



**WORK/STUDY AGENDA
SPRINGVILLE CITY COUNCIL MEETING
OCTOBER 17, 2017 AT 5:15 P.M.**

City Council Chambers
110 South Main Street
Springville, Utah 84663

MAYOR AND COUNCIL DINNER – 4:45 P.M.

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

CALL TO ORDER- 5:15 P.M.

COUNCIL BUSINESS

1. Calendar

- Nov 5 – Daylight Savings
- Nov 7 – Election Day
- Nov 7 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- Nov 10 – Observance of Veteran’s Day (City Offices Closed)
- Nov 14 – Work/ Study Meeting 5:15 p.m.
- Nov 21 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

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

- a) Invocation – Councilmember Creer
- b) Pledge of Allegiance – Councilmember Miller
- c) Consent Agenda
 1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
 2. Approval of the minutes for the September 12 and October 10, 2017 Work/Study meetings.
 3. Approval of an award for the Chip Seal 2017-2018 Project to CKC Asphalt in the amount of \$270,109.89. – Brad Stapley, Public Works Director

3. **DISCUSSIONS/PRESENTATIONS**

- a) Discussion of the Statues to Live By program and the Art Ball – Dr. Rita Wright, Museum of Art Director
- b) Discussion of Springville City Water Rights – Troy Fitzgerald, City Administrator
- c) Discussion of Recreational Trails – John Penrod, Assistant City Administrator/City Attorney

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

5. CLOSED SESSION

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

6. ADJOURNMENT

CERTIFICATE OF POSTING

This meeting was noticed in compliance with Utah Code 52-4-202 on October 13, 2017. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website.

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

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 Rayburn, CMC, City Recorder



**REGULAR AGENDA
SPRINGVILLE CITY COUNCIL MEETING
OCTOBER 17, 2017 AT 7:00 P.M.**

City Council Chambers
110 South Main Street
Springville, Utah 84663

CALL TO ORDER

INVOCATION AND PLEDGE

APPROVAL OF THE MEETING'S AGENDA

MAYOR'S COMMENTS

PUBLIC COMMENT

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

CONSENT AGENDA

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

1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
2. Approval of the minutes for the September 12 and October 10, 2017 Work/Study meetings.
3. Approval of CKC Field Services DBA CKC Asphalt as the low bidder for the Chip Seal 2017-2018 Project for various Springville City roads in the amount of \$270,109.89 – Brad Stapley, Public Works Director

REGULAR AGENDA

4. Consideration and approval of an award to the lowest bidder for the Phase II construction of Bartholomew Park, to Stratton and Bratt in the amount of \$393,811.10 – Brad Neel, Building and Grounds Director
5. Consideration of an Ordinance to amend parts of Title 4, Chapters 1, 2, 12, and 14 and to adopt Chapter 15, Utility Billing, Collection and Discontinuance of Service – Bruce Riddle, Assistant City Administrator/Finance Director
6. Consideration of a Resolution and Interlocal Agreement with Mountainland Association of Governments (MAG) regarding the 1200 West Road Project – Brad Stapley, Public Works Director

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION

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s/s - Kim Rayburn, CMC, City Recorder



MINUTES

Springville City Council Work/Study Meeting – SEPTEMBER 12, 2017

Minutes of the Work/Study Meeting of the Springville City Council held on **SEPTEMBER 12, 2017 AT 5:15 P.M.** in the Multipurpose Room at the Civic Center, 110 South Main Street, Springville, Utah.

COUNCILMEMBER CONOVER MOVED TO APPOINT COUNCILMEMBER MILLER AS MAYOR PRO TEM TO PERFORM, DURING THE MAYOR'S ABSENCE, THE DUTIES AND FUNCTIONS OF MAYOR. COUNCILMEMBER CHILD SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

Mayor Pro Tem Miller presided. In addition to Mayor Pro Tem Miller, the following were present: Councilmember Rick Child, Councilmember Craig Conover, Councilmember Jason Miller, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/Legal Director John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, Deputy City Recorder Jennifer Grigg and City Recorder Kim Rayburn.

Also present were: Administrative Services Manager Rod Oldroyd, Power Director Leon Fredrickson, Public Safety Director Scott Finlayson, Public Works Director Brad Stapley, Golf Pro Craig Norman, Museum of Art Director Dr. Rita Wright, Recreation Director Corey Merideth, Library Director Dan Mickelson, and Buildings and Grounds Director Brad Neel.

CALL TO ORDER- 5:15 P.M.

Mayor Pro Tem Miller welcomed Council and noted Mayor Clyde is in Iceland.

REGULAR AGENDA

Approval a Resolution and an amendment to the settlement agreement with Fox Run LLC regarding a development located at approximately 559 South 2600 West, Springville, Utah - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod stated Council just approved this agreement last meeting but missed 4 words and or site agreements. Fox Run will need to complete work within a year of obtaining a building permit and or site agreements within a year. With all the accepting and rejecting all final of contract red lines, Fox Run noted that these words were missing.

COUNCILMEMBER SORENSEN MOVED TO APPROVE RESOLUTION #2017-30 APPROVING AN AMENDMENT TO THE SETTLEMENT AGREEMENT AND GENERAL RELEASE OF ALL CLAIMS WITH FOX RUN LLC REGARDING A DEVELOPMENT LOCATED AT APPROXIMATELY 559 SOUTH 2600 WEST. COUNCILMEMBER CHILD SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

COUNCILMEMBER CHILD	AYE
COUNCILMEMBER CONOVER	AYE

COUNCILMEMBER CREER AYE
COUNCILMEMBER MILLER AYE
COUNCILMEMBER SORESENSEN AYE

42 **RESOLUTION #2017-30 APPROVED**

44 **COUNCIL BUSINESS**

1. Calendar

- 46 • Sept 19 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m. Mayor Pro Tem Miller noted he will be out of town next Tuesday.
- 48 • Sept 22 – Springville/Mapleton Chamber of Commerce Golf Tournament, City Council is invited to provide Council two teams. Councilmember Sorensen asked what time. Administrator Fitzgerald answered 8:00 a.m.
- 50 • Oct 1-7 – Public Power Week is the corrected date, not Sept. 25 – 29th.
- 52 • Oct 3 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

54 Director Frederickson announced 5th grade classes invited. A Mylar balloon demonstration will be included. A large Mylar balloon short-circuited a power line near 900 North and 300 West. Director Merideth confirmed bleachers will be needed at power plant.

56 Mr. Oldroyd reminded Council that the Aeroplanes, Trains and Automobiles event is this weekend at the Airport. Mayor Pro Tem Miller noted a fatal car accident on an airport runway in Colorado.

60 2. MAYOR, COUNCIL, ADMINISTRATIVE REPORTS

62 Director Mickelson mentioned programs and philosophy of programming at the Library. He stated that staff strives to offer programs that vary in scope. The Stars Wars Reads Day usually has 2500 participants. Reading with Winston is a one on one atmosphere. Beauty and the Beast by Acting Up is on September 18th and about 100 people are expected. Classics Revisited is a lecture style with collaboration with local professors discussing their classic novels. Dad's Matter is a parenting lecture series similar to Love and Logic that brings about 1 or 2 dozen people. Food Trucks will continue for a month or so as long as the weather holds. There is a schedule. Brian from Bandera Briscuit is coordinating the rotation. 6 or 7 trucks are the sweet spot. Councilmember Conover noted the food trucks did well last night at the Farmer's Market.

70 Director Wright announces the new associate director, Lindsay Pace started and is working on marketing and POPS fund raising. Staff sent out the call for entries for the Spiritual & Religious Show. SMOA is partnering with BYU, the Interfaith Council, and others in strategic planning for community involvement. The new Guppy Group Activity is a huge success with over 90 1-4 year old children and 25 babes in arms and caregivers. It was so successful staff needs to restructure it a bit. One problem is parking at the Farmers Market on the north side of the museum. We need a social media announcement confirming there is no parking in that new lane. The Museum parking lot was crazy full. Staff needs to work with the school board and farmer's market to make the parking lot safe. None of the cones, marketing and signs is working. Director Stapley noted it is a no parking construction zone.

80 Director Meredith invited Council to celebrate Springville Birthday 167th Birthday Monday at the Farmer's Market. There will be a tent, some Library presentations, cupcakes and a

82 sign from Allied Sign. Recreation is functioning business as usual. Mayor Pro Tem Miller asked
about Soccer and added parking is great at Community Park. Director Meredith agreed and
84 added the signs are up. So far, there has been no rain, so no mud yet. Director Stapley stated
Streets Superintendent Riding should have extra road base. Director Meredith continued stating
86 sports are good and urban fishing is starting. Mayor Pro Tem Miller complimented Director Neel
stating the grass looks good.

88 Mr. Norman stated the UVU event finished today. Golfers who had never been to Hobble
Creek were amazed at how beautiful it is. The Golf Course has a busy month and lots of events.
90 Staff is herding cows in the afternoon. They did a little damage. George Hutchings from the
Cattle Association arrived in 20 minutes. Mayor Pro Tem Miller asked about revenue. Mr.
92 Norman answered they are ok, could be better. Councilmember Child asked about the grant.
Director Riddle stated the permit is at the doorstep. The County signed the agreement. The
94 amount of grant cannot exceed a certain percentage of the project budget. Staff is working to
avoid leaving dollars on the table and hope the project finishes before the weather changes.

96 Director Neel announced two full time positions are filled and another reposted. Staff met
with landscaping contractors at Evergreen Cemetery about upgrading sprinklers. Asphalt projects
98 at the Power Plant and Civic Center and asphalt maintenance projects at various sites around the
city continue. Teresa Tipton is working on the resale of cemetery plots. Our software is updated
100 to locate plots to be made available following policy. Staff is researching micronutrients to
improve our turf, especially in our program fields. Councilmember Sorensen asked why not buy
102 the equipment. Director Neel clarified staff is buying the materials and will apply it. Director
Riddle suggested coordinating with Daren Carlyle, the Head Grounds Keeper at the Golf Course,
104 to increase our buying power. Councilmember Sorensen suggested purchasing from the
manufacturer themselves. Director Neel continued his report by stating the Concessions
106 Operators at Bartholomew Park would like to come back again. Attorney Penrod asked about the
\$10 parking fee. Director Neel answered it hurt their business. Mayor Pro Tem Miller clarified
108 they are ready to come back next year. Director Neel noted staff is looking at contracting
janitorial services. Mayor Pro Tem Miller asked Buildings and Grounds staff to look into trash
110 near the silo by Community Park. Director Neel stated staff will take care of it.

Director Goins reported the Smith's pads have building permits. Staff is gathering
112 information on impact fees. Director Frederickson's group helped out a lot. His department
wants to support the developers. Councilmember Conover wondered about Spanish Fork.
114 Administrator Fitzgerald stated he would look into it. Councilmember Conover continued stating
there is a ton of housing going in. Mayor Pro Tem Miller added there are no basements. Director
116 Goins stated he visits businesses around town and asks if we serving you ok. More than one
business complained about the parade route. Can we stop people from setting up chairs before 10
118 pm the night before? Spectators are combative, tearing down ropes and blocking access to
businesses. Mayor Pro Tem Miller asked for a gauge of attendance this year seems like a lot
120 more. Councilmember Conover stated that is a tough one. Administrator Fitzgerald stated that if
Council wants to address this, Staff can brainstorm some solutions. Councilmember Sorensen
122 suggested no chairs on the west side until 9 am then block off the highway and sit in the road,
then take parade down east side for the two blocks the road is divided. Administrator Fitzgerald

124 reminded that for many years the Homecoming Parade was on Main Street. Director Goins
concluded by stating he is presenting before the Planning Commission about this Nebo School
126 District property and Commercial design standards. He will bring a report from Planning
Commission to the next meeting.

128 Chief Finlayson stated this is Homecoming Week with several activities. Thursday night
is the parade. Officer Travis Morris was promoted to Corporal. Lindsay Halliday is the new
130 school resource officer, and she is on fire. She initiated a program called Exercise with a Cop in
the morning. She creates safety video clips for students on social media. Mayor Pro Tem Miller
132 asked about crime in the area reported on social media. Chief Finlayson stated the State
Legislature reduced penalties for drug crimes without funding drug treatment that is flooding the
134 community with crime. Drug criminals get a ticket, then they are let go. The Principal will
probably send the student to Peer Court. Councilmember Sorensen reported his school sent a
136 student to Peer Court who had been caught before. Chief Finlayson stated Peer Court is for first
offenders and feels the Legislature is creating a mess. Councilmember Sorensen stated his staff
138 will deal with the restitution of the crime, not the penalty. Mayor Pro Tem Miller asked about
neighborhood watch programs. Chief Finlayson answered staff endorses neighborhood watch.
140 An officer will teach them about being good neighbors and setting up a watch.

Administrator Fitzgerald stated there are questions on a new State law concerning fees
142 associated with landfills. Some Council members expressed interest in sending letters stating our
concerns to the State Department of Environmental Quality. Recorder Rayburn alertly noticed
144 the due date was today, so Administrator Fitzgerald issued a letter on behave of Springville
under his signature. The State Department of Environmental Quality received it and will consider
146 it. Our concerns are that the State is ignoring their own committee's recommendation and double
charging cities while out of state companies pay less.

148 Councilmember Sorensen added that part of the problem in our Waste District is the State
is charging Springville City twice for the same load of garbage, once at the Transfer Station and
150 once at the Landfill.

Director Stapley reported the signal at 1200 West on 400 South is in design. The 400
152 South well is at 315 feet, where they found wood. Treatment at the Pressurized Irrigation pond
for bottom growth will begin after the last Urban Fishing class. Water Quality was great this year
154 thanks to the water crew. Water services and pipe replacement construction on Canyon Road will
include a closure of 1700 East scheduled September 25th through October 10th detouring
156 through 7th South and Houtz Avenue. Councilmember Conover asked if the road will be
resurfaced. Director Stapley answered it will be patched before winter, then a chip seal in the
158 spring. The 4th South widening project is progressing very quickly and should finish in three
weeks. Director Stapley continued by stating the Contractor neglected to provide temporary
160 irrigation according to their contract. Resodding the disturbed landscape will be discussed in the
meeting on Thursday. Councilmember Sorensen asked what company got the contract. Director
162 Stapley answered American Civil Contractor, from Nevada, who is subcontracting with KB
Electric. The subcontractor is the company that drilled into a 2-inch gas line at 2nd East.
164 Councilmember Sorensen clarified the State awarded the contract to the lowest bidder. He asked

166 about in state bidders. Karen Ifediba said the state of Utah has no preference for Utah
contractors.

168 Mr. Oldroyd said Human Resources hired nearly 50 people last month including a new
social media manager named Trevor Bluth. Mayor Pro Tem Miller suggested mentioning
neighborhood watch training on social media.

170 Director Riddle stated the audit is ongoing and staff is analyzing shut off dates and
customer service to present next study session.

172 Director Fredrickson announced our budget year is good at 20.6% of FY. Staff is busy
with system problems this month including a truck that took out a pole on 1600 South and a
174 cable failure underground at the Springville Stake Center during Conference. Crew jumped in
and found the problem fast. The Power Department has a goal of 100% reliability. Mayor Pro
176 Tem Miller complimented the Power Department on response time. Director Fredrickson noted
staff is working with Brantz and Rod to get the information out with social media.

178 Attorney Penrod reported that the City won for the second time in the Court of Appeals in
the Winegar case.

180 Recorder Rayburn stated the County Clerk met with all City Recorders in the County to
discuss the Primary. Deputy Recorder Grigg attended that meeting. Staff is working to schedule
182 a one-on-one meeting with the County Clerk concerning the General Election. Mayor Pro Tem
Miller asked about the issues. Administrator Fitzgerald stated Canyon residents received ballots
184 for the municipal election. Several Springville Council Candidates withdrew after the County
printed the ballots. The County is also concerned with payment before the general election.
186 Springville City will pay for printing the ballots, but because the County mailed extra ballots, the
City is not inclined to pay for extra postage. Councilmember Conover questioned the extended
188 amount of time to release election results. Administrator Fitzgerald relayed that County election
officials predict a long wait for election results in the General Election as well.

190 Councilmember Sorensen asked about a car accident at dusk at the Smith's light and new
lighting on 400 South. Director Stapley answered yes, but the road will not be torn up. Director
192 Fredrickson stated lighting conduits are going in on both sides of the streets. Director Stapley
said the project will allow synchronized traffic signals from I-15 to 800 East on 400 South.

194 Mayor Pro Tem Miller expressed thanks for all the good work in the departments.

- 196 a) Commission, Board, and Committee Minutes
198 b) Mayor and Council Reports

200 3. CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION
*The Springville City Council may temporarily recess this meeting and convene in a closed
202 session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or
lease of real property, as provided by Utah State Code Annotated Section 52-4-20*

204 **ADJOURNMENT**

206 COUNCILMEMBER CHILD MOVED TO ADJOURN THE CITY COUNCIL
MEETING AT 6:25 P.M. COUNCILMEMBER SORENSEN SECONDED THE MOTION,
AND ALL VOTED AYE.



MINUTES

Springville City Council Work/Study Meeting – October 10, 2017

Minutes of the Work/Study Meeting of the Springville City Council held on **October 10, 2017**
2 **AT 5:15 P.M.** in the Multipurpose Room at the Civic Center, 110 South Main Street,
Springville, Utah.

4 COUNCILMEMBER CHILD MOVED TO APPOINT COUNCILMEMBER CREER
AS MAYOR PRO TEM TO PERFORM, DURING THE MAYOR'S ABSENCE, THE DUTIES
6 AND FUNCTIONS OF MAYOR. COUNCILMEMBER MILLER SECONDED THE
MOTION, AND ALL PRESENT VOTED AYE.

8 Mayor Pro Tem Creer presided. In addition to Mayor Pro Tem, the following were
present: Councilmember Rick Child, Councilmember Craig Conover, Councilmember Jason
10 Miller, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City
Administrator/Legal Director John Penrod, Assistant City Administrator/Finance Director Bruce
12 Riddle, Deputy City Recorder Jennifer Grigg and City Recorder Kim Rayburn.

Also present were: Administrative Services Manager Rod Oldroyd, Power Director Leon
14 Fredrickson, Public Safety Director Scott Finlayson, Community Development Director Glen
Goins, Public Works Director Brad Stapley, Golf Pro Craig Norman, Recreation Director Corey
16 Merideth, Library Director Dan Mickelson, Buildings and Grounds Director Brad Neel, Facilities
Superintendent Joel Bree. Mayor Clyde and Museum of Art Director Dr. Rita Wright excused.

18 **CALL TO ORDER- 5:15 P.M.**

20 Mayor Pro Tem Creer called the meeting to order.

22 **COUNCIL BUSINESS**

- 24 • Oct 17 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- Oct 31 – Downtown Trick or Treat 3:00 p.m. – 5:00 p.m.
- Nov 5 – Daylight Savings
- 26 • Nov 7 – Election Day
- Nov 7 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- 28 • Nov 14 – Work/ Study Meeting 5:15 p.m.

Councilmember Sorensen asked if Council will meet on Election Night. Administrator
30 Fitzgerald answered staff will have a better idea next week when we start gathering agenda
items.

32 **1. MAYOR, COUNCIL, ADMINISTRATIVE REPORTS**

a) Discussion with Department Directors

34 **Director Riddle** stated staff completed the audit for the Airport. He asked if Council
wants the auditor to report in person at a Council meeting. Council indicated that might not be
36 necessary.

38 He continued by stating there were \$14000 of donations to the Rivoli Theatre in a past
39 fundraiser. He asked if Council wants to move the money into Facilities. Councilmember
40 Conover asked how much the roof costs and asked what was budgeted with the rest.
41 Administrator Fitzgerald answered the money was waiting for individual projects.
42 Councilmember Conover stated the Springville Playhouse got the short end of the stick when the
43 old City building was destroyed and Council never gave the Springville Playhouse a home.
44 Administrator Fitzgerald stated the new owner is open to talking to the theatre group. Director
45 Riddle stated donors are asking about the donated money. Councilmember Sorensen asked about
46 the roof. Staff answered the roof is part of the contract. Administrator Fitzgerald noted the City
47 Council decided not to accommodate the Springville Playhouse at the time. Council agreed that
48 the money needs to go into the Rivoli Building. Administrator Fitzgerald stated that refunding a
49 portion of the donations involves deciding on *last in, first out* (LIFO), or a proportional refund.
50 Director Riddle stated the next budget opening will be December. Councilmember Miller stated
51 transparency with the donations is important. Administrator Fitzgerald stated the new owners
52 will be thrilled with using the money for their capital improvement plans.

53 **Director Meredith** stated fall sports are wrapping up and winter sports are signing up.
54 We have had two weeks of Farmer's Market, and it is very well attended. There will be a movie
55 on the last night, October 23rd. Councilmember Conover asked about the Farmer's Market setting
56 up at the Civic Center. He noted food trucks set up at the Scera on State Street.

57 **Mr. Norman** stated the Golf Course finished its final corporate event. The Golf Course
58 has had frost 7 of the last 10 days, which is not good. The building permit for the septic system
59 was finally approved. Administrator Fitzgerald stated the neighborhood by the Golf Course
60 believes the City owes them a road. The City would need to budget for it as well as the residents.
61 Councilmember Sorensen asked about the Golf Course budget this weekend. Mr. Norman stated
62 the rain in September and frost in October have cut into the revenue.

63 **Director Goins** stated Director Meredith ran a marathon on Saturday and walked in
64 today under his own power. He said that some businesses are on their way out because of impact
65 fees and that Community Development staff has identified some impact fees with major question
66 marks. The engineering consultant will return to explain those questions. Director Goins noted
67 that Springville City uses ERUs (Equivalent Residential Unit) while other cities use Trip
68 Generator as an impact fee multiplier. Staff is looking at fees to see if they are where they should
69 be. There will be a presentation before November to discuss a fee change.

70 Administrator Fitzgerald noted Mayor Clyde has reached out to the developer and there
71 are ways that we can work things out. The developer has paid the impact fees and the area is
72 under construction. Councilmember Conover asked if some businesses were lost. Director Goins
73 answered one. He continued by stating there are two pads and a shell building. On one of the
74 shell buildings, there is an added 200 feet. There is an application for a Great Clips at the other
75 building. Councilmember Conover stated construction is completed on the pads at the Saratoga
76 Springs Smith's. Administrator Fitzgerald added Boyer's Construction is the contractor there.
77 Councilmember Sorensen asked if there was a mortuary west of Zions. Director Goins answered
78 yes, but they have been silent since they received the permit. They have 10 months to complete
79 construction. Councilmember Sorensen stated Bank of American Fork bought the Banner Bank

branch in Springville. Administrator Fitzgerald returned to the Smith's pads by stating that there are two buildings with multiple store fronts going in right now and two more pad sites out front, with room for more pads by the main store. There is plenty of room left.

Director Mickelson stated the library received a book checked out 50 years ago in the mail this week. Statistics of Library Usage 1000 people visit on an average day of those visits, 150 attend a program, 100 use computers, 150 use Wi-Fi, 200 read or study and 100 pick-up holds. There are 350 checkouts per day. An estimated 2000 items checked out per day, which saves patrons about \$100 per use.

500 people visit the website each day. Director Mickelson stated he is passionate about making our virtual space as good as our physical space. Administrator Fitzgerald noted that when patrons log in inside the Library, it lands on the library home page. He asked to count the outside uses separate from the inside uses. Councilmember Conover stated Google Analytics can do that. He continued by stating the mobile update for the Library website was important and he thanked the City Council for approving the update. IT reported the majority of users are on mobile devices. Councilmember Sorensen asked how Director Mickelson and his family have transitioned to Utah. Director Mickelson stated him and his family love Utah.

Chief Finlayson reported that over the past several weeks several vehicles have been stolen. An armed robbery in Mt. Pleasant occurred with one of the Springville stolen cars. Another car, also stolen from Ephraim, was spotted at Mountain View High School. Provo Police spotted the vehicle, last seen heading south in Provo. Utah County called for resources so officers from Lehi all the way south showed up in Springville. The suspects pulled into Oak Brook subdivision, dumped their stuff, and took off again. Soon after they were captured, the individual that confessed gave some names. The captured individual confessed and this group is responsible for all of the car thefts, hunting rifles and silver handguns. The FBI might want to prosecute them federally. In Mount Pleasant, they put the gun to the store clerk's head. It involved several agencies all day long including a helicopter. Springville City Police is assisting Mt. Pleasant Police with the investigation. Councilmember Sorensen asked about the capture of the suspects and their ages. Chief Finlayson stated one is 18 and all suspects have gang ties. Four stolen vehicles and all rifles and guns were recovered. They are also suspects for car theft and robberies in Orem.

Director Fredrickson stated the weather change makes a difference in the City Power usage. There are incredible employees that work for the Power Department. There was an Intermountain Lineman Association Rodeo in Lehi and our team took first place as a team. Casey Cropper is the line crew supervisor. Jake Freeland is a local and a great first responder. Tito Ortiz is an apprentice that is coming along very well. They are doing a great work with the system that the City has. The system metrics show improvement in our customer service concerning outages. Councilmember Conover noted the power was out last week. Director Fredrickson stated the wind slapped lines together and tripped the breaker. There are warranty work projects on the CAT engines.

Chief Finlayson continued by reporting some bad car accidents with some victims still in the hospital. At 950 West 400 South there have been 6 accidents, all a result of left hand turns for cars going east and west. UDOT should change the cycle to solid red or solid green, no

122 yellow flashing. Councilmember Miller noted the visibility is a problem. Director Stapley noted
123 changing to a protected red was necessary at 1400 North. Stacking will become a problem if the
124 depth of the pocket is not changed. He stated UDOT may tell us no. Administrator Fitzgerald
noted opening 1200 West would alleviate some of the left turn traffic. Councilmember Conover
stated that turn light never turns green.

126 **Director Stapley**, reporting on the 400 South widening projects, stated UDOT has taken
care of what we asked for. They will do more landscaping work. The micro surfacing that was
128 going in over the entire width might wait until spring because of the temperature drop. The
asphalt will be patched, and then we might see just striping.

130 Director Stapley continued by providing a handout with updates on the well on 400
South. The drilling depth is at 411 feet. The contractor is still going down another 89 feet. There
132 is a great water bearing well at 62 feet. They will be to 500 feet the first week of November. The
screens are set up with the 20-inch diameter casing. Good news on the well. Councilmember
134 Miller asked about the schedule. Director Stapley stated drilling is on schedule and will be
complete in December.

136 He continued with a presentation concerning a lot at 1146 S 1600 E. This home has an
existing storm drain system that was going to be a detention basin. The way the subdivision is
138 laid out; there is no need for a detention basin. Engineering and the City Attorney are studying it.
The agreement specifics are; amend existing plat, abandon existing easement, prepare new storm
140 drain easement and install needed storm drain box and grate. Staff will prepare this and bring it
back to council for a vote. Councilmember Sorensen stated that subdivision needs a pool
142 according to the submitted plans.

Mr. Bree stated Facilities staff patched the roof at the Rivoli. It should last 5 to 7 years.
144 There is a custodial bid out for all city buildings including the new Aquatic Center. It was posted
a week ago and we will know by November. Contractors are looking at the fire station bay doors
146 because the springs are undersized. The doors are 70 lbs. heavier than originally specified. They
are also looking to install a chain hoist. Staff also changed fire station bulbs to LED.
148 Councilmember Sorensen asked why the contractor's engineers did not have the right springs on
the doors. Administrator Fitzgerald stated the original doors were changed, but not the springs.
150 Councilmember Conover asked why the hoist chain was not included in the original engineering.
Mr. Bree concluded by stating Cummins Rocky Mountain did a load test on generators.

152 **Director Neel** Thanked Mr. Bree for all he does. He stated a bid was awarded to Tri-City
Trees for 175 trees. Three bids came in for Bartholomew Phase II and staff is preparing a
154 recommendation of which contractor to select. Staff spoke with the contractor today verifying
that the bid price is fair. It will be on the regular agenda next week. Councilmember Conover
156 noted someone is dumping concrete on the north side of the street near Arts Park.

Administrator Fitzgerald stated that Councilmember Child raised a question with
158 council about a bill expressing support for emission inspections for personal diesel vehicles.
Provo passed a similar resolution version trying to ensure that diesel vehicles have to be
160 inspected on emissions. It will add a cost to diesel vehicle owners in the County. Utah County is
the only bon-attainment county. Administrator Fitzgerald stated the inspections apply to vehicles
162 under 14,000 lbs.

164 **Attorney Penrod** announced the new sharp survey, which details drug risk factors. Staff
will review that and report to Council.

166 He continued by stating staff is working with Nebo School District to update our
interlocal agreement concerning shared facilities use. We are trying to include the \$2.6 million
168 dollars Nebo is paying us and define the details. Councilmember Sorensen asked why the money
is connected to an interlocal. He remembered they want to buy their pool time for their schools
and make the pool bigger for swim meets. He continued by stating Nebo is going to charge the
170 City back for using our buildings. Administrator Fitzgerald stated they want to do the same thing
in the opposite way. The City has been balancing use of the pool with use of their gyms. He
172 asked if they want to charge us \$50,000 to \$100,000 per year to use their gyms. Attorney Penrod
stated Nebo asked to put it in the interlocal agreement. Administrator Fitzgerald stated Nebo
174 wants \$2.6 million dollars in value in the interlocal agreement simply for the donation, giving
zero value to the City for adding extra lanes, lockers and bleachers to the pool so swim meets can
176 be held there. Attorney Penrod stated Nebo kind of wants \$2.6 million twice. Administrator
Fitzgerald stated the City spent the \$2.6 million on the facility for Nebo. Now the City needs to
178 provide lifeguards and maintenance for the Aquatic Center just like Nebo pays to sweep the gym
after the City programs use it, which is considered equivalent value in the interlocal agreement.
180 He continued by stating the City is already providing more value for the cost and revenue
producing organizations will be turned away, including, UV RAYS, Water Polo and City
182 Programs. In addition to guaranteed afternoon swim time for Nebo Schools, Nebo is asking for
free swim passes for all swimmers and coaches in 5 communities. That means a free pass, which
184 includes basketball and running on the track, for hundreds of people. He stated the City can make
up the \$2.6 million from other organizations compared to what Nebo is demanding.
186 Conversations with the Superintendent have been very positive. Attorney Penrod added Nebo
wants swim time for swim teams after school, not during school time and they want all lanes, no
188 sharing with walk in swimmers. Councilmember Sorensen reiterated the original conversation
stated the pool would be available to all of the swim teams, but did not involve the interlocal
190 agreement. Administrator Fitzgerald concluded by stating that what Nebo is asking will cost the
City \$100,000 per year, not including the loss of revenue. He stated Attorney Penrod is
192 negotiating with Nebo and it should work out. Councilmember Sorensen stated everything needs
to be written down. Administrator Fitzgerald stated the relationship is still very positive.

194 **Recorder Rayburn** announced ballots will be mailed out on October 17th. The
Springville/Mapleton Chamber of Commerce will host a Meet the Candidate night on
196 Wednesday, October 12, 2017 from 7 – 8 pm in the Council Chambers.

198 Director Fredrickson asked when the Aquatic Center will be done. Administrator
Fitzgerald spoke with Hogan and the date will be decided tomorrow. We are looking at late next
spring.

200 Mayor Pro Tem Creer expressed thanks for all the good work in the departments.

- 202 b) Commission, Board, and Committee Minutes
c) Mayor and Council Reports

204

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

206 *The Springville City Council may temporarily recess this meeting and convene in a closed*
208 *session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or*
lease of real property, as provided by Utah State Code Annotated Section 52-4-20

210 **ADJOURNMENT**

212 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE CITY COUNCIL
MEETING AT 6:29 P.M. COUNCILMEMBER MILLER SECONDED THE MOTION, AND
ALL VOTED AYE.



STAFF REPORT

DATE: October 9, 2017
TO: Mayor and City Council
FROM: Jason Riding, Streets Superintendent
SUBJECT: **CHIP SEAL 2017-18 PROJECT**

RECOMMENDED ACTION

Motion to approve CKC Field Services DBA CKC Asphalt as the low bidder for the Chip Seal 2017 Project for various Springville City roads (see attached map) in the amount of \$270,109.89 and authorize the Director of Public Works to issue a Notice to Proceed for the project.

SUMMARY OF ISSUES/FOCUS OF ACTION

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

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

DISCUSSION

CHIP SEAL is a mixture of aggregate (small rock), asphalt emulsion. The asphalt emulsion serves as a binder, holding the crushed aggregate together and adhering to the surface. Mixing and spreading are accomplished in one continuous operation, with the applied surface being ready for traffic almost immediately after.

CHIP SEAL has been effective in extending pavement life. Its most notable features are:

- Seals out moisture over the entire pavement.
- Stops the oxidation process on the original pavement.
- Fills minor voids and depressions.
- Provides a wear course extending pavements remaining surface life.

BID RESULTS

Springville City solicited bids for this project through Sciqwest.com, receiving the following:

- CKC field Services/DBA CKC Asphalt \$270,109.89 \$1.71 per square yard
- Staker Parson/DBA Hales Sand & Gravel \$271,540.55 \$1.72 per square yard
- Advanced Paving Construction, LLC \$276,500 \$1.75 per square yard

It is expected this project will not be initiated until late Spring 2018, with completion required before June 30, 2018.

FISCAL IMPACT

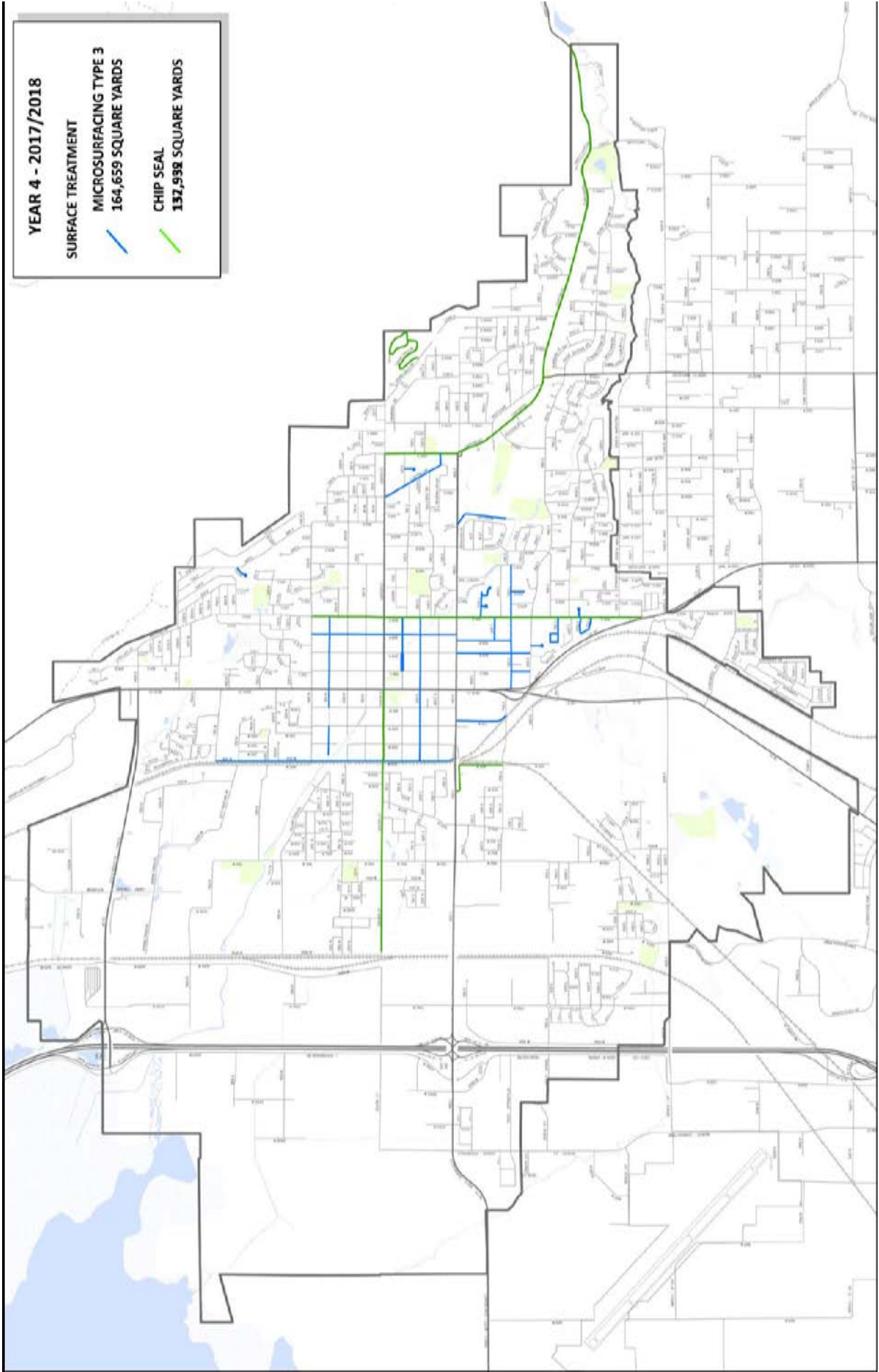
Funding for this project comes from C-Road funds, and has been budgeted in the 2017-18 Budget

YEAR 4 - 2017/2018

SURFACE TREATMENT

MICROSURFACING TYPE 3
164,659 SQUARE YARDS

CHIP SEAL
132,998 SQUARE YARDS





STAFF REPORT

DATE: October 04, 2017

TO: The Honorable Mayor and City Council

FROM: Bradley Neel, Director of Buildings and Grounds

SUBJECT: CONSIDERATION OF APPROVING BID TO COMPLETE PHASE II OF THE WAYNE BARTHOLOMEW FAMILY PARK.

RECOMMENDED ACTION:

Motion to approve the Buildings and Grounds Department awarding contract to the winning bidder for phase II of the Wayne Bartholomew Family Park. Bid opening took place on Thursday, October 5, 2017 @ 2:00 p.m. We recommend the bid be awarded to Stratton & Bratt in the amount of \$348,401.18. We also recommend approving the two alternate costs for sod (\$21,086.71) instead of seed, and for the contractor to supply and plant the trees (\$28,952.00) instead of the City supplying and planting the trees. The grand total that includes the base bid, the two alternates, and the cost deduction for the seed from the base bid is \$393,811.10 (Three Hundred Ninety-Three Thousand Eight Hundred Eleven Dollars and Ten Cents)

The landscape architect reviewed the cost breakdown of the bid supplied by Stratton & Bratt and approves of their cost approach to complete the scope of work.

GOALS AND OBJECTIVES:

To award contractor the work to begin phase II this fall and complete the project by March 31, 2018, weather permitting. The contractor and landscape architect will know that project needs to be completed before the season of recreation begins at the Park and will be responsible under the contract to do so.

BACKGROUND:

Phase I of the Park was completed four years ago and phase II will complete the Park. There is the possibility of a phase III sometime in the future to complete the upper parking lot and a trail system on the north side/south side of the Park.

ALTERNATIVES:

Not award a bid and wait for a future date to complete the work.

FISCAL IMPACT:

Design: \$32,610.00

Note: In 2016, \$24K was spent on design costs for phase II

Construction: \$393,811.10

Total: \$426,421.10

Project Budget: \$498,514.05

Bid tabulation information from the bid opening:

Contractor	Base Bid	Alternate 1: Sod	Alternate 2: Trees	Total Cost
Stratton & Bratt	\$348,401.18	\$21,086.71	\$28,952.00	\$393,811.10
GEL Inc.	\$467,035.70	\$24,687.00	\$50,776.00	\$535,658.38
S&L Inc.	\$569,884.18	\$20,572.40	\$38,816.80	\$620,015.80

Contractor	Cost Deduction From Base Bid For Grass Seed
Stratton & Bratt	(\$4,628.79)
GEL Inc.	(\$6,840.32)
S&L Inc.	(\$9,257.58)



STAFF REPORT

DATE: October 10, 2017

TO: Honorable Mayor and City Council

FROM: Bruce Riddle, Finance Director

SUBJECT: UTILITY BILLING ORDINANCE AMENDEMENT

RECOMMENDED MOTION

The Finance Department recommends adopting Ordinance _____ to amend parts of Title 4, Chapters 1, 2, 12, and 14 and to adopt Chapter 15, Utility Billing, Collection and Discontinuance of Service as outlined in Exhibit A (attached).

GOALS, OBJECTIVES AND STRATEGIES AT ISSUE

To provide standardized handling of utility billing and collection procedures, which are currently addressed separately in various sections of the Springville City Code.

BACKGROUND

Title 4 of the Springville City Code (Public Property and Utilities) addresses utility billing, collection and discontinuation of service procedures in separate sections of each of the various utilities provided by the City. Over time, inconsistencies between procedures have been introduced into the Code. Because the utilities are billed together, the intent of these changes to the Code is to provide a single reference in the Code to the handling of utility billing, collection and discontinuation of service issues.

DISCUSSION

The Treasury Department has noticed increasing challenges in sufficiently staffing the cashier windows and providing adequate customer service during the utility bill due date and utility shut-off cycle that occurs monthly.

The due date for current bills and shutting off service for delinquent accounts are separate issues, but because of a requirement in the Water Department's section of the City Code to send written notice of the City's intent to discontinue water service in the event of non-payment, the Treasury Division has been delaying the disconnection of utility services beyond the 20-day delinquent threshold outlined in all other sections of Code dealing with delinquent payments. This delay results in the current-bill due date and shut-off date for delinquent accounts falling on approximately the same day each month.

In an effort to provide better customer service to all utility customers and also to standardize the language between the various utility departments of the city, Exhibit A proposes eliminating billing, collection and disconnection of service language from the individual utility's sections of

CITY COUNCIL AGENDA

Meeting Date, October 17, 2017

the Code and replacing it with standard language that applies to all of the utilities. Additionally, the language removes the requirement to send written notice to water customers. In practice, the Treasury Division will still send delinquent notification to customers who have delinquent accounts, but this notice will be sent earlier than previously sent, which will allow the utility services to be disconnected by the 20-day delinquent threshold specified in the Code.

This change in language will allow the Treasury Department to go through the shut-off process for delinquent accounts a week prior to the due date for current bills, which in turn, will reduce the number of transactions occurring at the cashier windows and by phone on the same day.

The Treasury Department intends to aggressively advertise and notify utility customers of the changes in procedure over the next two months with the intent of making the shift of shut-off dates in January.

ALTERNATIVES

Alternatives include continuing with our current Code language and not making any changes. Another alternative is to introduce multiple billing cycles, which would also have the desired effect of staggering transactions by phone and at the cashier window over the month. This alternative would be much more difficult to implement as it would require changing billing due dates for large portions of the city as well as requiring significant operational changes for both the Finance Department and the Utility Departments of the city.

FISCAL IMPACT

There are no direct long-term fiscal impacts expected by implementing this change. In the short term it is possible that there will be increased delinquent notice fees assessed to delinquent customers until they become accustomed to the new procedure, but is not expected that this will continue long term.

Exhibit A

Electric

Water

Sewer

Storm Water

4-12-108. BILLING AND COLLECTION.

Solid Waste

No language on late billing

Title 4, Chapter 15 UTILITY BILLING, COLLECTION AND DISCONTINUANCE OF SERVICE

For the Electric, Water, Secondary Water, Sewer, Storm Water and Solid Waste utilities provided by the City, the Finance Department shall mail, e-mail, or transmit by other means a written statement to each user of any of the utility services once each month. Said statement shall specify the amount of the bill for utility services used and the place of payment and date due. If any person fails to pay his bill for utility charges within twenty (20) days of the date due, the City Treasurer shall so notify the Department providing the utility services and shall have authority to direct said Department to shut off all utility services to the premises involved. Before said utility service to said premises shall again be provided, all delinquent utility charges must have been paid to the City Treasurer, together with such re-connection fee or special expense charge as the City Council may by resolution from time to time, authorize the City Treasurer to collect. In addition to the foregoing, the City Treasurer is hereby authorized and empowered to direct the City Attorney to enforce the payment of all utility electrical service charges by an action at law in the name of the City.

ORDINANCE #XX-2017

AN ORDINANCE AMENDING THE SPRINGVILLE CITY CODE SECTIONS 4-1-107, ELECTRIC BILLINGS AND DISCONTINUANCE OF SERVICE, 4-2-107 WATER BILLINGS AND DISCONTINUANCE OF SERVICE, 4-12-108 (2) STORM WATER BILLING AND COLLECTION, 4-14-205 SEWER BILLINGS AND DISCONTINUANCE OF SERVICE, AND ADOPTING CHAPTER 15 UTILITY BILLING, COLLECTION AND DISCONTINUANCE OF SERVICE.

NOW THEREFORE, BE IT ORDAINED by the City Council of Springville, Utah that the following sections are hereby amended:

SECTION 1: The section dealing with Electric billings and discontinuance of service shall be amended as follows:

~~4-1-107 Billings and Discontinuance of Service.~~

~~The City Auditor shall mail a written statement to each user of the electrical service once each month. Said statement shall specify the amount of the bill for electricity used and the place of payment and date due. If any person fails to pay his bill for electrical charges within twenty (20) days of the date due, the City Treasurer shall so notify the Electrical Department and shall have authority to direct said Department to shut off all electrical services to the premises involved. Before said electrical service to said premises shall again be provided, all delinquent electrical charges must have been paid to the City Treasurer, together with such re-connection fee or special expense charge as the City Council may by resolution from time to time, authorize the City Treasurer to collect. In addition to the foregoing, the City Treasurer is hereby authorized and empowered to direct the City Attorney to enforce the payment of all delinquent electrical service charges by an action at law in the name of the City.~~

SECTION 2; The section dealing with Water billings and discontinuance of service shall be amended as follows:

~~4-2-107 Billings and Discontinuance of Service.~~

~~The City shall mail a written statement to each user of the culinary and/or secondary water service once each month. Said statement shall separately specify the amount of the bill for the culinary and/or secondary water service used and the place of payment and date due. If any water user fails to pay his or her culinary and/or secondary water charges within twenty (20) days of the due date, the City Treasurer shall so contact the delinquent water user in writing regarding their failure to pay. If the delinquent water user fails to pay his or her culinary and/or secondary water charges, the City Treasurer shall notify the Water Division and shall have authority to direct said Division to shut off all water services to the premises involved. Before said culinary and/or secondary water service to said premises shall again be provided, all delinquent culinary and/or secondary water charges must have been paid to the City Treasurer together with such reconnection fee or special expense charge as the City Council may by resolution from time to time authorize the City Treasurer to collect. In addition to the foregoing, the City Treasurer is hereby authorized and empowered to request the City Attorney to enforce the payment of all delinquent culinary and/or secondary water service charges by an action at law in the name of the City.~~

SECTION 3: The section dealing with Storm Water billing and collection shall be amended as follows:

4-12-108. BILLING AND COLLECTION.

~~(2) Billing—The City shall bill, or cause to be billed, property owners for storm sewer utility services. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery which may include civil action.~~

SECTION 4: The section dealing with Sewer billings and discontinuance of service shall be amended as follows:

~~4-14-205 Billings and Discontinuance of Service.~~

~~The City Treasurer shall mail a written statement to each user of the sewer service once each month. Said statement shall separately specify the amount of the bill for the sewer service used and the place of payment and date due. If any person fails to pay his sewer charges within twenty (20) days of the due date, the City Treasurer shall so notify the Water Reclamation Facility and shall have authority to direct said department to shut off all water services to the premises involved. Before said water service to said premises shall again be provided, all delinquent sewer charges must have been paid to the City Treasurer together with such reconnection fee or special expense charge as the City Council may by resolution from time to time authorize the City Treasurer to collect. In addition to the foregoing, the City Treasurer is hereby authorized and empowered to request the City Attorney to enforce the payment of all delinquent sewer service charges by an action at law in the name of the City.~~

SECTION 5: A section titled Chapter 15, Utility Billing, Collection, and Discontinuance of Service shall be adopted as follows:

Title 4, Chapter 15 UTILITY BILLING, COLLECTION AND DISCONTINUANCE OF SERVICE

For the Electric, Water, Secondary Water, Sewer, Storm Water and Solid Waste utilities provided by the City, the Finance Department shall mail, e-mail, or transmit by other means a written statement to each user of any of the utility services once each month. Said statement shall specify the amount of the bill for utility services used and the place of payment and date due. If any person fails to pay his bill for utility charges within twenty (20) days of the date due, the City Treasurer shall so notify the Department providing the utility services and shall have authority to direct said Department to shut off all utility services to the premises involved. Before said utility service to said premises shall again be provided, all delinquent utility charges must have been paid to the City Treasurer, together with such re-connection fee or special expense charge as the City Council may by resolution from time to time, authorize the City Treasurer to collect. In addition to the foregoing, the City Treasurer is hereby authorized and empowered to contract with a collection agency or work with the City Attorney to collect and/or enforce the payment of utility fees and service charges or direct the City Attorney to enforce the payment of all utility electrical service charges by an action at law in the name of the City.

SECTION 6: This ordinance will become effective one day after publication hereof in the manner required by law.

SECTION 7: The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED BY THE City Council of Springville, Utah, this ____ day of _____, 2017.

Wilford W. Clyde, Mayor

ATTEST:

Kim Rayburn, City Recorder



STAFF REPORT

DATE: October 9, 2017
TO: Mayor and City Council
FROM: Bradley D. Stapley, Director of Public Works
SUBJECT: INTERLOCAL AGREEMENT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (MAG) – 1200 WEST PROJECT

RECOMMENDED ACTION

Motion to approve an Inter-local Agreement between Mountainland Association of Governments (MAG) and Springville City for the purpose of constructing a pilot roadway (1200 West) from approximately 600 South to 1600 South in Springville, Utah

GOALS, OBJECTIVES AND STRATEGIES AT ISSUE

The Springville City General Plan's Transportation and Circulation section lists the following goal:

To provide and maintain a vibrant multi-modal transportation network that encourages flow, safety, and a consideration for the aesthetics of the community.

SUMMARY OF ISSUES/FOCUS OF ACTION

This Inter-local Agreement between MAG and Springville City will allow \$2.1 million funding for a pilot roadway (1200 West) from approximately 600 South to 1600 South in Springville, Utah

Initial funding will be \$1,000,000 in October 2018, with an additional \$1,319.013 in October 2019.

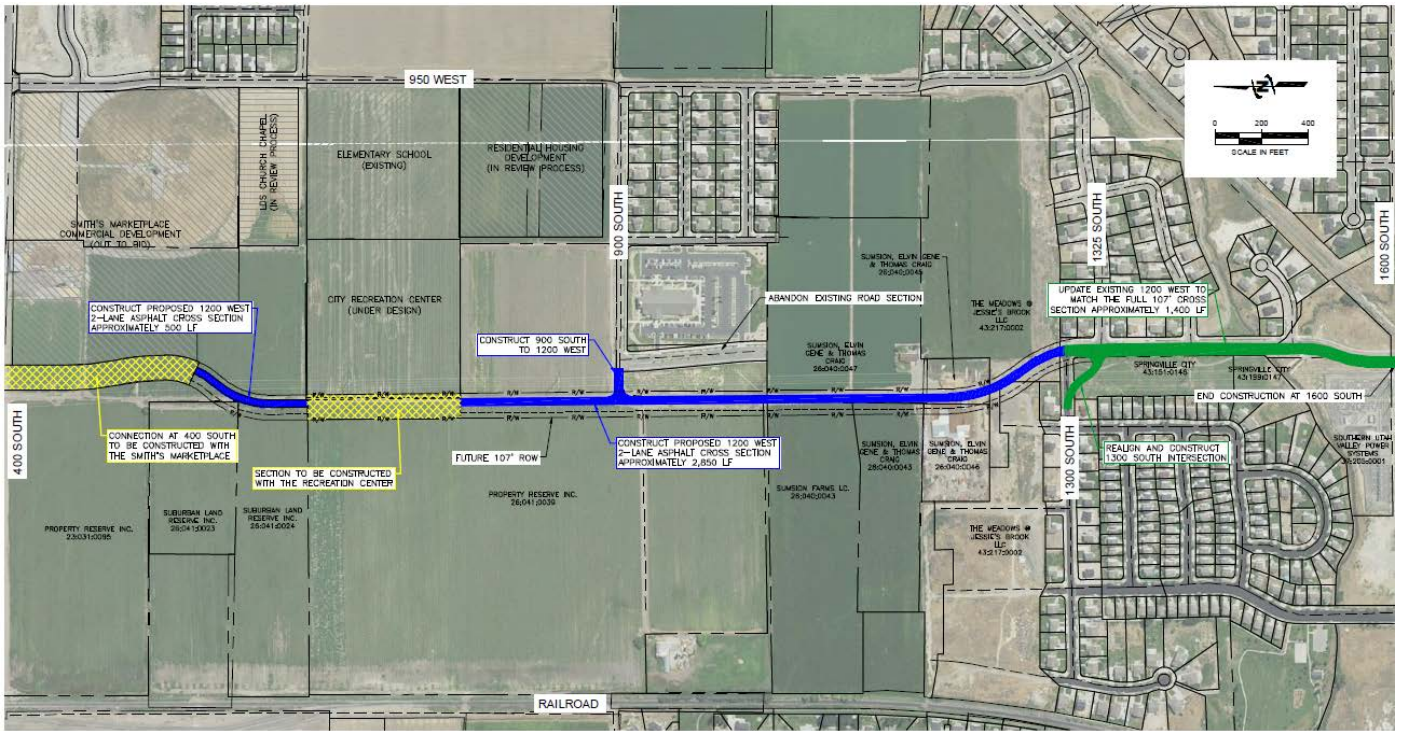
The Agreement also allows reimbursement to the City for specific portions of 1200 West that may be constructed before the initial \$1,000,000 disbursement is made available.

DISCUSSION

1200 West is slated to be an arterial roadway linking Provo and Spanish Fork. This agreement allows funding for the construction of a pilot roadway between approximately 600 South and 1600 South.

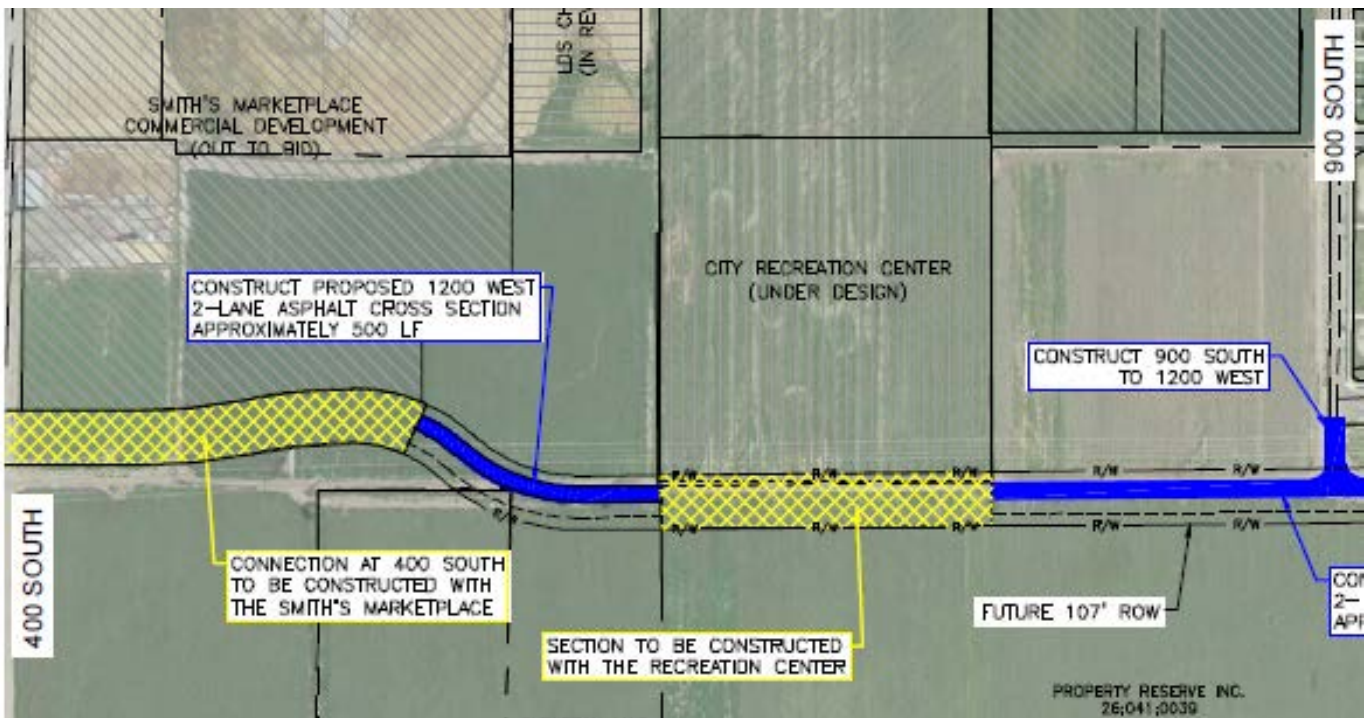
The roadway will be a two-lane asphalt roadway (one lane in each direction) that will serve as a pilot roadway until development occurs along the roadway route. With development, the roadway will be expanded to a divided four-lane arterial.

The overall 1200 West pilot roadway project is shown below. MAG funded portions of this roadway are shown in **BLUE** and **GREEN**.



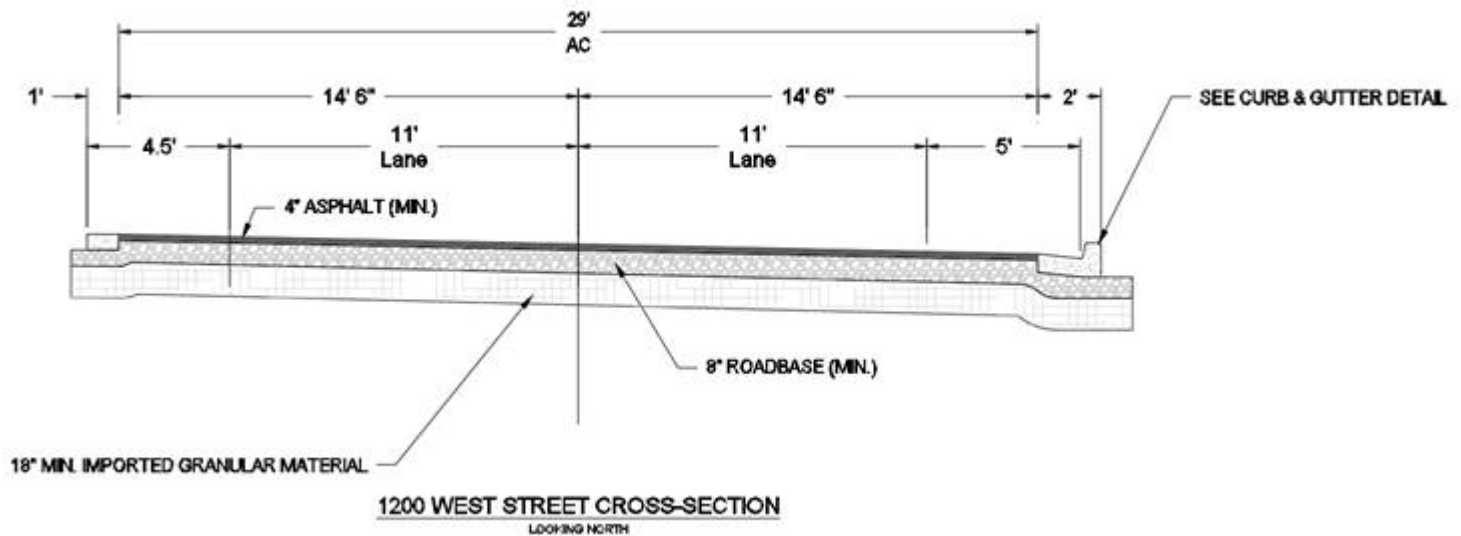
Portions of the pilot roadway are already in the process of being constructed and include the following:

- That section of roadway between the southerly portion of the Smith's development and 700 South, and
- That section of roadway between the southerly portion of the City's Aquatic Center and 900 South, as shown in the figure below.



The costs incurred to date by the City for the construction of these portions of pilot roadway (shown in **BLUE** above) are reimbursable under this agreement.

The pilot roadway being constructed has a cross-section shown below.



AGREEMENT TERMS

- The purpose of this project is to pioneer a north-south corridor, located between I-15 and Highway 89 (State Street), to interconnect Provo and Spanish Fork
- The City to follow Utah State Code Section 63G-6a-101, or its own procurement/purchasing policy.
- The City and its designated engineer will design, acquire the necessary right-of-way, bid out and manage the construction of the project.
- MAG to manage the construction process.
- Total project cost \$2,319,013
 - No soft match required (typically 6.77%)
 - \$2,162,015 available for construction costs
- Funding availability
 - October 2017 \$1,000,000
 - October 2018 \$1,319,013
- Construction prior to funds availability permitted on the 1200 West roadway section between approximately:
 - 600 South and 700 South, and
 - 750 South and 900 South

FISCAL IMPACT

None to the City, unless the total project costs exceed \$2,162,015

INTER-LOCAL COOPERATION AGREEMENT
between
MOUNTAINLAND ASSOCIATION OF GOVERNMENTS and
SPRINGVILLE CITY

For A Project Known As

1200 WEST – 400 SOUTH TO 1600 SOUTH

THIS AGREEMENT, made and entered into this 4 day of October 2017, by and between **MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (Program Manager)**, an inter-local agency of the State of Utah, with principle offices located at 586 East 800 North, Orem UT and **SPRINGVILLE CITY (Project Sponsor)**, a political subdivision of the State of Utah, with principle offices located at 110 South Main Street, Springville City UT.

RECITALS:

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties, inter-local agencies and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

WHEREAS, the Program Manager and the Project Sponsor desire to facilitate the construction of a road project known as 1200 West- 400 South to 1600 South (**Approved Project**) which consists of road construction; and

WHEREAS, the Project Sponsor approved this Agreement by the commission, board, council, or other body or officer vested with the executive power of the public agency.

WHEREAS, the Program Manager approved this Agreement by the commission or officer vested with the executive power.

NOW THEREFORE, in consideration of the covenants and agreements contained herein and other valuable consideration, the sufficiency of which is hereby acknowledged, the Program Manager and the Project Sponsor hereby agree as follows:

Section 1. PURPOSES.

This Agreement has been established and entered into between the Program Manager and the Project Sponsor for the purpose of outlining the respective rights and responsibilities of the Program Manager and the Project Sponsor in the construction of the Approved Project.

Section 2. ADMINISTRATION OF AGREEMENT.

The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, the Mountainland Association of Governments TIP Projects Manager shall act as the administrator responsible for the administration of this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Mountainland Financial Manager/Auditor shall specify and further agrees that said books shall be open for examination by the parties hereto at all reasonable times.

Section 3. MULTIPLE JURISDICTIONS.

If a project is within multiple jurisdictions and/or agencies, one jurisdiction or agency will enter in to this interlocal agreement and interface with the Program Manager as the Project Sponsor. Multiple jurisdictions and/or agencies interactions will be outlined within a separate interlocal agreement between said jurisdictions and/or agencies. This agreement shall be referenced in such agreement as an Exhibit.

Section 4. EFFECTIVE DATE; DURATION.

This Agreement shall become effective and shall enter into force within the meaning of the Interlocal Cooperation Act, upon the submission of this Agreement to, and the approval and execution hereof by the governing bodies of the Program Manager and the Project Sponsor. The term of this Agreement shall be from the date of execution hereof until the terms and obligations identified herein are completed, but in no event, longer than 3 years from the execution date.

Section 5. NO SEPARATE LEGAL ENTITY.

The Program Manager and the Project Sponsor do not contemplate nor intend to establish a separate legal or administrative entity under the terms of this Agreement.

Section 6. TERMS.

- 1) **Project Scope** – Project Scope - The purpose of this project is to pioneer a north-south corridor, located in between I-15 and Highway 89 (State Street), to interconnect Provo and Spanish Fork through Springville.

This project will provide efficient access with shorter time and distance to State Street and I-15, thereby reducing pressure on local and future residential street as the area further develops. This corridor will provide alternate routes in Springville as well as between the surrounding cities. The corridor will also include a trail system when fully completed. The overall project is a Phase 1 project on the MPO Transportation Plan. The proposed pioneered section is a minimal asphalt section that will provide access to the areas, with private development completing the full cross section as development occurs.

1200 West will be a critical regional north-south corridor through Springville from Spanish Fork to Provo shown on the MPO plan, Phase 1. It will eventually be a 4-lane arterial with a trail connecting 3 state routes and a proposed major arterial roadway.

This phase will complete a pioneered asphalt section with 11 foot single lanes in each direction with 5 foot shoulders from 400 South to 1300 South where the road does not exist, realign the 1300 South intersection, and widen the existing 1200 West section from 1300 South to 1600 South onto right-of-way that Springville City already owns.

- 2) **Procurement** - The Project Sponsor will designate a qualified project engineer from its staff or hire a project engineer from the Project Sponsors consultant pool or the prequalified UDOT pool, who will be responsible for project delivery. The Project Sponsor shall follow Utah state code Section 63G-6a-101 or its own procurement/purchasing policy. Different project engineers can be designated or hired for different phases of the project.
- 3) **Project Development** - The Project Sponsor and the designated project engineer, will design, acquire the necessary rights-of-way (ROW), bid out and manage the construction of the Approved Project.
 - a) **Design Standard** - The design and construction of the Approved Project will meet or exceed Springville City Specifications and standards.

- b) **Environmental Work** - The Project Sponsor will acquire the appropriate clearances and permits through the design process. **The Project Sponsor can follow their own adopted environmental process.** or follow the Recommended Environmental Guidance / Mountainland & Utah County Programmed Projects document (including designating with the Program Manager the type of environmental work to be completed), or any other stricter environmental process under local or federal law. The Project Sponsor must follow any National Environmental Policy Act (NEPA) requirements required (Endangered Species Act, Clean Water Act, etc.), and any other local or government agency requirements for the Approved Project.

 - c) **Design Work** - The Project Sponsor will involve the Program Manager at the following design milestones:
 - (1) Kickoff Meeting,
 - (2) 30% Scope and Schedule Review,
 - (3) 60% On Site Plan Review,
 - (4) 90% Plans, Specifications and Estimate,

 - d) **Final Design Approval** - Once project design is completed, the Project Sponsor will review the final design with the Program Manager. Both parties shall agree that the project is ready for the construction phase.

 - e) **ROW Acquisition** - The Project Sponsor will be responsible to acquire all necessary ROW adhering to state and local laws. The Project Sponsor can follow their own adopted ROW acquisition process or follow the Recommended Right of Way Acquisition Guidance / Mountainland & Utah County Programmed Projects guidance document, or as required by Utah law.

 - f) **Construction Advertising** - To advertise construction, the Project Sponsor shall follow Utah state code Section 63G-6a-101 or its own procurement/purchasing policy. All construction bids will include a 10% construction contingency. The Project Sponsor will provide a copy of the advertisement and the notice of award to the Program Manager.
- 4) **Project Signage/Contact Info** - It is recommended that the Project Sponsor install signage informing the public of the following:
- a) Project name.

- b) Project description.
 - c) Start and completion dates (general).
 - d) Contact name, phone number, website address, email.
 - e) Use the sentence “This project funded with Mountainland Transportation Funding”.
 - f) List project sponsors and their logos (Project Sponsor, Mountainland, Utah County).
 - g) Generally, one sign at each access point to the project shall be installed.
 - h) Signs should be at least 4’ x 6’, or large enough for passing motorists to read.
 - i) Signs should be installed prior to construction and stay in place through construction.
- 5) **Construction Process** - The Project Sponsor will manage the construction process.
- a) The Program Manager will be notified of any changes that affect the scope of the project or costs that exceed the construction contingency.
- 6) **Project Completion** - Program Manager staff will be notified and allowed to attend the final inspection of the completed project.
- 7) **Project Hold** - The Program Manager has the authority to place a project on hold at any time during the project development process or withhold reimbursement of invoices during the construction process if the Program Manager deems that the Approved Project is not within the Approved Project scope or budget. The Program Manager shall notify the Project Sponsor of the hold in writing and will work with the Project Sponsor to rectify the issues promptly. If the Project Sponsor and Program Manager cannot bring the Approved Project back into scope or if additional funding is needed above what the Program Manager or the Project Sponsor can provide, the issues will be brought to the Mountainland MPO committees for their review, recommendations, resolutions, and approvals.
- 8) **Total Project Cost** - Both the Program Manager and Project Sponsor acknowledge that the Approved Project has been authorized by the Mountainland MPO Regional Planning Committee (Utah County Commission must also approve if county funds are used) **to be funded at an amount not to exceed \$2,319,013** (Total Project Cost) for the direct costs of the Approved Project.
- a) **Matching Funds** - **The Project Sponsor is required to pay a match or portion of the Total Project Cost. This amount is 6.77% of the Total Project Cost. The use of Project Sponsor equipment and/or Project Sponsor employee time for the project shall not be reimbursable, but can be claimed by the Project Sponsor as a soft match toward the required 6.77% matching funds required from the Project Sponsor.** ~~There will be no soft match for this project.~~

- i) It is agreed upon by the Program Manager and the Project Sponsor that the Project Sponsor will provide soft match engineering design, survey, inspection, and contract administration for the construction of the project, including:
- (1) Engineering design, survey, inspection, and contract administration for the construction of those portions of the Project outlined in Section 6, Paragraph 8g in the amount of approximately \$????, and
 - (2) Engineering design, survey, inspection, and contract administration for the construction of the remainder of the Project as outlined in Section 6, Paragraph 1, in the amount of approximately \$?????.
- b) **Multi-Year Funding** - Some projects require funding across multiple fiscal years. Reimbursement for Approved Project activities can only be made up to the available amount identified in a single fiscal year. Any balance from a prior year where available funds have not been expended for the Approved Project are then advanced to the next fiscal year and are added to the funds available that fiscal year. Fiscal years for MAG Exchange Funds begin each year on October 1st or as otherwise designated in the Cooperative Agreement between MAG and UDOT, and for County Transportation Sales Tax Funds on January 1st. **The Approved Project has 1,000,000 in 2018, 1,319,013 in 2019.**
- c) **Funding Availability** - MAG Exchange funds are distributed to the MPO generally in October each year through a cooperative agreement with UDOT. The exchange process requires that MPO federal funds be exchanged with UDOT for state funds on an annual basis. The federal funds are made available by congress, the release of funds can fluctuate yearly. County Transportation Sales Tax funds are generally available each January and are generated by sale tax revenue, which can fluctuate with the economy. MAG will not reimburse expenses on an Approved Project unless funding is made available by UDOT and Utah County. This could require the Approved Project to be placed on hold by the Program Manager or that the Project Sponsor advance their own funds toward the Approved Project with reimbursement to be made by the Program Manager upon receipt of available funding from UDOT and/or Utah County.
- d) **Reimbursement** - **The Project Sponsor, if desiring reimbursement for the direct costs of the Approved Project, will provide the Program Manager with one monthly itemized invoice detailing actual costs for the ROW acquisition, design, utility relocation, construction, or other approved elements of the project.** Appropriate backup materials shall also be supplied by the Project Sponsor to the Program Manager without requiring separate inquiry. The Program Manager agrees to reimburse the Project Sponsor within 30 days of receiving acceptable itemized invoices establishing the validity of the direct

costs of the Approved Project. The maximum amount of reimbursement from the Program Manager to the Project Sponsor for any fiscal year shall be the available funds actually received by the Program Manager for such fiscal year. The maximum amount of reimbursement from the Program Manager to the Project Sponsor for the entire cost of the Approved Project shall not exceed \$2,162,015 (Total Project Cost less Matching Funds). Any costs which exceed \$2,162,015 shall be the sole responsibility of the Project Sponsor. The Program Manager will review and approve monthly each itemized invoice and will reimburse the total invoice amount less the required matching funds.

- e) **Cost Overruns** - The Program Manager maintains a contingency account for cost overruns. The Project Sponsor may request additional funds above the approved Total Project Cost with supporting documentation demonstrating the need for additional funds. The Program Manager may approve up to 10% of the Total Project Cost up to a maximum of \$500,000. The MPO Regional Planning Committee can approve higher amounts (Utah County Commission must also approve if county funds are used). The addition of these contingency funds would require a modification to this Agreement. If no additional funds are awarded or the Approved Project still requires additional funds, the Project Sponsor will be responsible to fund the overrun.
- f) **Surplus Funds** - Any surplus funds remaining after the completion of the Approved Project will be returned to the Mountainland or Utah County fund balance to be reallocated to other projects selected through the MPO project selection process. Note that Mountainland and Utah County selects and funds projects, not project sponsors. Surplus funds cannot be moved to a new project not already approved through the MPO project selection process. Any surplus funds paid by the Project Sponsor shall be returned to the Project Sponsor.
- g) **Construction Prior to Funds Availability** – The Project Sponsor agrees to initiate construction of the following portions of the original scope before funding becomes available:
 - i) Roadway section of 1200 West between approximately 600 South and 700 South, linking 1200 West between the recent Smith’s development and Springville City’s Clyde Aquatics Center, and
 - ii) Roadway section of 1200 West between the City’s Clyde Aquatics Center southerly boundary at approximately 750 South to 900 South.
 - iii) The Program Manager agrees to reimburse the Project Sponsor for the construction of the agreed portions of the original scope, once funding becomes available as noted above.

- 9) **Liability, Ownership and Maintenance of Approved Project** - The Project sponsor bears all liability through all stages of project development and construction. The Project Sponsor shall own and be responsible for maintenance, repair and replacement of the completed project.
- 10) **Inspection of Approved Project** - The Program Manager and its designees, upon reasonable notice, reserve the right to enter upon the Approved Project to inspect the same to verify compliance with this Agreement.
- 11) **Other Expenses** - Except as otherwise expressly stated herein, all expenses not identified as a part of the Approved Project or executed prior to the Agreement shall be the sole responsibility of the Project Sponsor.
- 12) **No Third-Party Rights** - The obligations of the parties set forth in this Agreement shall not create any rights in or obligations to any persons or parties other than to the Project Sponsor and Program Manager. This Agreement is not intended to nor shall it be construed to benefit any third party.
- 13) **Recitals** - The Recitals portion of this Agreement constitutes a part of this Agreement.

Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT.

Executed copies of this Agreement shall be placed on file with the official keeper of records of the Program Manager and the Project Sponsor, and shall remain on file for public inspection during the term of this Agreement.

Section 8. AMENDMENTS.

- 1) **Amending this Agreement** - This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be one of the following: (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, and (c) filed in the official records of each party.
- 2) **Change Orders** - Changes can occur throughout a project. Changes that are outside the scope outlined in this Agreement must be amended as stated above. Minor changes and adjustments that fall within the original project scope can be addressed with a change order. A change order does not require amending this agreement. A change order is defined as that

additional effort necessary by reason of changed conditions which are radical, unforeseen, and completely beyond the control of the Project Sponsor. The Project Sponsor shall create the change order and keep records of them. Any additional costs incurred can be covered by the construction contingency or by added local funding and should be addressed in the change order. If additional costs are more than the construction contingency and available local funds, the Project Sponsor shall contact the Program Manager to review funding options.

Section 9. EXTRA WORK

Extra work shall be undertaken only when previously authorized in writing by the Program Manager, and is defined as additional work which is neither shown nor defined in this Agreement. Extra work includes additional improvements adjacent to the Approved Project or in other locations that the Project Sponsor desires to complete as a package of other approved projects. Extra work can be for utility projects, facilities that tie into the Approved Project, project betterments, or other work desired by the Project Sponsor. No costs incurred by extra work can be billed to the Approved Project. Any invoices submitted by the Project Sponsor shall clearly detail costs incurred by the Approved Project and list separately costs incurred by the extra work. Extra work shall be outlined in a new exhibit.

Section 10. SEVERABILITY.

If any term or provision of this Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law, which would render any of the terms of this Agreement unenforceable.

Section 11. GOVERNING LAW.

All questions with respect to the construction of this Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

Section 12. INDEMNIFICATION.

The Project Sponsor shall indemnify and hold the Program Manager harmless from any and all claims of liability for any injury or damage to any person or property whatsoever occurring in, on or about the Approved Project or any part thereof. The Project Sponsor shall

further indemnify and hold the Program Manager harmless from and against any and all claims arising from any breach or default in the performance of any obligation on the Project Sponsor's part to be performed under the terms of this Agreement, or arising from any act or negligence of the Project Sponsor, or any of the Project Sponsor's agents, employees, contractors, subcontractors, or invitees and from and against all costs, reasonable attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. Both the Project Sponsor and Program Manager agree that the terms of this Agreement are subject to, and not a waiver of, the protections, immunities and liability limits of the Governmental Immunity Act, U.C.A. 63G-1-101, et. seq. The Project Sponsor's obligations under this provision shall survive the expiration or other termination of this Agreement.

Section 13. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

IN WITNESS WHEREOF, the parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below:

MOUNTAINLAND ASSOCIATION OF GOVERNMENTS

Authorized and passed on this (chose day) day of (choose month) (choose year),

GOVERNMENTS

MOUNTAINLAND ASSOCIATION OF

(enter name, title)

ATTEST:

(enter name, title)

REVIEWED AS TO FORM AND
COMPATIBILITY WITH APPLICABLE
LAW:

By: _____
(enter name, title)

SPRINGVILLE CITY

Authorized and passed on this (choseday) day of (choose month) (choose year),

(enter Project Sponsor name)

UTAH COUNTY, UTAH

(enter name, title)

ATTEST:

(enter name, title)

REVIEWED AS TO FORM AND
COMPATIBILITY WITH APPLICABLE
LAW:

By: _____
(enter name, title)