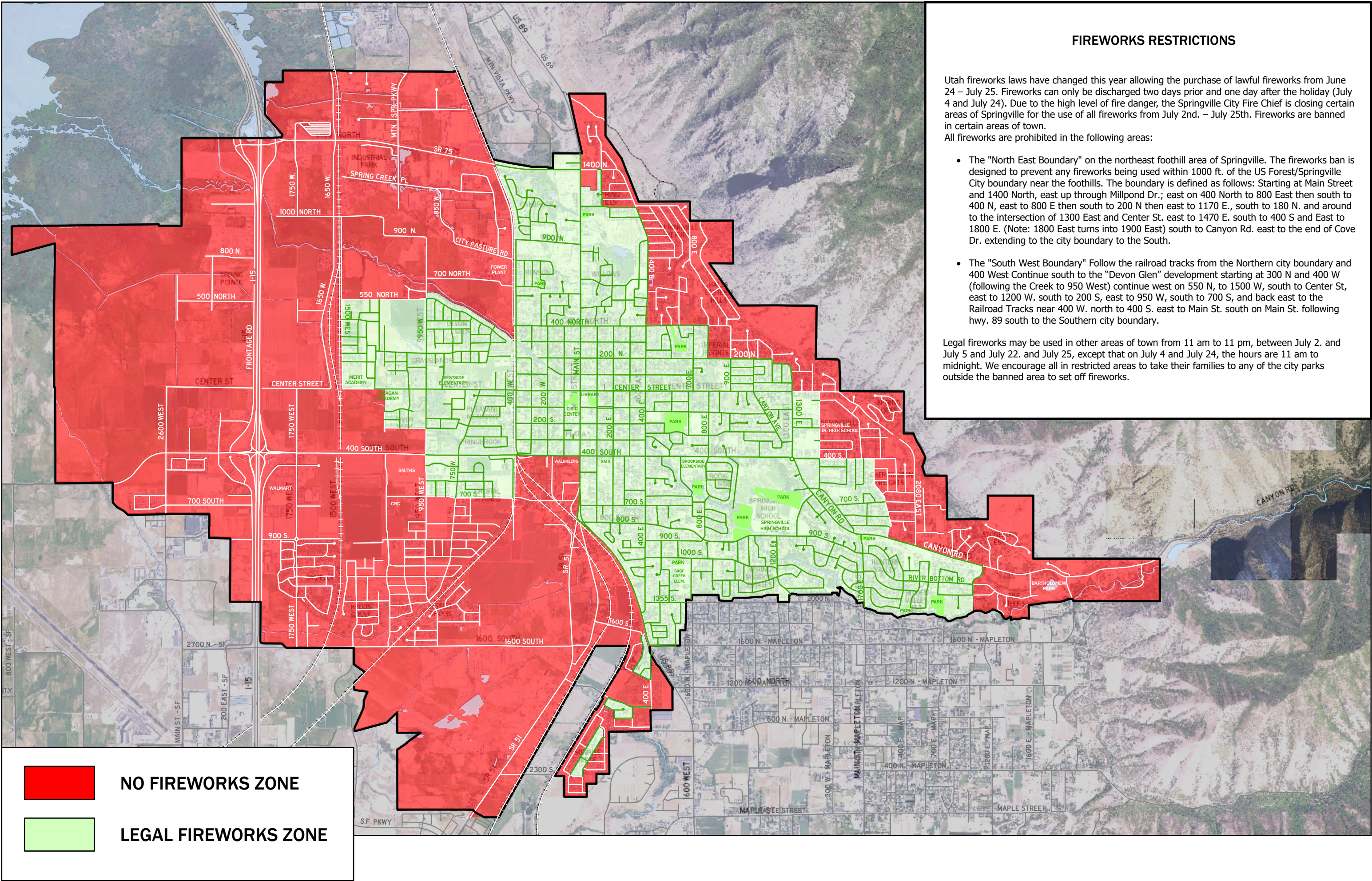
We encourage all in restricted areas to take their families to any of the city parks outside the banned area to set off fireworks.

FIREWORKS RESTRICTIONS

Utah fireworks laws have changed this year allowing the purchase of lawful fireworks from June 24 – July 25. Fireworks can only be discharged two days prior and one day after the holiday (July 4 and July 24). Due to the high level of fire danger, the Springville City Fire Chief is closing certain areas of Springville for the use of all fireworks from July 2nd. – July 25th. Fireworks are banned in certain areas of town.  
All fireworks are prohibited in the following areas:

- The "North East Boundary" on the northeast foothill area of Springville. The fireworks ban is designed to prevent any fireworks being used within 1000 ft. of the US Forest/Springville City boundary near the foothills. The boundary is defined as follows: Starting at Main Street and 1400 North, east up through Millpond Dr.; east on 400 North to 800 East then south to 400 N, east to 800 E then south to 200 N then east to 1170 E., south to 180 N. and around to the intersection of 1300 East and Center St. east to 1470 E. south to 400 S and East to 1800 E. (Note: 1800 East turns into 1900 East) south to Canyon Rd. east to the end of Cove Dr. extending to the city boundary to the South.
- The "South West Boundary" Follow the railroad tracks from the Northern city boundary and 400 West Continue south to the "Devon Glen" development starting at 300 N and 400 W (following the Creek to 950 West) continue west on 550 N, to 1500 W, south to Center St, east to 1200 W. south to 200 S, east to 950 W, south to 700 S, and back east to the Railroad Tracks near 400 W. north to 400 S. east to Main St. south on Main St. following hwy. 89 south to the Southern city boundary.

Legal fireworks may be used in other areas of town from 11 am to 11 pm, between July 2. and July 5 and July 22. and July 25, except that on July 4 and July 24, the hours are 11 am to midnight. We encourage all in restricted areas to take their families to any of the city parks outside the banned area to set off fireworks.





## STAFF REPORT

**DATE:** May 10, 2023  
**TO:** Honorable Mayor and City Council  
**FROM:** Stacey Child, Parks and Recreation Director  
**SUBJECT:** CONSIDERATION OF RESOLUTION APPROVING VOLUNTEERS FOR ART CITY DAYS.

---

### RECOMMENDED MOTIONS

Motion to approve Resolution No. \_\_\_\_ that approves Art City Days' volunteers.

### BACKGROUND

Springville City's residents are always eager to help volunteer their time to help make Springville a better place. Art City Days would not happen without numerous volunteer hours. The purpose of the attached resolution is to keep track of those people who volunteer their time and energy to help make Art City Days successful and to keep a list for who is authorized volunteers for insurance purposes.

### FISCAL IMPACT

None.

Attachments: Proposed Resolution

**RESOLUTION #2023-\_\_\_\_**

**A RESOLUTION APPROVING VOLUNTEERS FOR ART CITY DAYS.**

**WHEREAS**, numerous volunteer hours are donated to Springville City every year to make Art City Days successful; and

**WHEREAS**, the attached list are groups and individuals who are recognized as Springville City volunteers for Art City Days; and

**WHEREAS**, between now and Art City Days more people will need to be added to the list, and the best way to approve volunteers is to allow the Parks and Recreation Director to add groups and individual volunteers to the attached list.

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

**SECTION 1. Volunteers.** The attached list of group and individual volunteers are approved volunteers for Springville City's Art City Days festival. Any group or individual added to the list by the City's Recreation Director shall also be considered an approved volunteer.

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

**PASSED AND APPROVED** this 16<sup>th</sup> day of May 2023.

\_\_\_\_\_  
Matt Packard, Mayor

Attest:

\_\_\_\_\_  
Kim Crane, City Recorder

## Art City Days Volunteers

Christi Babbitt, ACD Photo & Magazine Mailer  
Craig Conover, AV, Publicity, Talent Booking  
Darshell Ariotti, Rec Staff Support  
David Ashton, Facilities  
Elsie Powley  
Hannah Silvey, Rec Staff, Events  
Heidi Monney, ACD Committee Chair  
Heidi Udall, Quilt Show, CRC Staff  
Heidi Prothero, Quilt Show  
Jeremy Leonard, Public Safety  
JoAnna Larsen, Public Safety  
Jodi Gooch, Grand Parade, Rec Staff Support  
John Averett, CelebrARTE  
Katie Clyde Perkes  
Kami Ashby, Hometown Rodeo  
Hobble Creek Riding Club - all are volunteers at Rodeo  
Kim Bingham, Youth City Council  
Emely Rodriguez, Youth City Council  
Clara Mohlman, Youth City Council  
Ellie Sines, Youth City Council  
Courtney Bingham, Youth City Council  
Lisa Willey, Parade & Library Info  
Marci Harris, Announcer & Regatta  
Michelle Wakefield, CRC Staff  
Mindi Wright  
Rachel Orme, Parade Announcer  
Ray Babbitt, ACD Photography (w/Christi)  
Shaun Orton, Vendor Booths  
Shelena Shamo, Balloon Fest  
Shirley Green, Grand Parade, Rec Staff Support  
Stacey Child, Parks & Rec Director  
Toni Allman, Volunteer  
Tyler Wilkins, Parks & Rec Asst Director  
Tyson Perkes  
Warren Foster, Public Safety  
Miss Springville-Mapleton and Attendants (face painting at Fun-A-Rama & Balloon Fest plus various)  
    Aurelia Olson  
    Nicole Allen  
    Whitney Jarman  
    Ella Broughton  
    Brightin Davis  
Art Royalty (face painting at Fun-A-Rama & Balloon Fest)  
Rodeo Royalty (face painting at Fun-A-Rama & Balloon Fest)  
SHS Cheer (face painting at Fun-A-Rama & Balloon Fest)



## STAFF REPORT

**DATE:** May 10, 2023

**TO:** Honorable Mayor and City Council

**FROM:** John Penrod, City Attorney

**SUBJECT:** CONSIDERATION OF A RESOLUTION TO APPROVE A QUITCLAIM DEED THAT WILL DEED PROPERTY TO NATHANAEL & KRISTI LEE BARTHOLOMEW.

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**Recommended Motion:** Motion to approve Resolution #\_\_ that approves signing a quitclaim to Nathanael & Kristi Lee Bartholomew for property in the Bartholomew Park area.

**Executive Summary:** Nathanael & Kristi Bartholomew own property immediately adjacent to Bartholomew Park. The proposed resolution authorizes the City to quitclaim approximately 0.12 acres of property to the Bartholomew's. A portion of the property has been on the Bartholomew's side of the fence for decades. The Bartholomew's would pay fair market value for the remaining portion of the property.

**Focus of Action:** Consideration of a resolution approving the execution of a quit claim deed that would deed approximately 0.12 acres of property to the Bartholomew's.

**Background:**

A couple of years ago, the Bartholomew's approached the City to request that the City deed approximately 0.12 acres of property to the Bartholomew's. Since beginning the discussion with the City, it has taken some time to get the property surveyed and for the two parties to come to a proposed agreement.

The 0.12 acres that the Bartholomew's want to obtain from the City is all on the Bartholomew's side of the fence, which fence was installed by the City's parks department when Bartholomew Park was constructed.

In researching the property, the property may be divided up into two parcels, as follows:



- Historical Bartholomew Parcel -2362 sq. ft. Going back to historic aerials from present time to the 1960s, this property has been on the Bartholomew's side of the fence. According to the legal doctrine of boundary by acquiescence, this property appears to have become the Bartholomew's property decades ago. For property to switch ownership through boundary by acquiescence, the following elements must be met:

(1) a visible line marked by monuments, fences, buildings, or natural features treated as a boundary;

(2) the claimant's occupation of his or her property up to the visible line such that it would give a reasonable landowner notice that the claimant is using the line as a boundary;

(3) mutual acquiescence in the line as a boundary by adjoining landowners;

(4) for a period of at least 20 years.

Boundary by acquiescence does not apply to property owned by a city; however, this situation may still meet the boundary by acquiescence requirements because all of the elements were met prior to the City obtaining the property.

- Parcel to Be Purchased from Springville City - 2966 sq. ft. This property the Bartholomew's will purchase from the City. The proposed purchase price for this 0.068-acre parcel is \$6.68 per sq. ft. or \$19,812.88, which appears to be the fair market amount based on comparison appraisals the City has received on other properties.

**Discussion:** Staff does not see any issues with moving forward with the proposed transaction. All of the property has been on the Bartholomew's side of the fence since 2014, with the historical parcel having been on the Bartholomew's side of the fence since at least the 1960s-70s. Currently, the portion of the park surrounding the property that would be deeded to the Bartholomew's is not used very often. The risk the City runs is that should the City want to use the property in the future, approximately 2966 sq. ft. of property would not be available for use.

**Alternatives:** The Council could decide not to approve the proposed resolution and provide direction to staff regarding how they want staff to proceed.

**Fiscal Impact:** The City will receive \$19,812.88 for the property.

**Attachments:** Proposed Resolution.

RESOLUTION No. \_\_\_\_\_

**A RESOLUTION APPROVING THE SELL OF APPROXIMATELY 0.12 ACRES OF PROPERTY.**

**WHEREAS**, Nathanael and Kristi Bartholomew own property immediately adjacent to the Bartholomew Park and desire to purchase from the City property that is on the Bartholomew's side of the fence, which property amounts to 0.12 acres of property (the "Property"); and

**WHEREAS**, a portion of the property, 2362 sq. ft., has, for several decades prior to the City owning the property, been occupied and maintained by the Bartholomew's and located on the Bartholomew's side of a fence that was recognized as a mutual boundary line between the owners; and

**WHEREAS**, the City Council is willing to sell the 0.12 acres to the Bartholomew's for the purchase price of \$19,812.88, which amount represents the fair market value for 2966 sq. ft. of the Property with the remaining historic parcel of 2362 sq. ft. being part of cleaning up historic boundary lines; and

**WHEREAS**, the City Council has had the opportunity to review this proposed transaction and finds that the proposed transaction is in the best interest of the City and its residents.

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

**SECTION 1. Agreement Approve.** The City is authorized to sell the 0.12 acres of property shown on Exhibit A to the Nathanael and Kristi Bartholomew for the purchase price of \$19,812.88. Upon the City receiving the purchase price, the Mayor is authorized to sign a quitclaim deed to finalize this transaction.

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

**PASSED AND APPROVED** this 16<sup>th</sup> day of May 2023.

\_\_\_\_\_  
Matt Packard, Mayor

Attest:

\_\_\_\_\_  
Kim Crane, City Recorder

**Exhibit A**

(Description of the Property)

NATHAN BARTHOLOMEW  
PROPERTY DESCRIPTIONS  
SPRINGVILLE, UTAH  
APRIL 25, 2023

PARCEL 1 – HISTORICAL BARTHOLOMEW PARCEL

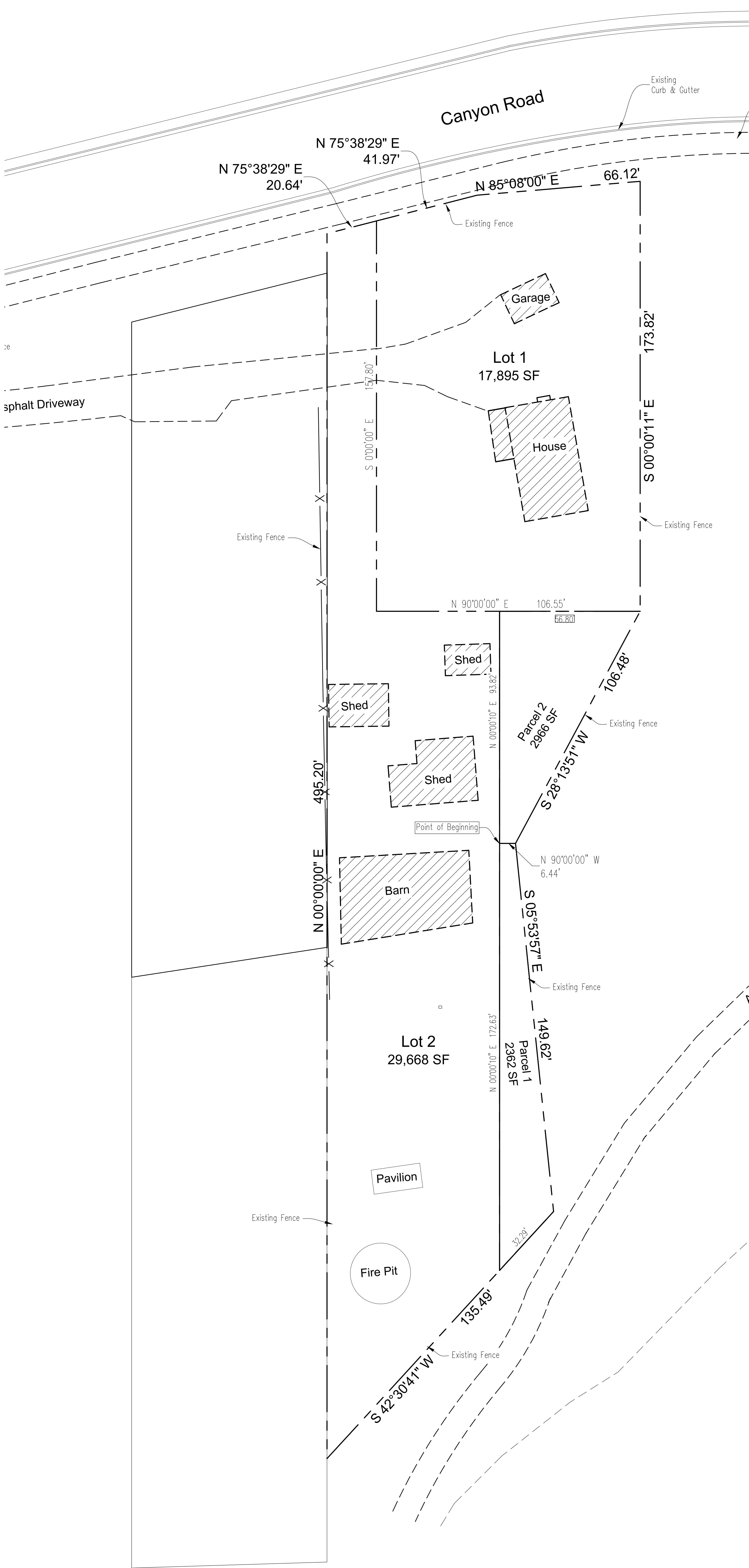
Commencing at a point located South 00°00'49" East along the Section line 633.03 feet and East 321.75 feet from the West quarter corner of Section 1, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence East 6.44 feet; thence South 05°53'57" East along an existing fence line 149.62 feet; thence South 42°30'41" West along a fence line 32.29 feet; thence North 00°00'10" East 172.63 feet to the point of beginning.

AREA=2362 sq. ft.

PARCEL 2 – PARCEL TO BE PURCHASED FROM SPRINGVILLE CITY

Commencing at a point located South 00°00'49" East along the Section line 633.03 feet and East 321.75 feet from the West quarter corner of Section 1, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 00°00'10" East 93.82 feet; thence East 56.80 feet; thence South 28°13'51" West along an existing fence line 106.48 feet; thence West 6.44 feet to the point of beginning.

AREA=2966 sq. ft.





## STAFF REPORT

**DATE:** May 11, 2023

**TO:** Honorable Mayor and City Council

**FROM:** John Penrod, City Attorney

**SUBJECT: CONSIDERATION OF A RESOLUTION TO APPROVE AN AGREEMENT WITH D R SUMSION CONSTRUCTION LLC THAT WILL REQUIRE IMPROVEMENTS TO BE INSTALLED AT A LATER DATE.**

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**Recommended Motion:** Motion to approve Resolution #\_\_ that approves an agreement with D R Sumsion Construction LLC that will require improvements to be installed at a later date.

**Executive Summary:** When a developer is develops a property where abutting property does not have curb, gutter or sidewalk, Section 11-6-120 of Springville City's Code allows the City Council to approve allowing a developer to install required public improvements at a later date or have the developer sign a waiver of protest that the developer will be part of a special improvement district to install the improvements. D R Sumsion Construction LLC is in the process of development property along SR 51. The properties on both sides of Sumsion's property does not have curb, gutter or sidewalk.

The proposed agreement would require D R Sumsion to install or pay for the required public improvements (which include, sewer, pressurized irrigation, and an upsized water line), when one of the following occurs: 1. City gives notice to install the improvements; 2. abutting properties install the improvements; 3. a special improvement district is set up to install the improvements; or 4. Sumsion develops more of its property.

WHEN RECORDED RETURN TO:  
Springville City Corporation  
110 South Main  
Springville, UT 84663

## **AGREEMENT (Utilities)**

This Agreement is entered into as of May \_\_\_, 2023, by and between D R Sumsion Construction LLC (hereinafter referred collectively to as “Developer”), with real property located at 2120 South State Street, Springville, Utah 84663, and Springville City, a municipality of the State of Utah (hereinafter referred to as “Springville”), with an address of 110 South Main Street, Springville, Utah 84663.

## **RECITALS**

A. Developer owns real property located at 2120 South State Street in Springville, Utah, as more particularly shown on Exhibit A attached hereto and by this reference made a part hereof (hereinafter referred to as the “Property”).

B. As part of the building process, Section 11-6-120 of the Springville City Code requires that all public improvements, including all utilities, be installed or, if the lot on either side of the property being developed does not have curb, gutter or sidewalk and the public improvements are included in the construction plans, the developer and City may enter into an agreement that “such improvements will be installed, or if by recommendation of the City Engineer, a waiver of protest may be signed and approved by the City Council, waiving the right of the landowner to protest any possible future special improvement district.”

D. No sidewalk, curb or gutter has been installed on the parcels abutting the Property.

E. Developers desire to defer installing the culinary water, pressurized irrigation and sewer improvements (the “Deferred Improvements”) within and along the frontage of the Property until property on either side of the Property is developed or a special improvement district is established to install the improvements. The Deferred Improvements are shown on the construction plans attached as part of Exhibit A.

F. Springville is willing to allow Developer to build a structure on the Property, and receive a certificate of occupancy for the structure on the Property, without installing the Deferred Improvements, as long as Developer is (1) willing to waive protest rights to any Local District or Special Improvement District (“SID”) which may be created in the future in accordance with State law and incorporates the Property, and (2) willing to install the Deferred Improvements at a future date pursuant to the requirements of this agreement.

## **TERMS**

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. **Term.** The term of this agreement shall be 50 years from the date this agreement is executed or until such time that the Deferred Improvements, as defined in Section 3, are installed, whichever event first occurs.

2. **Building Permit.** A building permit has been issued to Developer with the requirement that Developer install the Deferred Improvements. In as much as Section 11-6-120 of the Springville City Code or any other ordinance requires an agreement like this be entered into prior to the issuance of a building permit, the parties waive such requirement and agree that this agreement shall have full force and effect as to Developer's requirements and obligations described in this agreement.

3. **Improvements.** Springville will defer the requirement to complete the improvements listed and described on the constructions plans attached as Exhibit A, which improvements include the installation of a culinary water line (the water line is shown as a twelve-inch (12"), requiring the City to pay upsizing from a 10" line to a 12" line), a pressurized irrigation line, and a sewer line (the "Deferred Improvements").

4. **Timing of Installation.** In return for deferring the requirement to install the Deferred Improvements at this time, Developer agrees to install the Deferred Improvements at a future date, pursuant to one of the following events:

a. City Notice. Springville may require Developer to install the Deferred Improvements at any time as deemed appropriate by Springville. Within 90 days of receiving a written notice from Springville, Developer shall commence installing the Deferred Improvements. Developer shall fully install and complete the Deferred Improvements to the satisfaction of Springville within 180 days of receiving the written notice.

b. Abutting Properties. If improvements similar to the Deferred Improvements are installed on or along any parcel or lot abutting the Property, Developer shall install the Improvements. Developer shall have 180 days to install the Deferred Improvements following the commencement of the installation of improvements similar to the Deferred Improvements on a parcel or lot abutting the Property.

c. Waiver of Protest. Developer waives any right of protest Developer may have if Springville decides to include the Property in an SID for installation of the Deferred Improvements. Developer's waiver to protest and consent to participate in a future SID shall not be withdrawn by Developer or any successor in interest of Developer to the Property.

d. Future Development. Developer shall install the Deferred Improvement at any time that Developer decides to further develop or construct any additional structures on the Property.

5. **Installation of Improvements.** Developer shall not be relieved from the obligation to install the Deferred Improvements until such installation has been performed to the satisfaction of Springville. Developer shall pursue the completion of the Improvements (a) with due diligence,

(b) in a good and workmanlike manner, (c) in conformance with the construction plans as approved by the City Engineer, and (d) in compliance with all applicable laws, statutes, ordinances, resolutions, the Springville Municipal Code, rules, regulations, and official policies of Springville City, and Springville City's public works construction standards and specifications applicable to the installation of the Improvements. Developer shall be solely responsible for all costs and expenses to furnish all materials, supplies, tools, equipment, labor, and other services necessary for the installation, construction and completion of the Deferred Improvements.

6. **Improvement Warranty.** Prior to Springville's acceptance of the Deferred Improvements, Developer shall execute an improvement warranty for a one (1) year improvement warranty period following the completion of the Deferred Improvements. The improvement warranty shall be in the amount of 10% of the cost of installing and constructing the Deferred Improvements. The 10% amount shall be held for the duration of the one (1) year warranty period as a guarantee that all improvements are installed and inspected to Springville City specifications, and that all defects are corrected by Developer and approved by Springville City prior to final acceptance by Springville City following the one (1) year warranty period.

7. **Indemnification.** Developer agrees to indemnify, release and defend with Counsel of Springville's choice, and hold Springville, and its employees, officers, and agents harmless from and against any and all claims, demands, actions, or liability whatsoever, including, but not limited to, any bodily injury, property damage, cost, or expense (including, but not limited to, reasonable attorneys' fees) of any kind or character to any person or property, to the extent resulting from (i) any negligent act or omission of Developer or Developer's agents or subcontractors, (ii) the deferral of installing the Deferred Improvements and the installation of the Deferred Improvements, (iii) any negligent or defective construction of any part of the Deferred Improvements during construction thereof, and from completion of such construction until that date which is one (1) year after the acceptance of the Deferred Improvements by Springville City, and (iv) liens or claims on the Deferred Improvements by any persons providing materials and/or services related to the Deferred Improvements on behalf of or at the request of Developer.

8. **City Installation.** The parties expressly agree that Springville may at any time, at its own option, install the Deferred Improvements. In the event that Springville installs the Deferred Improvements, Developer shall reimburse Springville within 60 days of Springville completing the Deferred Improvements for any and all costs incurred by Springville for installing and constructing the Deferred Improvements. Nothing in this Section 8 shall be construed to mean that Springville has any obligation whatsoever to install the Deferred Improvements.

9. **Remedies.** Springville shall have any and all available remedies in law or equity to enforce this agreement. Developer expressly agrees that should Developer fail to install and complete the Deferred Improvements as required under this agreement, or reimburse Springville pursuant to Paragraph 8, Springville shall have the right to file a lien against the Property.

10. **Recording.** The parties agree that this agreement shall be recorded with the Utah County Recorder's Office and shall constitute a covenant running with the land. Developer's obligations under this agreement shall be binding upon Developer's successors-in-interest, assigns, and transferees, and all subsequent owners of the Property.

11. **Authority.** All proper authority for the execution of this agreement has been received by Developer and Springville from any corporate or municipal board or council.

12. **Notice.** Any notice which is required or which may be given pursuant to this agreement is sufficient if in writing and sent to a party by certified or registered mail, postage prepaid, addressed as shown below:

Developer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Springville:

Mayor  
Springville City  
110 South Main Street  
Springville, Utah 84663

A party may change the address for notice to it by giving a notice pursuant to this paragraph. Notwithstanding anything herein to the contrary, notice to Developer of any amount due under this agreement shall also be sufficient if given by facsimile transmission, telegraph, telephone, or personally, orally, or in writing, to an address, location, or person reasonably likely to provide actual notice to Developer.

13. **Future Action.** Nothing in the agreement shall limit the future exercise of the police power by Springville in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances and regulations after the date of this agreement.

14. **Invalid Provisions.** The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision of this agreement. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall remain in full force and effect.

15. **Waiver.** The failure of either party to this agreement to insist upon the performance of any of the terms and conditions contained herein, or the waiver of any breach of any of the term and conditions contained herein, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver has occurred.

16. **Entire Agreement.** This agreement contains the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

17. **Attorney's Fees.** If this agreement or any of the exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

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

**SPRINGVILLE CITY**

ATTEST:

\_\_\_\_\_  
City Recorder

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

STATE OF UTAH                    )  
                                      : SS.  
COUNTY OF UTAH                )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me,  
\_\_\_\_\_, signer of the foregoing instrument, who duly acknowledged to me that he executed the  
same.

\_\_\_\_\_  
NOTARY PUBLIC

**DEVELOPER – D R CONSTRUCTION LLC**

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

STATE OF UTAH                    )  
                                      : SS.  
COUNTY OF UTAH                )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me,  
\_\_\_\_\_, signer of the foregoing instrument, who duly acknowledged to me that he executed  
the same.

\_\_\_\_\_  
NOTARY PUBLIC

# Exhibit A

(Legal Description of the Property and Construction Plans)



**Focus of Action:** Consideration of a resolution approving the execution of an agreement that defers the installment of required public improvements to a later date.

**Background:**

Sumsion owns real property located at 2120 South State Street in Springville, Utah (the "Property"). Sumsion is currently constructing a building on the Property. As part of the building process, Section 11-6-120 of the Springville City Code requires that all public improvements, including all utilities, be installed. When abutting properties do not have curb, gutter or sidewalk, Section 11-6-120 allows for the improvements to be included in construction plans and the developer and city enter into an agreement that "such improvements will be installed, or if by recommendation of the City Engineer, a waiver of protest may be signed and approved by the City Council, waiving the right of the landowner to protest any possible future special improvement district." No sidewalk, curb or gutter has been installed on the parcels abutting the Property.

Sumsion desires to defer installing the culinary water, pressurized irrigation and sewer improvements (the "Deferred Improvements") within and along the frontage of the Property until property on either side of the Property is developed or a special improvement district is established to install the improvements. As of right now, the closest sewer connection is 2,000 feet away the Property, and the closest pressurized irrigation line is approximately 4,650 feet away from the Property. In addition to sewer and pressurized irrigation lines, Sumsion is also required to upsize the water line.

The proposed agreement would allow Sumsion to build its building on the Property, and receive a certificate of occupancy for the building, without installing the Deferred Improvements, as long as Sumsion is (1) willing to waive protest rights to any Local District or Special Improvement District ("SID") which may be created in the future in accordance with State law and incorporates the Property, and (2) willing to install the Deferred Improvements at a future date pursuant to the requirements of the proposed agreement.



**Discussion:** The engineers are good with the proposed agreement. There is also a small risk that, if the sewer line is installed now, the needed elevation would miss the required elevation at the Property to work.

The plan is for development to bring the pressurized irrigation improvements to the Property. The timeline for development to do this is unclear.

One of the biggest risks of entering into the proposed agreement is that, when it comes time to install the Deferred Improvements under the agreement, Sumsion, or Sumsion's successor, may decide to fight the agreement. This risk goes away should the Council require Sumsion to install the improvements before receiving a certificate of occupancy on Sumsion's building.

One issue addressed in the proposed agreement is that the City ordinances require this type of agreement to be finalized prior to a building permit being issued. Sumsion has already been issued the building permit. Both parties waive this requirement in the proposed agreement.

**Alternatives:** The Council could decide not to approve the proposed resolution and require Sumsion to install the improvements now.

**Fiscal Impact:** None at this time. The City could have some fiscal impact in the future should Sumsion not follow the agreement and legal action is pursued.

**Attachments:** Proposed Resolution and Agreement.



## STAFF REPORT

**DATE:** May 16, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Chris Wilson, Chief Engineer

**SUBJECT:** CONSIDERATION OF HOBBLE CREEK INDUSTRIAL IMPROVEMENT BOND EXTENSION

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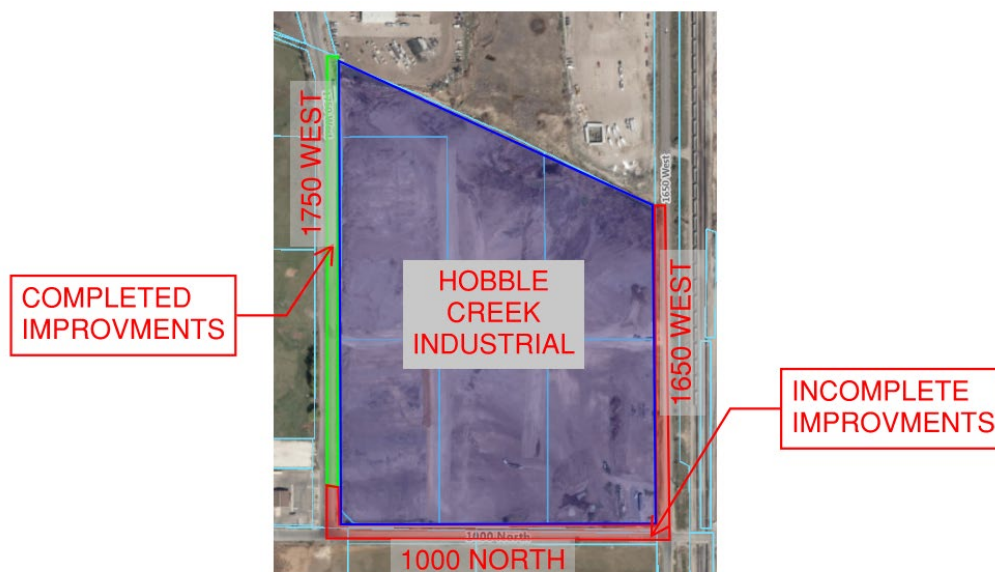
### RECOMMENDED MOTION

Motion to approve the extension of improvement bonding for the Hobble Creek Industrial commercial development to October 31, 2023.

### EXECUTIVE SUMMARY

Per Springville Municipal Code Title 14, Chapter 5, Section 101, all public improvements shall be completed by the developer within one year from the date of final approval. Failure to complete the improvements may result in forfeiture of improvement bonding. Final approval for this development was granted by the Planning Commission on November 9<sup>th</sup>, 2021 and the plat was recorded on June 7<sup>th</sup>, 2022.

Staff has notified the Hobble Creek Industrial (AKA Hi-Electric) Developer of possible violation of time constraints related to completion of public infrastructure improvements come June 7<sup>th</sup>, 2023. The Developer has acknowledged the need for addition time to complete improvements and has requested a one-time extension per the above code. The Developer has incurred delays to the project schedule primarily due to winter weather and ground water issues. The Developer has a current cash bond for all improvements with the City. Staff recommends the consideration of a reasonable extension to the date of October 31, 2023.





### **SUMMARY OF ISSUES/FOCUS OF ACTION**

As per the municipal code state above, the City needs to take action due to set timeframes and schedules required of development.

### **ALTERNATIVES**

The alternative to this recommendation would be forfeiture of the improvement bond once the one year expires and the City would complete the remainder of the right of way work. The developer has shown intent to complete the infrastructure improvements and therefore forfeiture of the bond is not recommended at this time.

### **FISCAL IMPACT**

This action has no fiscal impact on the City. The City would continue to hold the cash bond for the incomplete infrastructure improvements until completion and acceptance by the City.

Sincerely,

CHRIS WILSON PE  
CHIEF ENGINEER  
cwilson@springville.org  
801.491.7863  
springville.org





## STAFF REPORT

**DATE:** May 12, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Shawn Black, Power Director

**SUBJECT:** PURCHASE OF (3) CATERPILLAR 3520H GENERATORS IN AN EFFORT TO REPLACE OUTDATED EQUIPMENT IN THE WHITEHEAD UTILITY CENTER

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**Recommended Motion:** Springville's Power Department and Utility Board recommends the City Council authorize the Mayor to sign the attached agreement with Wheeler Machinery to install (3) 3520H natural gas generators at a price not to exceed \$11,669,710.64.

**Executive Summary:** This project includes purchasing Caterpillar 3520H natural gas generators to replace two old Enterprise generators which are designated as K3 and K4, while also utilizing a spare empty foundation and switchgear which was used to support an EMD generator designated as K5. Along with adding three new generators the project will include installing Selective Catalyst Reduction technology on the plant's two existing Caterpillar generators.

The overall goal of the planned additions and modifications is to increase the capacity at the plant which is currently being limited by instantaneous emissions restrictions. The plants current capacity is 15 MW and this project will raise it to 23 MW.

**Focus of Action:** Modernizing some of the generators at the Whitehead Utility Center and installing Selective Catalyst Reduction technology on all newer generators. This project is part of a multi-pronged strategy to control and cap Springville's rate payers from rapid escalating utility bills.

In Springville City's General Plan, Chapter 7 describes community facilities and services. Section 7.11 describes the formation of the Power Department and outlines the benefits and set directions for the Department to follow. One of the main benefits is local control and public ownership. There are also ancillary benefits such as lower taxes, lower cost power for City buildings and street lighting. Increasing the capacity at the plant will benefit the ratepayers by allowing them to control their future pricing of power, which in turn allows revenue to flow to other beneficial uses within the city. Section 7.11 and 7.11.1 both give department guidance to perform capital improvements to maintain Springville's resource supply, transmission and



distribution systems and also ensure a steady reliable supply of power while accounting for growth within the City.

**Background:** In 2016 Springville City installed (2) Caterpillar 3520H natural gas generators to utilize empty foundations and associated switchgear. Installing these engines did start to modernize the plant, but our instantaneous emissions limitations have limited the Whitehead plant to about 15 MW of production per hour.

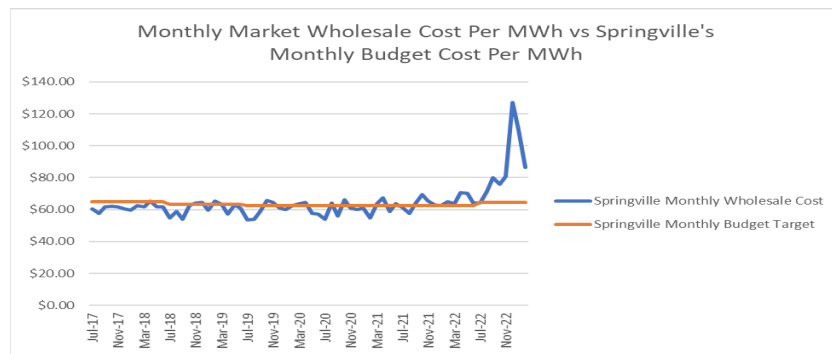
The rules for instantaneous emissions (1hr limitation) on Nitrous Oxides (NOx) production are determined by modeling the plants impact and the surrounding air conditions. The Wasatch Front became designated as a Nonattainment Area by the Environmental Protection Agency. The Environmental Protection Agency determines the permitting rules that the States have to uphold. Much of this culminated in the time period of 2016-2018.

A couple of ways to reduce the impact of the plant is either raise emission stacks (very high) or install Selective Catalyst Reduction (SCR) technologies that use Urea in the exhaust stream to reduce NOx production on existing equipment.

Market volatility in the western part of the United States have harmed rate payers during the 2020-2023 time frame. The extreme pricing paid by utilities during this period eroded many utility reserves which has resulted in escalating rates. This uncertain and extreme energy environment has been caused by multiple factors. Some causes are policy driven and some are physical constraints. Current physical contributing factors include the growing dependence on natural gas as a generating fuel, the drought causing reduced hydro generation, and supply chain constraints with massive lead times on equipment. Policy driven factors include the closure and future closure of large coal plants, the export of liquified natural gas to other countries, the ban on imports of solar panels for various reasons, the adoption of electric vehicles causing increased demand, and the environmental energy production goals of some states.



The following chart shows how Springville's wholesale pricing as increased during the last year:



Staff has the belief that extreme electricity and natural gas pricing events will be a normal state for the foreseeable future because of the structural challenges to the industry outlined in the preceding paragraph. When some of these problems start to abate, better pricing certainty will return.

Staff explored different strategies to remove market risk from Springville's energy portfolio. One of the options which leverages Springville's existing assets includes utilizing the Whitehead Utility Center more fully.

A quick option to increase the generating capacity of the plant, because of reduced instantaneous emission output included the idea on installing SCR technology on every existing generator. The issue with this approach is that we would be installing new SCR equipment and controls on very old generators. Staff explored the possibility of installing SCR technology on the two existing Caterpillar generators installed in 2016, but leaving the other engines with only CO catalyst reduction. Many scenarios were tried without any benefit in capacity output because of the instant emission limitation. Scenarios were modeled using (4) new Caterpillar units, but leaving K1, K2, and K3 uncontrolled. This arrangement would not pass because the location of K3's stack exit made attaining limits impossible.

Modeling was performed with (5) Caterpillar 3500H with SCR technology installed, and included running K1 and K2 with only CO catalysts but raising the two older generator stacks to 70' (they are currently 60'). This scenario passed the instantaneous emission limitations for the summer months.



The scenario that includes (5) Caterpillar 3500H generators and keeps K1 and K2 viable produces a capacity of 23 MW. 8 MW of more capacity than what the plant is currently limited to. Springville has reached close to 70MW peak for 3 years in a row. By updating some of the plant and adding 8 MW more resource we will be able to have about 62 MW of capacity coverage in the summer of 2024.

**Discussion:** This project helps Springville to take advantage of past investments made by the rate payers. Springville owns the building, cranes, natural gas feeds, switch gear, and substation. All of these add substantially to the costs of new projects.

Staff looked at building a plant on a greenfield site. The current quote for a 6-generator bay building with four generators of similar size is \$17,974,922. This bid does not include land, land preparation, natural gas connection and piping from adequate hub to site, substation and availability of transmission lines, water and sewer supply, transmission impact study, air quality permits.

The City just received an estimate for rebuilding one of its substations which has two transformers and feeds an industrial customer. The quote estimate is \$7,763,000 for the new substation. The Whitehead Power Plant has three transformers and a switching rack which provides even more redundancy. This is usually the second largest capital component of building a power plant. The substation cost will be added to any other resource we participate in.

Staff compared the market pricing from the run season of 2023, which has been very similar to the last few years to building this project. The table is for the replacement of high load power (HLH), which is Monday through Saturday, 8:00 am to 11:00 pm. This is the only way a utility can enter into the purchase of an HLH product. Its for all 16 hours x 6 days a week.



The following table is an example of futures prices currently for 2023.

| <b>HLH Purchase of 8 MW for June through Sept</b> |          |                                  |                     |
|---------------------------------------------------|----------|----------------------------------|---------------------|
|                                                   | HLH MW   | LLH MW                           | 8 MW HLH Market     |
| Apr-23                                            | \$66.40  | \$66.20                          |                     |
| May-23                                            | \$60.25  | \$59.55                          |                     |
| Jun-23                                            | \$116.85 | \$85.05                          | \$388,877           |
| Jul-23                                            | \$216.30 | \$109.55                         | \$719,846           |
| Aug-23                                            | \$243.40 | \$116.50                         | \$810,035           |
| Sep-23                                            | \$183.00 | \$107.05                         | \$609,024           |
| Oct-23                                            | \$82.25  | \$74.25                          |                     |
| Nov-23                                            | \$76.80  | \$73.85                          |                     |
| Dec-23                                            | \$108.10 | \$102.45                         |                     |
| Jan-24                                            | \$110.90 | \$111.95                         |                     |
| Feb-24                                            | \$91.05  | \$91.40                          |                     |
| Mar-24                                            | \$67.75  | \$68.45                          |                     |
|                                                   |          | <b>Market Total Annually</b>     | <b>\$2,527,782</b>  |
|                                                   |          |                                  |                     |
|                                                   |          | <b>Market 5 Year Total Cost</b>  | <b>\$12,638,912</b> |
|                                                   |          | <b>Market 10 Year Total Cost</b> | <b>\$25,277,824</b> |

The next table is more indicative of how we actually use our generation to achieve the same MWh output. The table includes the assumption that we would hedge fuel for \$3.50 per MMBtu for summers only. This table also assumes staff would by daily spot market power for 4 hours per day and run for 12 hours per day. This is a conservative approach. We usually purchase closer to 5-6 hours per day. We use the plant to cap the prices paid at our variable price to insure against price escalation from June until September. The strike price for deciding to run would be \$51.50. If market real time prices happen to drop in the first week of June and the last week of September we get even lower expenditures from the plant. We have also added \$20 a MWh to our generating strike price which is very generous. We would collect about \$199,680 in reserves per year with this kind of an allotment.



| HLH Generation of 8 MW for June through Sept |                        |                                               |                       |
|----------------------------------------------|------------------------|-----------------------------------------------|-----------------------|
|                                              | Run Gen 12 hours Daily | Market Power Replace 4hrs Daily               | 8 MW HLH Gen + Market |
| Apr-23                                       | \$0.00                 | \$0.00                                        |                       |
| May-23                                       | \$0.00                 | \$0.00                                        |                       |
| Jun-23                                       | \$128,544              | \$42,848                                      | \$171,392             |
| Jul-23                                       | \$128,544              | \$42,848                                      | \$171,392             |
| Aug-23                                       | \$128,544              | \$42,848                                      | \$171,392             |
| Sep-23                                       | \$128,544              | \$42,848                                      | \$171,392             |
| Oct-23                                       | \$0.00                 | \$0.00                                        |                       |
| Nov-23                                       | \$0.00                 | \$0.00                                        |                       |
| Dec-23                                       | \$0.00                 | \$0.00                                        |                       |
| Jan-24                                       | \$0.00                 | \$0.00                                        |                       |
| Feb-24                                       | \$0.00                 | \$0.00                                        |                       |
| Mar-24                                       | \$0.00                 | \$0.00                                        |                       |
|                                              |                        | <b>Generation Variable Total</b>              | <b>\$685,568</b>      |
|                                              |                        |                                               |                       |
|                                              |                        | <b>Removal From Variable Cost to Reserves</b> | <b>-\$199,680</b>     |
|                                              |                        |                                               |                       |
|                                              |                        | <b>\$2,000,000 Annual Debt Payment 5yr</b>    | <b>\$451,167</b>      |
|                                              |                        |                                               |                       |
|                                              |                        | <b>Total Annual Costs To Generate</b>         | <b>\$937,055</b>      |
|                                              |                        |                                               |                       |
|                                              |                        | <b>Differential Market Purchase-Cost</b>      | <b>\$1,590,727</b>    |
|                                              |                        |                                               |                       |
|                                              |                        | <b>Return on \$9,700,000 From Reserves</b>    | <b>16.40%</b>         |
|                                              |                        |                                               |                       |
|                                              |                        | <b>5 Year Total Cost</b>                      | <b>\$4,685,275</b>    |
|                                              |                        | <b>10 Year Total Cost</b>                     | <b>\$6,855,680</b>    |

The differential between the market purchase of HLH power and the variable of installing this generation project is about \$1,590,727 annually. This is a pretty good return going forward on the \$9,700,000 invested from reserves, about 16%. The plant is local and the City has the highest amount of control over this resource in comparison with any other power resources owned by the City. This project also has the advantage of the shortest lead time out of any other projects the City can enter into. It is also the lowest cost way to gain capacity for the City.



Future peaking projects will not have this kind of disparity between the market price and installation price. Springville needs to add more generation to the energy portfolio at this time because of growth and market uncertainty.

**Alternatives:** Purchase energy from the market as the time arrives. Purchase other plants or resources to create capacity.

**Fiscal Impact:** This purchase helps the department control power costs for the residents. It creates an insuring ability to cap power costs by utilizing gas hedges and avoiding exposure to market power importation. The total cost of this project will not exceed \$11,669,710.64.

Shawn Black

## RESOLUTION #2023-

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT TO PURCHASE THREE CATERPILLAR 3520H GENERATORS AND UPGRADE THE CITY'S TWO EXISTING GENERATORS FOR THE PURPOSE OF INCREASING PRODUCTIVITY AT THE WHITEHEAD UTILITY CENTER.**

**WHEREAS**, Springville City has the ability to generate power for the citizens of Springville at the Whitehead Utility Center, allowing the City to maintain local control over power generation;

**WHEREAS**, the City has a duty to keep the Whitehead Utility Center in peak condition through updating machinery and increasing output capabilities for the purpose of meeting the energy needs of Springville citizens;

**WHEREAS**, the increase in Springville's population and the rising energy costs prevalent in the open energy market are pushing the City to increase power generation capacity at the Center for the purpose of providing energy at a reasonable cost to Springville citizens;

**WHEREAS**, the City has an opportunity to purchase three new generators and upgrade the Center's two existing generators while raising the Center's power generating capacity from 15 megawatts to 23 megawatts; and

**WHEREAS**, the City now desires to enter into a contract with Wheeler Machinery Company to purchase three Caterpillar generators and upgrade the technology on the Center's two existing Caterpillar generators as outlined in the contract attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Springville City as follows:

***Section 1. Approval.*** Springville City resolves to enter into a contract with Wheeler Machinery Company for the purchase of three 3520H natural gas generators and the installation of Selective Catalyst Reduction technology on the Whitehead Utility Center's two existing generators at a price not to exceed \$11,669,710.64.

***Section 2. Other Actions.*** The Mayor, City Recorder, and other officers and employees of the City shall take all actions necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all actions necessary to carry out the execution and performance thereof.

**Section 3. Miscellaneous; Effective Date.** (a) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

(b) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(c) This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 16<sup>th</sup> day of May, 2023.

SPRINGVILLE CITY

---

Mayor

ATTEST:

---

City Recorder

[SEAL].

## EXHIBIT A

# PROJECT CONTRACT

THIS AGREEMENT is made as of the \_\_\_\_\_ day of May, 2023.

Between the Project Developer: **Wheeler Machinery Co., Power Systems Division  
4901 West 2100 South  
Salt Lake City, Utah 84120  
Shane Minor  
801-978-1533 Office  
801-201-0929 Cell**

And Owner: **Springville City  
110 South Main  
Springville, Utah 84663**

For the Project: **Springville Power Plant Addition  
450 West 600 North  
Springville, Utah 84663  
Shawn Black  
801-420-1607**

## ARTICLE 1. SCOPE OF WORK

- 1.1 Project Developer shall install for Owner three (3) Caterpillar G3520H Natural Gas Generator Sets according to the scope of work attached hereto as Exhibit "A" and the estimated schedule attached hereto as Exhibit "B", according to the technical specifications of major equipment attached hereto as Exhibit "C", all three of which are incorporated herein by this reference.

## ARTICLE 2. PAYMENT TERMS

- 2.1 Owner agrees to pay Project Developer according to the following schedule. Price includes use taxes if applicable. Progress payments shall be calculated as percentages of the not-to-exceed contract value (specified below in Section 2.4) and be due and payable according to the following milestones:
- 10% On Contract Signing (net 30 days)
  - 27.5% On 1<sup>st</sup> Genset Delivery to Site
  - 27.5% On Last Genset Delivery to Site
  - 15% Begin Commissioning
  - 20% On-Line/Retention/Reconciliation
- 2.2 Final cost of Project is equal to Project Developer's cost, plus 10% of cost for allocated and direct expenses, plus 8% of cost for Project Developer's profit. Project Developer will provide Owner with visual inspection of original invoices for the following materials:
- i) Generator Sets
  - ii) Selective Catalytic Reduction (SCR) equipment
  - iii) Radiators
- 2.3 All original invoices and disclosures provided will be under separate Non-Disclosure Agreement. No copies of original invoices will be afforded to Owner in any medium for Owner's records. Owner is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code Annotated or its

successor ("GRAMA"). All materials submitted by Project Developer pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure shall rest solely with Project Developer. Any materials for which Project Developer claims a privilege from disclosure shall be submitted marked as "Business Confidential" and accompanied by a concise statement of reasons supporting Project Developer's claim of business confidentiality. Owner will make reasonable efforts to notify Project Developer of any requests made for disclosure of documents submitted under a claim of business confidentiality. Project Developer may, at Project Developer's sole expense, take any appropriate actions to prevent disclosure of such material. Project Developer specifically waives any claims against Owner related to disclosure of any materials required by GRAMA.

- 2.4** Project will not exceed \$11,669,710.64 for original scope of work as defined in Exhibit A. Additional Change Orders under section 4 may cause the original cost to increase with both parties' approval.

### **ARTICLE 3. TIME OF COMPLETION**

- 3.1** Project Developer shall work towards completion of the project in accordance with the schedule listed in Exhibit B.
- 3.2** Project Developer will deliver the facility to Owner free and clear of any liens, judgments, or claims resulting from Project Developer's work.
- 3.3** Time is of the essence with this Agreement, as well as every term, covenant, and condition contained herein.

### **ARTICLE 4. CHANGE ORDERS**

- 4.1** No change orders or contract additions or subtractions will be made unless agreed to in writing by Owner's representative, Shawn Black, and Project Developer's representative, Shane Minor.
- 4.2** Change orders will be transacted at Project Developer's cost, plus 10% of cost for allocated and direct expenses, plus 8% of cost for Project Developer's profit.

### **ARTICLE 5. CLEAN-UP**

- 5.1** Project Developer will be responsible for cleaning up its work on the project on a daily basis.

### **ARTICLE 6. TAXES AND PERMITS**

- 6.1** Project Developer understands and agrees that it shall be responsible for all taxes, fees, and expenses imposed directly or indirectly for work, labor, material, and services required to fulfill this contract. Owner will be responsible for all applicable permits.
- 6.2** Owner understands and agrees that it shall be responsible for all taxes, fees, and expenses imposed upon it for work, labor, material, and services required to fulfill this contract. Project Developer's performance and start date will be dependent on confirmation, by

Wheeler, of all necessary permits.

## **ARTICLE 7. INSURANCE**

**7.1 Insurance:** Contractor shall provide the following minimum insurance coverage or greater if required by law. All such insurance shall be primary to any insurance maintained by Owner, and Contractor shall name Owner as additional insured with waiver of subrogation on the liability insurance coverage:

- a. The Contractor's Worker's Compensation Insurance shall be written for not less than the statutory limits for the locale of the Project, and the Contractor's Employer's Liability Insurance shall be written for not less than \$2,000,000.
- b. The Contractor's Comprehensive Automobile Liability Insurance shall be written with combined single limits of not less than \$2,000,000 each occurrence.
- c. The Contractor's Comprehensive General Liability Insurance with contractual liability coverage on occurrence form with limits not less than \$2,000,000 each occurrence and \$4,000,000 in the aggregate. Completed Operations insurance must be kept in effect for 2 years after completion of work.
- d. The Contractor shall not commence Work under this Agreement until all of the insurance required herein shall have been obtained by the Contractor. The Contractor shall furnish to the Owner Certificates of Insurance verifying that such insurance has been obtained. Such certificates will provide that Owner will receive at least thirty (30) days prior written notice of any material change in, cancellation of, or non-renewal of such insurance.

**7.2** The policy required for employer liability, commercial general liability and business automobile liability shall be endorsed to include Owner, its officers and employees thereof as additional insureds.

**7.3** The Project Developer shall provide a certificate of insurance, with these requirements, to the Owner before starting to work on the project. If Project Developer has not started to work on the project within thirty (30) days of the execution of this Agreement, then Project Developer will provide a certificate of insurance within thirty (30) days of the Agreement's execution.

## **ARTICLE 8. WARRANTY**

**8.1** Project Developer shall warranty all labor and materials furnished on the project for one year. As to the equipment, the manufacturer's 12-month warranty shall prevail.

**8.2** Project Developer indemnifies and holds Owner, its agents, representatives, and affiliates harmless from all claims caused by, but only to the extent of, the negligence, breach or willful misconduct of Project Developer and its employees, agents and subcontractors.

- 8.3** Owner indemnifies and holds Project Developer, its agents, representatives, and affiliates harmless from all claims caused by, but only to the extent of, the negligence, breach or willful misconduct of Owner and its employees, agents and subcontractors.

## **ARTICLE 9. HAZARDOUS MATERIALS**

- 9.1** Upon discovery of any hazardous materials, Project Developer shall cease work, notify Owner immediately, and allow Owner to contract with a properly licensed and a qualified hazardous material contractor to deal with such materials.

## **ARTICLE 10. DISPUTE RESOLUTION**

- 10.1** The parties agree to act in good faith to move forward the process of the project and the purpose of this Agreement as quickly as possible in all respects, to act without delay to do any and all acts to further the purposes and responsibilities set forth in this Agreement. Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be resolved in the state or federal courts located in Salt Lake City, Utah.

## **ARTICLE 11. ATTORNEY FEES**

- 11.1** In the event of any litigation relating to the project, project performance or this agreement, the prevailing party in such litigation shall be entitled to recover its reasonable attorney fees, costs, and expenses from the non-prevailing party.

## **ARTICLE 12 GOVERNING LAW AND FORCE MAJEURE**

- 12.1** GOVERNING LAW. This Agreement shall be construed in accordance with the Laws of the State of Utah, regardless of any choice or conflict of law rules.
- 12.2** Force Majeure. Neither party will be liable for any failure or delay in performing an obligation under this Agreement that is due to causes beyond its reasonable control, such as natural catastrophes, pandemics, factory delays, governmental acts or omissions, laws or regulations, labor strikes or difficulties, transportation stoppages or slowdowns or the inability to procure parts or materials.

## **ARTICLE 13 SUCCESSORS AND ASSIGNS**

- 13.1** SUCCESSORS AND ASSIGNS. Project Developer may not assign this Agreement without the written consent of Owner.

## **ARTICLE 14   DELAY DAMAGES**

- 14.1**    The parties agree that time is of the essence to complete the project by the COD. Deadlines must be met to avoid market exposure during the summer of 2024. The costs of such a market pricing cannot be calculated. Therefore, Exhibit “B” specifies a project schedule with anticipated turnover, start-online date or commercial operational date (COD) of June 26, 2024.
- 14.2**    If commercial operation is not achieved on or before June 26, 2024, delay damages shall accrue and become payable to the Owner within five days after the end of each calendar month. The delay damages shall be an amount equal to \$333.00 per day, per unit not commercially operable. The Project Developer’s maximum liability for delay damages shall be limited to \$50,000.

Signature page to follow

**DATED THE DATE ABOVE WRITTEN:**

WHEELER MACHINERY CO. DBA WHEELER POWER SYSTEMS  
A UTAH CORPORATION

BY STEPHEN GREEN

ITS V.P. SALES & RENTAL

CLIENT

By \_\_\_\_\_

Its \_\_\_\_\_

## **Exhibit A**

### **Scope of Work/Supply – Caterpillar G3520H Genset Configuration**

## Scope of Work/Supply

### Caterpillar G3520H Genset Configuration

| Quantity | Characteristic Name           | Feature Description            |
|----------|-------------------------------|--------------------------------|
| 1        | VOLTAGE INDICATORS            | VOLTAGE INDICATOR 6900V (WYE)  |
| 1        | DUTY TYPES                    | CONTINUOUS APPLICATION         |
| 1        | OPERATION INDICATORS          | PARALLEL-TO-GRID MODE          |
| 1        | EMISSION LEVELS               | STD LOW EMISSIONS-1.0 G/BHP HR |
| 1        | ENGINE WATER PUMPS            | WITH ENGINE DRIVEN PUMPS       |
| 1        | RATINGS                       | 2469 EKW W/O FAN 60HZ 1500RPM  |
| 1        | ENGINE APPLICATION            | HIGH ALT/HIGH CONFIGURATION    |
| 1        | PRELUBE PUMPS                 | ELECTRIC PRELUBE PUMP AC       |
| 1        | GEARBOX                       | GEARBOX GP                     |
| 1        | GEARBOX COOLING LINES GROUP   | COOLANT LINES GROUP Q1         |
| 1        | SITE SUPPLY GAS PRESSURE      | SITE GAS PRESS (7-60 PSI-G)    |
| 1        | COOLING CONNECTION - JW OUT   | OUTLET CONNECTION / JW RH I    |
| 1        | SCAC THERMOSTATIC VALVE       | SCAC CONTROL VALVE             |
| 1        | CONFIGURATIONS                | G3520H-60HZ - HAH W/ PUMPS     |
| 1        | CURRENT TRANSFORMERS          | CRNT TRANSF., 300:5 RATIO 60H  |
| 1        | GENERATORS                    | GENERATOR 3044 FRAME PM 2 BRG  |
| 1        | CONTROL PANELS                | EMCP 4.3 CONTROL PANEL         |
| 1        | CONTROL PANEL MTG LOCATION LV | CONTROL PANEL MOUNTING - WALL  |
| 1        | GENERATOR TERMINAL BOX        | HIGH VOLT GEN TERM BOX-LEFT    |
| 1        | GENERATOR TERMINAL BOX WRG    | 3300/4160V WIRING              |
| 1        | GENERATOR BOX ACCESSORIES     | COVER GP-GEN EXCITER-3000      |
| 1        | TORSIONAL COUPLING GROUPS     | TORSIONAL COUPLING GROUP 50H   |
| 1        | HIGH VOLT DCT                 | DIFF CURR TRANS 300:5 RATIO 15 |
| 1        | HIGH VOLT HARNESS HV          | INTERCONNECT HARNESS-20M       |
| 1        | LOCAL ANNUNCIATORS            | LOCAL NFPA ANNUNCIATOR         |
| 1        | TELEMATICS HARDWARE           | ETHERNET TELEMATICS            |
| 1        | POWER CONNECTION MOUNTING     | MOUNTING GP-PT HV 7200V        |
| 1        | POWER TERMINATION EQUIPMENT   | BOTTOM CABLE ENT LH 3000 FRAME |
| 1        | LANGUAGE - GENSET CONTROLLER  | ENGLISH LANGUAGE-GENSET CNTL   |
| 1        | LANGUAGE OPTIONS - PACKAGE    | LANGUAGE MARKINGS-ENGLISH      |
| 1        | AIR CLEANERS                  | ON PACKAGE AIR CLEANER         |
| 1        | JACKET WATER HEATERS          | JACKET WATER HEAT-480V 60 HZ   |
| 1        | JACKET WATER HEATER HARNESSES | WIRING GP-JW HEATER 33         |
| 1        | JACKET WATER HEATER CONTROLS  | 480V JWH CONTROL               |
| 1        | AIR CLEANER HUMIDITY SENSOR   | AIR CLEAN SENS EXT HARNESS-6M  |
| 1        | LUBRICATION OIL TYPE AT SITE  | G3500 SYN HP LUBE OIL AT SITE  |
| 1        | LUBRICATION SYSTEM            | G3520H NGE0 SYN HP LUBE OIL    |
| 1        | ENGINE OIL FILTERS            | G3520 LUBE FLTRS NGE0 SYN HP   |
| 1        | LUBRICATION ACCESSORIES       | OIL LEVEL REGULATOR            |
| 1        | PROTECTION SYSTEM             | EXPLOSION RELIEF VALVE         |
| 1        | FUEL TRAIN SYSTEMS            | GAS TRAIN -CSA B149:3, NFPA 37 |
| 1        | PRESSURE SENSORS (FUEL TRAIN) | PRESSURE SENSORS (GAS TRAIN)   |
| 1        | GAS KNOCKDOWN REGULATORS      | GAS KNCKDWN REG 7-60 PSI-G     |
| 1        | BARRING DEVICES               | BARRING GROUP                  |
| 1        | PACKAGE RAILS                 | G3520H RAIL 3000 2B FRAME 60HZ |
| 1        | SHRINK WRAP PROTECTION        | SHRINK WRAP & TARP-GENSET PKG  |
| 1        | STORAGE PRESERVATION          | PRESERVATION - CORROSION INHIB |
| 1        | SPECIAL TESTS OR REPORTS      | PGS TEST REPORT @ 0.8 PF       |
| 1        | GEN TEST OPTION               | GENERATOR TEST REPORT          |
| 1        | TESTING (ADDITIONAL)          | STD ENGINE TEST CHARGE         |
| 1        | TORSIONAL VIBRATION ANALYSIS  | STANDARD GENSET TVA REPORT     |

## **Scope for K3, K4 and K5**

### **ELECTRICAL**

MCC/Sub Panels/Dry Type Transformers

GEN & SWITCHGEAR WIRING

NEUTRAL GROUNDING RESISTOR

NGR Freight

Control Panel/Pull Box

Supply, Pull, Term medium voltage cable from gensets to switchgear

### **MECHANICAL**

JW Radiator

Radiator Freight

Aftercooler Radiator

Aftercooler Radiator Freight

Coolant Line Isolation Valves

Radiator Piping

Radiator Piping Stands

Low Level Switches

Sight Glass/Level

Auto Bleeders

Auto Bleeder Brackets, Tubing, Etc.

Auto Bleeders, Brackets, Tubing, etc. install

Coolant Line Pipe Wrap

Expansion Tank Stands/Tanks

Thermal Wells/Junction Adapters

Engine to Coolant Pipe Flexes

Install Engine to Coolant Pipe Flexes

Pipe Flexes gasket bolt kit

Y Strainer and install

Y-Strainer - Gasket kits

Bleeder Valves/fittings and threadolets - gas line and coolant lines

Coolant Drain Valves in Pipe

Expansion Tank to Radiator Headers Tubing

Expansion Tank to Radiator Headers Tubing install

Rubber Expansion Joints

Rubber Expansion Joints Hardware and install

Radiator Mounting - Anchor

Radiator Mounting Isolators levelers Install

Glycol Fill Tanks

Antifreeze

Subtotal

### **Gas**

Engine Gas Line from main line to gen

Drop down regulator

Gas Meter

### **Misc.**

Crane Rental for radiators

Freight, Hotshots

Oil Connection Assembly  
Coolant Connection  
Crankcase Ventilation System(CCV) and CCV Install

**Other**

Installation of Genset and ancillary equipment  
Start Up and Commissioning

**NEXT PAGE**

### **Scope for K6, K7**

Re-term Wiring from old CPI Controls into New Control System

Test System

Syn Oil Install

Vibration Sensors

**NEXT PAGE**

## **Scope for ALL Units**

### **Electrical**

SWITCHGEAR Controls from Lehi. Lehi may "give" Springville the three controls from their temporary controls for the summer 2023. This line item, additional cost for the additional two genset controls.

Freight for controls from Lehi to Springville

DCTs/Install

SEL 735 Revenue/Power Quality Meters Install

Extra Conduit Overhead In Switchgear Room

### **Exhaust**

Engine to Exhaust Pipe-Flex, labor, hardware

Engine to SCR Exhaust Piping

Exhaust Stacks Just hardware and gaskets

Exhaust Supports/Guy Wires

Exhaust Relief Blowoff

Thimbles/Flashing

Exhaust Wrap in Building

Stack Stand Outside

Exhaust Pipe Mounting Brackets

Stack - 60 feet

### **SCR**

Safety Power SCR

SCR Wiring

SCR Freight

SCR Stand

SCR Stand Blast and Paint

Stand Freight

Install SCR

SCR Tank (2940g) w/ freight w/ sensor and valves

Structural Support for DEF Tank under grating

SCR Fill Station

Fill DEF Tank

Duplex Circulation Pumps

DEF Piping Loop (Aquatherm) and Install

Air Piping and Install

Dosing Cabinet Stand

Install Dosing Cabinet Stand/Mount Dosing Cabinet to Stand

Hose, Pipe, etc. between dosing cabinets to ecubes

Build and install tube wire bundle

Air dryers

### **Misc.**

Crane Rentals for Exhaust stacks

Change Coolant – Coolant  
Blackstart Testing w Load Bank  
General Conditions Monthly, trash bins, porta toilet  
Structural Engineering  
Electrical Engineering  
Electrical - Coordination Study, Test Breakers, and Relays, Install Settings, As Built Drawings  
LiDAR 3D Laser Scan Building pre-project and post installation (Scan to BIM)  
Civil Engineering  
Mechanical Engineering

### **Concrete- Structural**

South Side Asphalt Repair 600 Square feet  
South Side Slurry Bin Rental  
South Side Black Ops Demo Asphalt and Sidewalk  
West Side Patch Walls  
West Side Rock & Road Base, Compaction, Haul in and Placement of Material 108.02 Yards  
West Side Radiator Electrical Underground & Ground Grid Tie-In  
West Side - Fab and Install New Stairs  
Concrete: South Side, Pour new sidewalk, tie new pad into building  
Concrete Work: Inside Building Gen Pads Cut, Chip and Bush contaminated concrete and haul off at 3 existing gen pads.  
Concrete Work: Furnish reinforcing, drill and epoxy reinforcing into existing, furnish forms, install edge form, set grade, and chamfer top of pads at 3 locations  
Concrete Work: Fill in pits at 2 locations.  
Concrete Work: Place and Finish, concrete and pump 3 gen pads - 9k.  
Concrete Work: Exterior 6" pad w/ mono curb at perimeter, concrete, pump, and washout

**NEXT PAGE**

|                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Clarifications and Assumptions - Springville</b>                                                                                                                                                                                          |
| Springville to remove all existing switchgear control enclosures for K3-K7                                                                                                                                                                   |
| Springville to demo all engines, engine components, conduit, piping, existing engine ancillary and support equipment above and below bar grating.                                                                                            |
| Springville to do all work regarding repair, remove, install, modification, galv dipping, painting of bar grating.                                                                                                                           |
| Springville to provide all supports under bar grating for all bar grating mounted equipment.                                                                                                                                                 |
| Springville to demo all stacks, supports, tanks, pipes, air cleaners and related equipment outside of building                                                                                                                               |
| Springville to remove and replace bar grating with patches suitable for personnel to be able to walk and work on temporarily during construction                                                                                             |
| Springville to steam clean and clean flooring and everything under bar grating                                                                                                                                                               |
| Springville to remove existing engines, engine exhaust, intake, and intake stands, piping, catalysts                                                                                                                                         |
| Springville to remove engine epoxy engine base and clean engine pad.                                                                                                                                                                         |
| Springville to remove existing control and medium voltage cable and cable connection boxes                                                                                                                                                   |
| Springville to remove existing engine compressed air lines back to the building and leave with isolation ball valve and flange cap.                                                                                                          |
| Springville responsible for all exhaust demo                                                                                                                                                                                                 |
| Springville responsible for removal of all existing genset control enclosures, gear equipment in switchgear room                                                                                                                             |
| Springville responsible for any and all floor painting/epoxy.                                                                                                                                                                                |
| If we utilize inventory package generators for this project and Springville opts to purchase on-board air cleaners, Springville has install in their scope.                                                                                  |
| Springville to leave mule tape in any conduits that they pull wiring out of.                                                                                                                                                                 |
| All SEL700G Gen protective relays are included with Switchgear Controls from Lehi.                                                                                                                                                           |
| We have not included any cost for Switchgear controls at this time <b>for 3 Units</b>                                                                                                                                                        |
| Pricing Does not include removal or modification of the existing NGR/voltage regulator cabinets in the switchgear room.                                                                                                                      |
| UAMPS to supply SEL 735 Revenue Meters for K3, K4, K6 and K7.                                                                                                                                                                                |
| Pricing for K5 735 SEL Revenue Meter included in Wheeler Scope                                                                                                                                                                               |
| Wheeler to pull and provide medium voltage cable for all new generators and NGRs                                                                                                                                                             |
| Generator is 6,900V                                                                                                                                                                                                                          |
| Does Not Include Gas Company Gas Line                                                                                                                                                                                                        |
| Caterpillar standard warranty applies - 1 Year from end of successful commissioning or upon beginning of genset operation for production.                                                                                                    |
| Other equipment and install under our contract, 1 year warranty                                                                                                                                                                              |
| No extended service coverage is included in pricing                                                                                                                                                                                          |
| Air Permit not included in pricing                                                                                                                                                                                                           |
| Emissions Compliance Testing Not Included                                                                                                                                                                                                    |
| Sales Tax Not Included                                                                                                                                                                                                                       |
| Force Majeure - WPS will not be held liable for events beyond their control that may delay their delivery, such as Acts of God, fire, strikes, floods, accidents, or similar causes beyond our control.                                      |
| Pandemics: This is a moving target with rapidly changing requirements and regulations. Delays due to Pandemics, Wheeler Power Systems cannot be liable for.                                                                                  |
| Current Estimated lead time on the generator is 60 Weeks. Switchgear is 80 Weeks. Electrical Distribution Equipment is around 80 Weeks.                                                                                                      |
| Cost escalations for all equipment and supplies are coming in at a much more frequent interval than we have seen historically. Pricing exercises will need to be performed again if procurement exceeds 30 days past the date of this quote. |
| Does Not Include Performance and Payment Bonds or Any Insurance                                                                                                                                                                              |
| Enough Urea Included in price for commissioning                                                                                                                                                                                              |
| Includes Islanding/black start Testing with sewer treatment plant load only.                                                                                                                                                                 |
| Project changes which are outside of concept scope will be billed as change orders and will be at a rate of 18%. This is broken out as 10% for company direct and allocated overhead and 8% profit.                                          |
| NGRs for 3 and 4 mount on existing NGR/Voltage Regulator Enclosures inside switchgear Room. Wheeler Scope.                                                                                                                                   |
| If Remove NGRs from Factory Enclosures and install in Existing NGR/Voltage Regulator Enclosures, Springville Scope.                                                                                                                          |
| Utilize one of the existing phase conduits on K4 for new neutral for NGR from Gen to switchgear room.                                                                                                                                        |
| No heat recover circuit, parts labor for K5.                                                                                                                                                                                                 |
| K3-K5 are left side MV cable stub up into generator                                                                                                                                                                                          |
| Stack height is 60 feet from ground level.                                                                                                                                                                                                   |

5/10/2023

**Exhibit B**  
**Estimated Project Timeline**

# Estimated Project Timeline



|    | Task Name                                       | Duration | Predecessors | Start    | Finish   |
|----|-------------------------------------------------|----------|--------------|----------|----------|
| 1  | PO Received                                     | 1d       |              | 05/17/23 | 05/17/23 |
| 2  | Release for Build Drawings from Vendors         | 6w       | 1FS +10d     | 05/30/23 | 07/10/23 |
| 3  | Special Order Generator End                     | 40w      | 1FS +5d      | 05/23/23 | 02/26/24 |
| 4  | Scanning                                        | 1d       | 1FS +15d     | 06/06/23 | 06/06/23 |
| 5  | Development BIM model and drawings for approval | 6w       | 4            | 06/07/23 | 07/18/23 |
| 6  | Model Approval                                  | 2w       | 5            | 07/19/23 | 08/01/23 |
| 7  | K5 Concrete work Outside South side             | 4w       | 6FS +10d     | 08/16/23 | 09/12/23 |
| 8  | K4 Removed and Associated Equipment             | 50d      | 1            | 05/16/23 | 07/24/23 |
| 9  | K4 And 1/2 of West slab                         | 4w       | 8FS +10d     | 08/08/23 | 09/04/23 |
| 10 | K3 Removed and Associated Equipment             | 50d      | 9            | 09/05/23 | 11/13/23 |
| 11 | K3 And 1/2 of West slab                         | 4w       | 10FS +10d    | 11/28/23 | 12/25/23 |
| 12 | SCR Delivery                                    | 38w      | 2            | 07/11/23 | 04/01/24 |
| 13 | Install SCR K6                                  |          |              |          |          |
| 14 | Install SCR K7                                  |          |              |          |          |
| 15 | Radiators                                       | 35w      | 2            | 07/11/23 | 03/11/24 |
| 16 | PreGenset Install K5                            | 65d      | 6FS +20d     | 08/30/23 | 11/28/23 |
| 17 | PreGenset Install K4                            | 65d      | 6FS +20d     | 08/30/23 | 11/28/23 |
| 18 | PreGenset Install K3                            | 50d      | 11FS +14d    | 01/15/24 | 03/22/24 |
| 19 | Switchgear                                      | 30d      |              | 01/02/23 | 02/10/23 |
| 20 | Post Genset Install K5                          | 40d      | 3            | 02/27/24 | 04/22/24 |
| 21 | Post Genset Install K4                          | 40d      | 3FS +10d     | 03/12/24 | 05/06/24 |
| 22 | Post Genset Install K3                          | 40d      | 3FS +20d     | 03/26/24 | 05/20/24 |
| 23 | Commissioning K5                                | 20d      | 20           | 04/23/24 | 05/20/24 |
| 24 | Commissioning K4                                | 20d      | 21           | 05/07/24 | 06/03/24 |
| 25 | Commissioning K3                                | 20d      | 22           | 05/21/24 | 06/17/24 |
| 26 | Switchgear Testing K5                           | 7d       | 23           | 05/21/24 | 05/29/24 |
| 27 | Switchgear Testing K4                           | 7d       | 24           | 06/04/24 | 06/12/24 |
| 28 | Switchgear Testing K3                           | 7d       | 25           | 06/18/24 | 06/26/24 |
| 29 | Black Start Testing                             | 2w       |              | 09/16/24 | 09/27/24 |

**Exhibit C**  
**Gas Engine Site Specific Technical Data - Springville**

## GENSET - WITHOUT RADIATOR

ENGINE SPEED (rpm): 1500  
 COMPRESSION RATIO: 12.1  
 AFTERCOOLER TYPE: SCAC  
 AFTERCOOLER - STAGE 2 INLET (°F): 118  
 AFTERCOOLER - STAGE 1 INLET (°F): 192  
 JACKET WATER OUTLET (°F): 210  
 ASPIRATION: TA  
 COOLING SYSTEM: JW+OC+1AC, 2AC+GB  
 CONTROL SYSTEM: ADEM4 W/ IM  
 EXHAUST MANIFOLD: DRY  
 COMBUSTION: LOW EMISSION  
 NOx EMISSION LEVEL (g/bhp-hr NOx): 1.0  
 SET POINT TIMING: 22

## RATING STRATEGY:

FUEL SYSTEM:

## SITE CONDITIONS:

FUEL:  
 FUEL PRESSURE RANGE(psig): (See note 1)  
 FUEL METHANE NUMBER:  
 FUEL LHV (Btu/scf):  
 ALTITUDE(ft):  
 INLET AIR TEMPERATURE(°F):  
 STANDARD RATED POWER:  
 POWER FACTOR:  
 VOLTAGE(V):

**HIGH ALTITUDE/AMBIENT**  
 CAT LOW PRESSURE  
 WITH AIR FUEL RATIO CONTROL

Nat Gas

2.0-5.0

84.7

905

4536

85

3457 bhp@1500rpm

1.0

4160-13800

| RATING                                      | NOTES  | LOAD | 100% | SITE RATING AT MAXIMUM INLET AIR TEMPERATURE |      |      |  |
|---------------------------------------------|--------|------|------|----------------------------------------------|------|------|--|
|                                             |        |      |      | 100%                                         | 75%  | 50%  |  |
| GENSET POWER (WITH GEARBOX, WITHOUT FAN)    | (2)(3) | ekW  | 2470 | 2467                                         | 1850 | 1233 |  |
| GENSET POWER (WITH GEARBOX, WITHOUT FAN)    | (2)(3) | kVA  | 2470 | 2467                                         | 1850 | 1233 |  |
| ENGINE POWER (WITHOUT GEARBOX, WITHOUT FAN) | (3)    | bhp  | 3426 | 3422                                         | 2578 | 1733 |  |
| INLET AIR TEMPERATURE                       |        | °F   | 77   | 85                                           | 85   | 85   |  |
| GENERATOR EFFICIENCY                        |        | %    | 97.4 | 97.4                                         | 97.0 | 96.2 |  |
| GENSET EFFICIENCY (ISO 3046/1)              | (4)(5) | %    | 44.2 | 44.2                                         | 43.1 | 40.8 |  |
| THERMAL EFFICIENCY                          | (4)(6) | %    | 41.5 | 41.5                                         | 42.8 | 45.6 |  |
| TOTAL EFFICIENCY                            | (4)(7) | %    | 85.7 | 85.7                                         | 85.9 | 86.4 |  |

| ENGINE DATA                                             |      |            |       |       |       |       |  |
|---------------------------------------------------------|------|------------|-------|-------|-------|-------|--|
| GENSET FUEL CONSUMPTION (ISO 3046/1)                    | (8)  | Btu/ekW-hr | 7718  | 7719  | 7913  | 8359  |  |
| GENSET FUEL CONSUMPTION (NOMINAL)                       | (8)  | Btu/ekW-hr | 7984  | 7985  | 8186  | 8648  |  |
| ENGINE FUEL CONSUMPTION (NOMINAL)                       | (8)  | Btu/bhp-hr | 5755  | 5756  | 5874  | 6153  |  |
| AIR FLOW (@inlet air temp, 14.7 psia) (WET)             | (9)  | ft3/min    | 6308  | 6393  | 4762  | 3191  |  |
| AIR FLOW (WET)                                          | (9)  | lb/hr      | 27968 | 27932 | 20804 | 13943 |  |
| FUEL FLOW (60°F, 14.7 psia)                             |      | scfm       | 363   | 363   | 279   | 196   |  |
| INLET MANIFOLD PRESSURE                                 | (10) | in Hg(abs) | 135.1 | 134.9 | 101.3 | 69.1  |  |
| EXHAUST TEMPERATURE - ENGINE OUTLET                     | (11) | °F         | 732   | 732   | 793   | 898   |  |
| EXHAUST GAS FLOW (@engine outlet temp, 14.5 psia) (WET) | (12) | ft3/min    | 15059 | 15043 | 11800 | 8596  |  |
| EXHAUST GAS MASS FLOW (WET)                             | (12) | lb/hr      | 28963 | 28925 | 21567 | 14481 |  |
| MAX INLET RESTRICTION                                   | (13) | in H2O     | 14.35 | 14.33 | 10.05 | 7.31  |  |
| MAX EXHAUST RESTRICTION                                 | (13) | in H2O     | 19.86 | 19.82 | 11.25 | 5.37  |  |

| EMISSIONS DATA - ENGINE OUT       |              |          |      |      |      |      |  |
|-----------------------------------|--------------|----------|------|------|------|------|--|
| NOx (as NO2)                      | (14)(15)     | g/bhp-hr | 1.00 | 1.00 | 1.00 | 1.00 |  |
| CO                                | (14)(15)     | g/bhp-hr | 1.54 | 1.54 | 1.47 | 1.43 |  |
| THC (mol. wt. of 15.84)           | (14)(15)     | g/bhp-hr | 2.29 | 2.29 | 2.38 | 2.31 |  |
| NMHC (mol. wt. of 15.84)          | (14)(15)     | g/bhp-hr | 0.32 | 0.32 | 0.33 | 0.32 |  |
| NMNEHC (VOCs) (mol. wt. of 15.84) | (14)(15)(16) | g/bhp-hr | 0.25 | 0.25 | 0.26 | 0.25 |  |
| HCHO (Formaldehyde)               | (14)(15)     | g/bhp-hr | 0.21 | 0.21 | 0.22 | 0.22 |  |
| CO2                               | (14)(15)     | g/bhp-hr | 401  | 401  | 408  | 418  |  |
| EXHAUST OXYGEN                    | (14)(17)     | % DRY    | 9.7  | 9.7  | 9.4  | 8.9  |  |

| HEAT REJECTION                               |          |         |        |        |        |        |  |
|----------------------------------------------|----------|---------|--------|--------|--------|--------|--|
| LHV INPUT                                    | (18)     | Btu/min | 328623 | 328244 | 252393 | 177746 |  |
| HEAT REJ. TO JACKET WATER (JW)               | (19)     | Btu/min | 34132  | 34115  | 29238  | 23968  |  |
| HEAT REJ. TO ATMOSPHERE (INCLUDES GENERATOR) | (19)     | Btu/min | 7979   | 7974   | 6880   | 5735   |  |
| HEAT REJ. TO LUBE OIL (OC)                   | (19)     | Btu/min | 12549  | 12543  | 11272  | 9699   |  |
| HEAT REJECTION TO EXHAUST (LHV TO 248°F)     | (19)     | Btu/min | 62102  | 62061  | 52233  | 42127  |  |
| HEAT REJ. TO A/C - STAGE 1 (1AC)             | (19)(21) | Btu/min | 27284  | 27213  | 14998  | 5271   |  |
| HEAT REJ. TO A/C - STAGE 2 (2AC)             | (19)(21) | Btu/min | 16295  | 16269  | 11418  | 6387   |  |
| HEAT REJECTION FROM GEARBOX (GB)             | (19)     | Btu/min | 1148   | 1146   | 864    | 581    |  |
| PUMP POWER                                   | (20)     | Btu/min | 859    | 859    | 859    | 859    |  |

| COOLING SYSTEM SIZING CRITERIA                                                             |      |         |       |       |  |  |  |
|--------------------------------------------------------------------------------------------|------|---------|-------|-------|--|--|--|
| TOTAL JACKET WATER CIRCUIT (JW+OC+1AC)                                                     | (22) | Btu/min | 86500 | 88009 |  |  |  |
| TOTAL STAGE 2 AFTERCOOLER CIRCUIT (2AC+GB)                                                 | (22) | Btu/min | 19878 | 20322 |  |  |  |
| HEAT REJECTION TO EXHAUST (LHV TO 248°F)                                                   | (22) | Btu/min | 68313 | 68267 |  |  |  |
| A cooling system safety factor of 0% has been added to the cooling system sizing criteria. |      |         |       |       |  |  |  |

| MINIMUM HEAT RECOVERY                      |      |         |       |       |  |  |  |
|--------------------------------------------|------|---------|-------|-------|--|--|--|
| TOTAL JACKET WATER CIRCUIT (JW+OC+1AC)     | (23) | Btu/min | 66678 | 66591 |  |  |  |
| TOTAL STAGE 2 AFTERCOOLER CIRCUIT (2AC+GB) | (23) | Btu/min | 16571 | 16544 |  |  |  |
| HEAT REJECTION TO EXHAUST (LHV TO 248°F)   | (23) | Btu/min | 50551 | 48799 |  |  |  |

## CONDITIONS AND DEFINITIONS

Engine rating obtained and presented in accordance with ISO 3046/1, adjusted for fuel, site altitude and site inlet air temperature. 100% rating at maximum inlet air temperature is the maximum engine capability for the specified fuel at site altitude and maximum site inlet air temperature. Maximum rating is the maximum capability at the specified aftercooler inlet temperature for the specified fuel at site altitude and reduced inlet air temperature. Refer to product O&M manual for details on additional lower load capability. No overload permitted at rating shown.

For notes information consult page three.



Project Name: AC Cooler

Selection ID: 242557

Date: 04/13/2023

## Dry Fluid Cooler

**GFD 090.2D2x4/6LA-E257L/04P.M**

Quantity: 1

|                                     |                      |                                  |                     |
|-------------------------------------|----------------------|----------------------------------|---------------------|
| Design Working Fluid Flow/Capacity: | 211.0 GPM / 1191 MBH | Working Fluid:                   | 50% Ethylene Glycol |
| Rated Capacity vs. Design:          | 115.1 %              | Entering Fluid Temperature:      | 130.9 °F            |
| Air Flow per Unit:                  | 129595 CFM           | Leaving Fluid Temperature:       | 118.0 °F            |
| Air Inlet Dry Bulb Temperature:     | 110.0 °F             | Fluid Pres. Drop at Design Flow: | 4.07 psig           |
| Air Inlet Wet Bulb Temperature:     | 95.0 °F              | Elevation:                       | 4536 ft             |

### Detailed Unitary Data

|                         |                               |                        |          |
|-------------------------|-------------------------------|------------------------|----------|
| Fans:                   | 8, suitable for 460V/3Ph/60Hz | Sound Pressure @ 3ft:  | 73 dB(A) |
| Total Fan Power in/out: | 20.6 kW / 25.4 HP, nominal    | Sound Pressure @ 30ft: | 61 dB(A) |
| FLA:                    | 31.20 A                       | Sound Power Level:     | 94 dB(A) |
| MCA:                    | 32.18 A                       |                        |          |
| MOCP:                   | 35.00 A                       |                        |          |
| Angular Fan Velocity:   | 1050 RPM                      |                        |          |

|         |                     |                            |          |
|---------|---------------------|----------------------------|----------|
| Casing: | Galv. Powder coated | Interior Coil Volume:      | 12.7 ft³ |
| Coil:   | Copper              | Max Operating Pressure:    | 232 psia |
|         |                     | Number of Support Anchors: | 6        |
|         |                     | Fin Material:              | Aluminum |
|         |                     | Fin Spacing:               | 10 FPI   |

### Dimensions

|                  |         |
|------------------|---------|
| Height:          | 9.3 ft  |
| Width:           | 8.5 ft  |
| Length, nominal: | 19.9 ft |

### Weights

|            |          |
|------------|----------|
| Shipping:  | 8375 lbs |
| Operating: | 9647 lbs |

### Headers and Connections (Diameters)

#### Coil

|                     |              |
|---------------------|--------------|
| Inlet Connections:  | 2 x 2.625 in |
| Outlet Connections: | 2 x 2.625 in |

#### Headers:

|         |          |
|---------|----------|
| Inlet:  | 2.625 in |
| Outlet: | 2.625 in |

### Reference Information

S-GFDD 090.1D/2x4-U(2)1C/4P.M

### Options

Flange connections, ANSI 150#  
Wifi Module

Important Remarks / Explanatory Notes

### Service

Terms of Delivery:

Payment Cond:

Delivery Time:

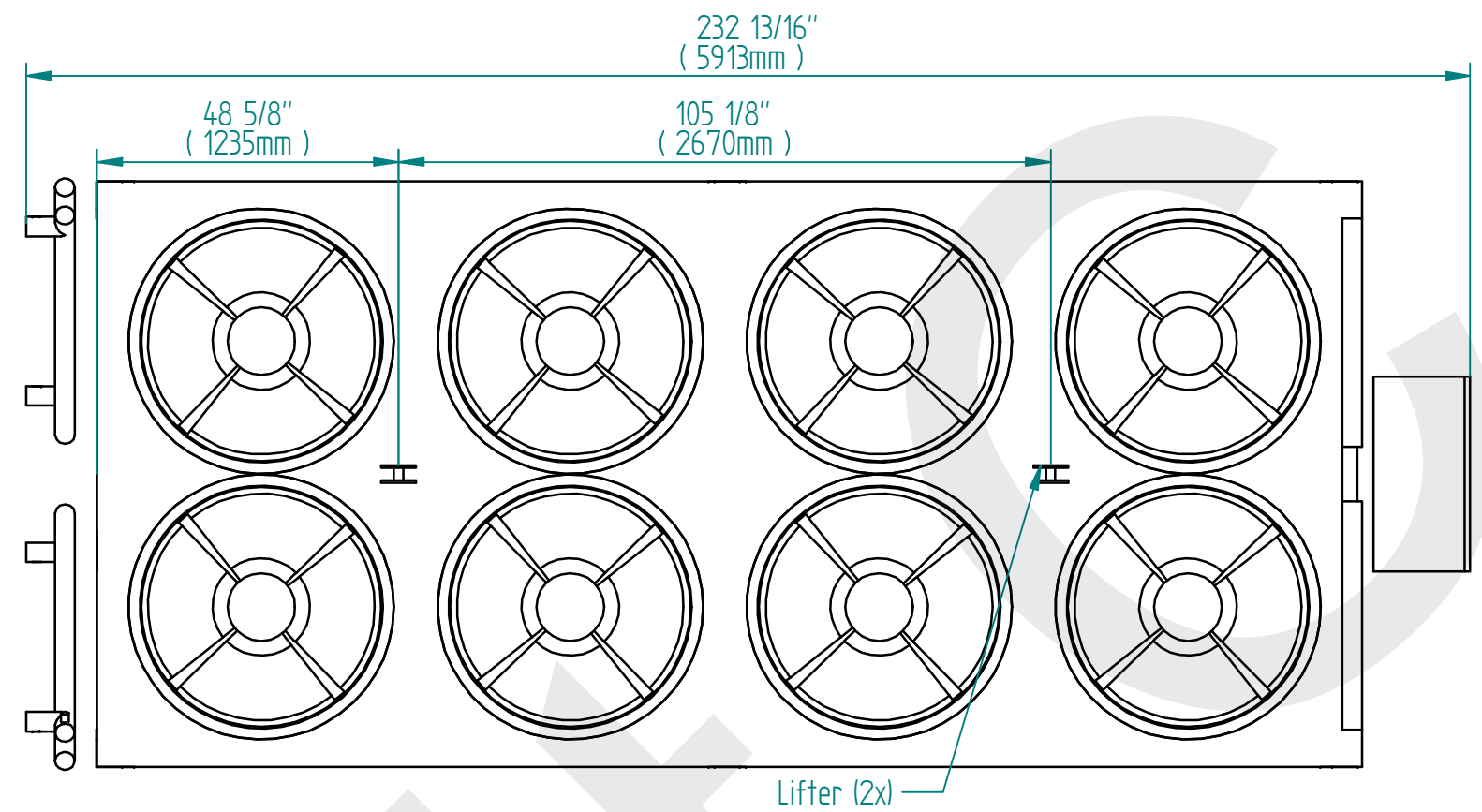
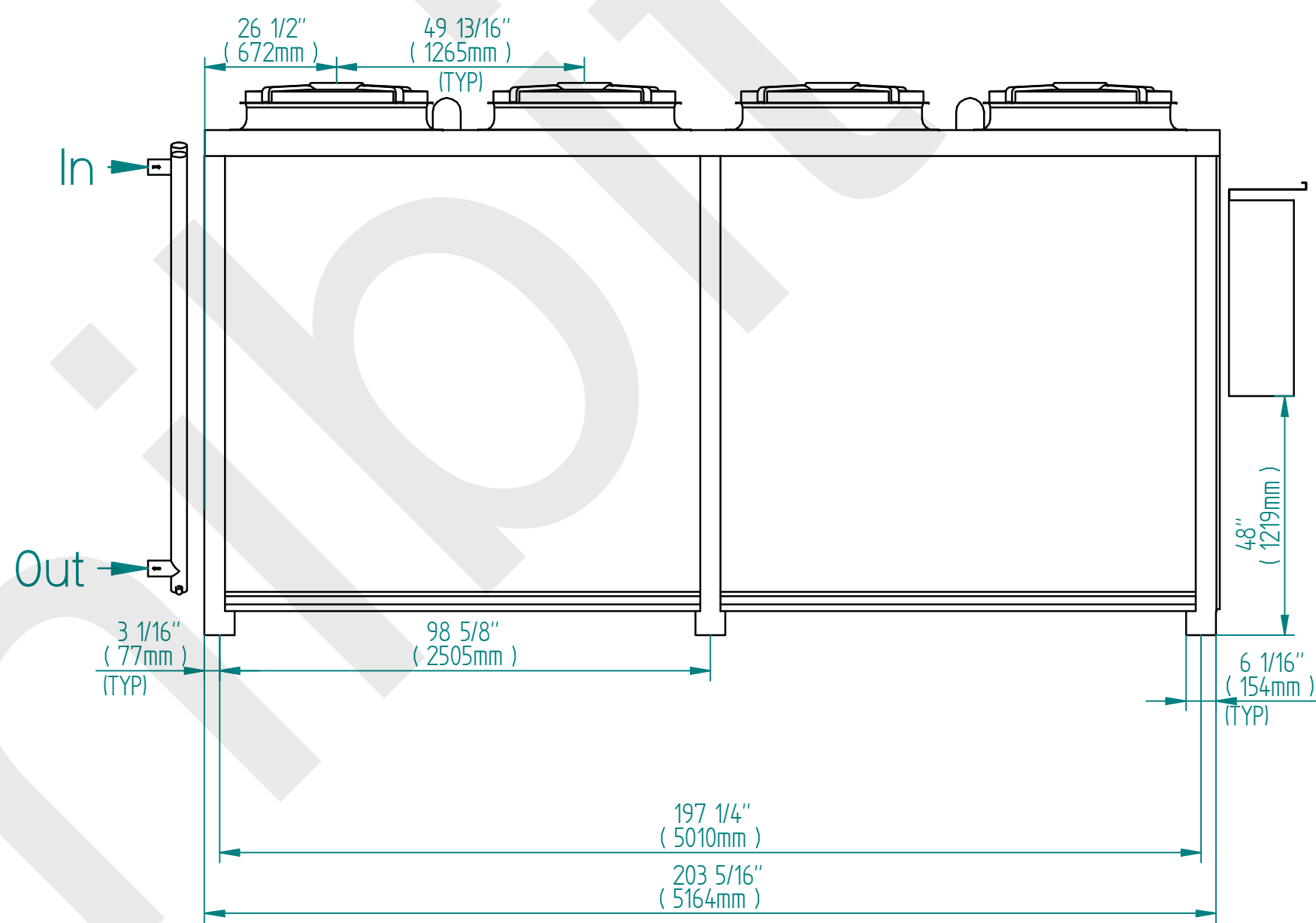
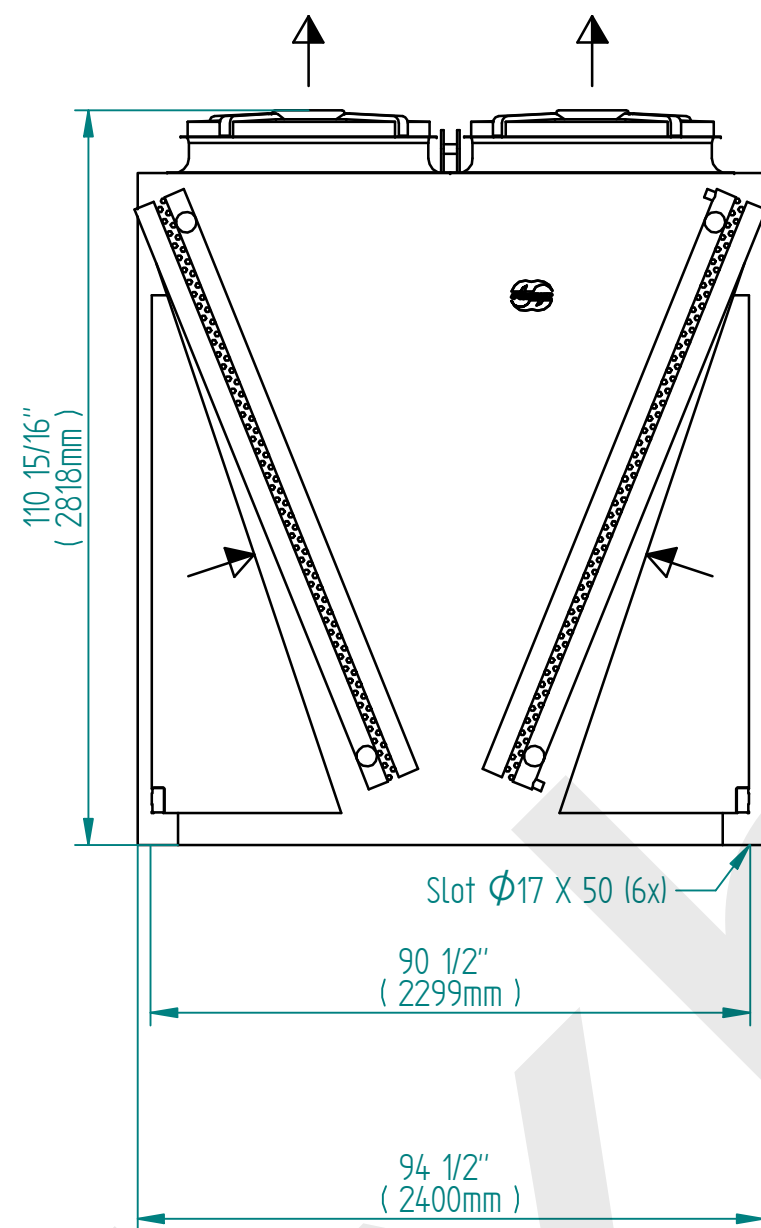
Validity: 06/12/2023

Our general terms of sales and delivery apply.

**Güntner is not liable for unit and system damage due to lack of freeze protection for coils installed in freezing climates**

measures without specification of tolerances:  
welding / brazing: DIN EN ISO 15920, tolerance class 0  
general tolerances: DIN ISO 2768-1, tolerance class component parts m / assembly sg, length >4m DIN 7168, tolerance class component parts m / assembly sg, length >3m EN 10162, tolerance straightness and flatness 0002xl (length)  
general tolerances: DIN ISO 2768-2, tolerance class component parts K / assembly L, length >3m EN 10162, tolerance straightness and flatness 0002xl (length)

protection note acc. to DIN ISO 16016



|                                                                                                                                                    |  |                           |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------|--|
| Reference #:                                                                                                                                       |  | Project:                  |  |
| Notes:<br>Preliminary Drawing. Do not use for construction.<br>Coil inlet and outlet details and quantities often vary from the sample shown above |  |                           |  |
| Güntner U.S. Ref. #:                                                                                                                               |  | Dimensions in inches (mm) |  |
| scale                                                                                                                                              |  | 1 : 29                    |  |
| material                                                                                                                                           |  | sheet 1/1 size DIN A2     |  |
| weight [kg]                                                                                                                                        |  |                           |  |
| notice                                                                                                                                             |  |                           |  |
| type                                                                                                                                               |  | GVD-GFD 090.2/08          |  |
| name                                                                                                                                               |  | Condenser/Cooler          |  |
| Baan-No.                                                                                                                                           |  |                           |  |
| revision                                                                                                                                           |  | date name                 |  |
| drawing number                                                                                                                                     |  | 1142021105846 index       |  |
| customer                                                                                                                                           |  |                           |  |
| project/ quantity                                                                                                                                  |  |                           |  |
| order/ position                                                                                                                                    |  |                           |  |



Güntner U.S. LLC  
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Rolling Meadows, IL 60008  
USA  
Tel. +1 847 781 0900  
www.guenterus.com

Date: 2023-04-13  
 Enquiry dated:  
 Project: Springville City Power  
 Quotation-no.: 128031  
 Item: Separate JW Radiator  
 Reference: SCT

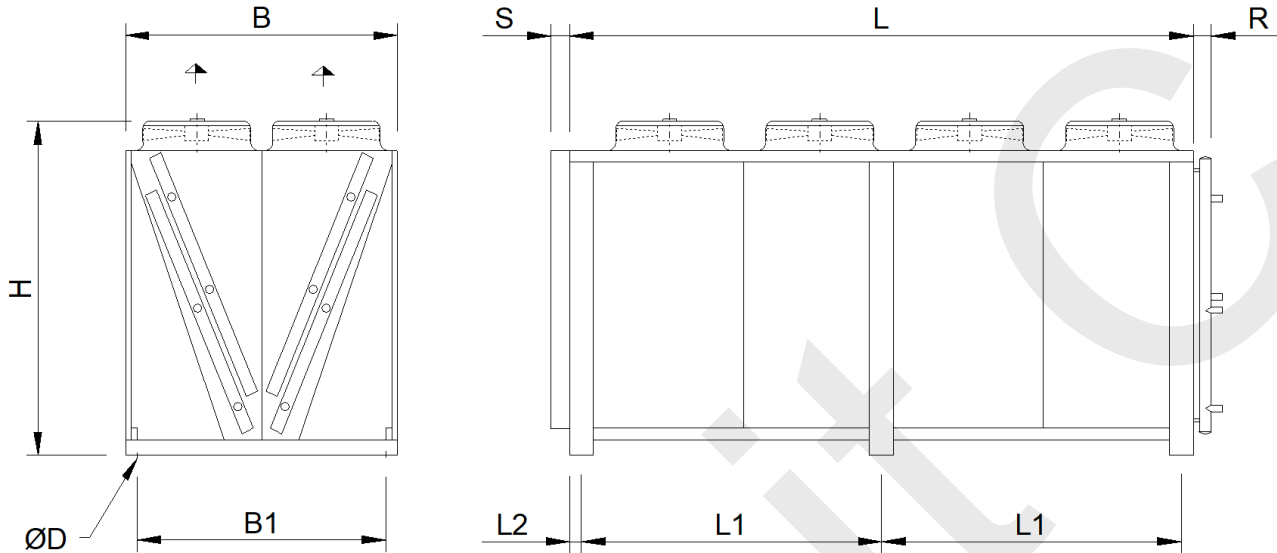
|                                       |                                  |                                   |                                    |
|---------------------------------------|----------------------------------|-----------------------------------|------------------------------------|
| <b>Drycooler</b>                      |                                  | <b>S-GFD 090.1C/2x4-N21K/2P.M</b> |                                    |
| <b>Capacity:</b>                      | 5280540 Btu/h <sup>(1)</sup>     | <b>Medium:</b>                    | Ethylene glycol 50 Vol. %          |
| <b>Surface reserve:</b>               | 1.7 %                            | <b>Inlet:</b>                     | 210.0 °F                           |
| <b>Air flow:</b>                      | 116439 cfm <sup>(2)</sup>        | <b>Outlet:</b>                    | 192.0 °F                           |
| <b>Air velocity:</b>                  | 425 ft/min                       |                                   |                                    |
| <b>Air inlet:</b>                     | 110.0 °F                         | <b>Pressure drop:</b>             | 3.06 psi                           |
| <b>Altitude:</b>                      | 4536.000 ft                      | <b>Volume flow:</b>               | 662.37 gpm                         |
| <b>Heat transf. coeff.:</b>           | 7.11 Btu/(h·ft <sup>2</sup> ·°F) | <b>Mass flow:</b>                 | 344013 lb/h                        |
| <b>Fans:</b>                          | 8 Piece(s) 3~460V 50-60Hz        | <b>Fan diameter:</b>              | 35 7/16 in                         |
| <b>Data per motor (nominal data):</b> |                                  | <b>Noise pressure level:</b>      | 59 dB(A) in 32.8 ft <sup>(3)</sup> |
| <b>Speed:</b>                         | 905 rpm                          | <b>Noise power level:</b>         | 92 dB(A)                           |
| <b>Capacity:</b>                      | 1.60 kW                          |                                   |                                    |
| <b>Current:</b>                       | 2.40 A                           |                                   |                                    |
| <b>Casing:</b>                        | Galv. Steel, light grey          | <b>Tubes:</b>                     | Copper <sup>(4)</sup>              |
| <b>Surface:</b>                       | 12621 ft <sup>2</sup>            | <b>Fins:</b>                      | Epoxy <sup>(4)</sup>               |
| <b>Tube volume:</b>                   | 13.470 ft <sup>3</sup>           | <b>Connections per unit:</b>      |                                    |
| <b>Fin spacing:</b>                   | 6.3 FPI                          | <b>Inlet:</b>                     | 4 x 3 1/8 in                       |
| <b>Dry weight:</b>                    | 4982 lb <sup>(5)</sup>           | <b>Outlet:</b>                    | 4 x 3 1/8 in                       |
| <b>Max. operating pressure:</b>       | 232.1 psi                        |                                   |                                    |
| <b>Dimensions:<sup>(5)</sup></b>      |                                  |                                   |                                    |
| <b>Length:</b>                        | 212 3/4 in                       | <b>Outlet header:</b>             | 2 x 3 1/8 in                       |
| <b>Width:</b>                         | 90 9/16 in                       | <b>Inlet header:</b>              | 2 x 3 1/8 in                       |
| <b>Height:</b>                        | 112 3/16 in <sup>(5)</sup>       | <b>Face Area:</b>                 | 261.4 ft <sup>2</sup>              |
| <b>No. of legs:</b>                   | 6                                | <b>Circuits:</b>                  | 2N                                 |
|                                       |                                  | <b>Distributions:</b>             | 2 * 96                             |

(S = Special coil, Special fan VT03219U.2 3~400V 5060Hz)

S-GFD 090.1C/2x4-N21K/2P.M

Project:  
Quotation-no.:  
Item:  
Reference:

Springville City Power  
128031  
Separate JW Radiator  
SCT



File: EMF\GVD\_CD2x4\_UNI.emf

|                 |                |                 |
|-----------------|----------------|-----------------|
| L = 203 5/16 in | B = 90 9/16 in | H = 112 3/16 in |
| R = 8 11/16 in  | L1 = 98 5/8 in | L2 = 3 1/16 in  |
| B1 = 86 5/8 in  | S = 13/16 in   | ØD = 11/16 in   |

Attention: Drawing and dimensions not valid for all accessory options!

#### Accessories

|                                                                               | Piece(s) |
|-------------------------------------------------------------------------------|----------|
| Welding neck flanges NPS 3" ASME B16.5 Class 150 <sup>(6)</sup>               | 8        |
| Special design                                                                | 1        |
| Extra accessories                                                             |          |
| Electrical Control Panel                                                      | 1        |
| #CGNE08 - 0240ML - NAUBUNN - N                                                |          |
| 1 x GMM Next EC/08;                                                           |          |
| 8 x MSP, 2.5-4.0A, 1HP;                                                       |          |
| 1 x Non Fused Disconnect, Nema 4X, 30 A;                                      |          |
| 1 x Power Distribution Block 3x6;                                             |          |
| 1 x Control Transformer 230/460 - 115 VAC /300VA, 50/60Hz;                    |          |
| 1 x Panel Heater 200W 120V;                                                   |          |
| 1 x Temperature Sensor for Güntner Controller;                                |          |
| 1 x NEMA 4 Steel Enclosure (WxHxD) 800x800x300 [mm] / 31.5x31.5x11.81 [Inch]; |          |
| 1 x Cabinet Mounting Kit 1200;                                                |          |
| Panel Data:                                                                   |          |
| Operating Range = -38.9°C to 44.7°C / -38.02°F to 112.46°F                    |          |
| Electrical Power = 3/460V/60Hz - Y                                            |          |
| Control Voltage = 115VAC 50/60Hz                                              |          |
| Largest Load [A] = 2.4                                                        |          |
| FLA [A] = 19.2                                                                |          |
| MCA [A] = 19.8                                                                |          |
| MOP [A] = 20                                                                  |          |

## Protonode Air Wifi Module

1

### Important remarks / explanatory notes:

- (1) Calculations and capacity tests are based on the following standards: condensers/gas coolers EN 327, evaporators/air coolers EN 328, dry coolers EN 1048.
- (2) Additional pressure drop for casing and mounted parts is not taken into account.
- (3) According to the enveloping surface method defined in EN 13487/EN 9614-1; tolerance = +2 dB(A). Applies only for AC fans, AC fans with sine control and EC fans. Noise caused by other control methods, water spraying systems or sound reflexions occurring at the installation site are not taken into account and may result in an increased sound pressure level.
- (4) The unit may not be suitable for very corrosive atmospheres (close to shores, in smoke rooms, etc.). For further information see program menu "?", "Material recommendations brochure", or ask your sales partner.
- (5) Dimensions and weights are not valid for all possible options! They may differ for units with accessories or special units (S-...).
- (6) Incl. counter flange, screws and gaskets are intended for transport only and must be replaced



clean essential energy

## DESIGN PARAMETERS

The design of the Safety Power emissions reduction system is based on the following conditions.

Note: NO<sub>x</sub> is calculated as NO<sub>2</sub>.

**Table 1 – Engine Data**

| Engine Type:             | CAT G3520H   |
|--------------------------|--------------|
| Application              | Stand-by     |
| Engine Power             | 2467 ekW     |
| Exhaust Temperature      | 732 °F       |
| Design Exhaust Flow Rate | 15043 (CFM)  |
| Fuel Type                | Pipe Line NG |

**Table 2 – Emissions Data at Full Engine Load**

| Engine Option | Emissions                | Catalyst Inlet | Emissions Requirement | Catalyst Outlet  |
|---------------|--------------------------|----------------|-----------------------|------------------|
| CAT G3520H    | NO <sub>x</sub> (g/HP-h) | 1.00           | 0.07                  | 0.07             |
|               | CO                       | 1.54 (g/HP-h)  | 93 (% reduction)      | 93 (% reduction) |
|               | VOC                      | 0.25 (g/HP-h)  | 50 (% reduction)      | 50 (% reduction) |

Notes: (1) The EPA does not treat methane and ethane as VOC's. Safety Power can achieve a stated reduction of VOC's based on the EPA definition assuming that the VOC's manifest themselves as propene. (2) all emissions reductions are based on an average at steady state using SCAQMD method 100.1 for NO<sub>x</sub> and SCAQMD/EPA methods 25.1/25.3 for CO and VOC's or mutually agreed test method approved in writing. (3) if NMHC/VOC data isn't provided 0.6 g/hp-hr is to be assumed (unless otherwise stated).

**Table 3 – SCR System Data**

| Engine Option                               | CAT G3520H |
|---------------------------------------------|------------|
| Max. Ammonia Slip @ 15% O <sub>2</sub>      | 8 ppm      |
| Urea Consumption - 32.5% solution (+/- 15%) | 1.6 USG/hr |
| System Pressure Loss                        | 11.0" WC   |
| System Inlet/Outlet ANSI Flange Inches      | 22/22      |

Safety Power Inc  
26-5155 Spectrum Way  
Mississauga, On L4W 5A1  
Canada  
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Page 5 of 24  
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## **SOUND ATTENUATION**

The ecoCUBE® systems will provide the following sound reductions:

| Description             | CAT G3520H |
|-------------------------|------------|
| Insertion Loss (IL) dB* | 35-42      |

\*(1) All stated sound reductions assume 1/1 octave band resolution, from 63 Hz to 8000 Hz.

(2) If engine datasheet does not include complete sound data from the 63 Hz to 8000 Hz frequency range, then the above analysis and guarantee is limited to the frequency range that was provided.

(3) Insertion loss (IL) measured based on ISO 6798-1995 in a survey grade 3 environment.

(4) SPL predictions assume hemispherical sound propagation; it does not account for site-specific conditions.

(5) For outdoor or enclosure mounted ecoCUBE®s, acoustic measurement point is assumed to be at least 7 meters laterally from the enclosure wall (or SCR wall if no enclosure), at a height of 1.5 meters above ground.

(6) For indoor ecoCUBE®s, acoustic measurement point is assumed to be at least 7 meters from the edge of the stack opening, perpendicular to the axis of the stack.