



**WORK/STUDY AGENDA
SPRINGVILLE CITY COUNCIL MEETING
FEBRUARY 07, 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

- February 14 – Work/Study Meeting 5:15 p.m.
- February 20 – Martin Luther King Day (City Offices Closed)
- February 21 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- March 07 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- March 14 – Work/Study Meeting 5:15 p.m.
- March 21 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- April 05-07 – ULCT Mid-Year Conference, St. George

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

- a) Invocation – Councilmember Child
- b) Pledge of Allegiance – Councilmember Creer
- c) Consent Agenda
 1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
 2. Approval of the minutes for October 18, November 01, December 06 and December 20, 2016 Regular City Council meeting and August 16, September 06, and January 10, 2017 Work/Study meeting.
 3. Approval of a ground lease extension with the State of Utah for the Air Quality monitoring station at the Spanish Fork/Springville Airport – Cris Child, Airport Manager
 4. Approval of an amended Hangar Ground Lease Agreement with ImSar LLC between Springville City, Spanish Fork City and the Spanish Fork/Springville Airport – Bruce Riddle, Assistant City Administrator/Finance Director

CERTIFICATE OF POSTING

This meeting was noticed in compliance with Utah Code 52-4-202 on February 02, 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

3. DISCUSSIONS/PRESENTATIONS

- a) Pickle Ball Presentation – Bill Baker and Russ Young

- b) Review of City Dashboard and Mission Statement – Troy Fitzgerald, City Administrator

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

ADJOURNMENT

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s/s - Kim Rayburn, CMC, City Recorder

Springville Goals and Strategies

Mission Statement

The mission of Springville City is to promote a safe and healthy environment for its citizens by providing services, facilities and opportunities in a fiscally responsible manner.

Goal One

Prudently Manage Public Funds

- Adhere to established financial and budget policies.
- Promote financial sustainability.
- Develop and support a productive workforce.

Goal Two

Effectively Plan for Growth and Economic Development

- Support the vision and policies of the General Plan.
- Promote a diverse, stable local economy by working to retain existing businesses and attract new businesses that can benefit from Springville's unique resources.
- Adopt planning objectives that protect and promote Springville's heritage, natural beauty, and Americana lifestyle.

Goal Three

Promote a Sense of Community

- Provide access to diverse cultural, educational and recreational opportunities.
- Provide and maintain functional, universally accessible and environmentally sound infrastructure that enhances a sense of community by distinguishing Springville from its neighbors.
- Encourage volunteerism, participation and civic engagement.
- Embrace community partnerships with our learning institutions.

Goal Four

Improve the Quality of City Services

- Utilize measurable performance plans to monitor service delivery effectiveness.
- Invest in the education and training and staff while providing the necessary resources and equipment for employees to deliver a high level of service.
- Utilize technology to provide access and transparency for Springville's residents.

Goal Five

Protect the Rights and Safety of the Citizens

- Reduce, solve and prevent crime.

- Ensure a fair and effective system of justice.
- Provide a prepared response to emergencies and disasters of all kinds.

Vision Statement

To build an enduring community through service.

A community that shares and cares.

Springville unified in purpose and progress.

Providing a secure community where families and people want to live.

Community • Service • Reliability

Where living is a fine art.

High on safety, family, health and education.

Addicted to a better life.

Families – the cornerstone of our community.

Join us in our quest for progress and

Mission Statement

The mission of Springville City is to promote a safe and healthy environment for its citizens by providing services, facilities and opportunities in a fiscally responsive manner.

Narrowed Core Values

- Safety and Security
 - Public Safety
 - Self Reliance
 - Reliability
 - Fiscal Responsibility
- Family and Sense of Community
 - Volunteerism
 - Service Oriented
 - Helpful
 - Civility
 - Fun Recreation
 - Inclusive
- Healthy Environment/Quality Lifestyle
 - Aesthetic Values
 - Open Space
 - Clean Air and Water
- Arts and Education
 - Library
 - Art Museum
- Progress through Planned Growth

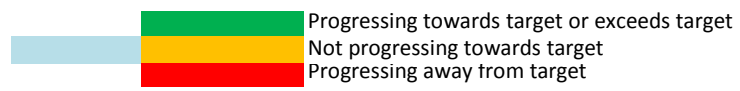
Springville City Dashboard

Last Updated:

1/18/2017

Fiscal Stability	2010	2011	2012	2013	2014	2015	2016	Target	Progress
GF Reserves as a Percentage of General Fund Expenditures (Unrestricted Reserves divided by current general fund \$. State limits to 25% max)	14.6%	14.0%	17.5%	21.2%	19.2%	20.9%	20.4%	18%+	
Governmental Debt Burden Per Household (Total Governmental Debt -General Fund - divided by Households)	\$3,052	\$2,903	\$2,744	\$2,374	\$2,015	\$ 2,228	\$ 3,364	\$1,500	
Enterprise Debt Burden Per Household (Total Governmental Debt -General Fund - divided by Households)	\$1,854	\$1,757	\$1,650	\$1,545	\$1,485	\$ 1,576	\$ 1,501	\$1,000	
Property Tax Rate as a Percentage of County Average (The city has a lower property tax rate than the county average if the # is below 100%)	106.1%	88.9%	92.0%	92.3%	98.0%	98.4%	114.50%	95%	
Bond Rating (Standard & Poor's Rating of Governmental Debt. AAA is the highest rating)	AA- (stable)	AA- (stable)	AA (stable)	AA (stable)	AA (stable)	AA (stable)	AA (stable)	AA	
Public Safety	2010	2011	2012	2013	2014	2015	2016	Target	Progress
Percentage of Property Crimes versus State Average (Springville has a lower crime rate than the state average if the # is below 100%)	94.0%	97.9%	75.4%	74.0%	71%	56.2%		90%	
Percentage of Violent Crimes versus State Average (Springville has a lower crime rate than the state average if the # is below 100%)	61.1%	66.7%	65.9%	52.0%	59%	54.4%		60%	
Perception of safety from Violent Crimes (Citizen Survey. Scale 4= neither safe nor unsafe, 5 = somewhat safe, 6 = very safe)		5.46		5.60		5.63		6	
Perception of safety from Property Crimes (Citizen Survey. Scale 4= neither safe nor unsafe, 5 = somewhat safe, 6 = very safe)		4.78		4.96		5.06		6	
Perception of safety walking alone at night in neighborhood (Citizen Survey. Scale 4= neither safe nor unsafe, 5 = somewhat safe, 6 = very safe)		5.26		5.33		5.42		6	
Traffic Accidents Per 1000 Residents (Total Reported Traffic Accidents in Springville)	22.8	21.1	21.8	23.9	22.8	24.5		20	
Quality of Life	2009/10	2011	2012	2013	2014	2015	2016	Target	Progress
Overall Quality of Life in Springville (Citizen Survey. Scale 4= just average, 5 = good, 6 = very good)	5.55	5.58		5.66		5.83		6	
Overall rating of city services (Citizen Survey. Scale 4= just average, 5 = good, 6 = very good)	4.94	4.94		5.09		5.28		5.25	
Availability of Recreational Opportunities (Citizen Survey. Scale 4= just average, 5 = good, 6 = very good)	3.86	4.27		4.31		4.45		5	
Perception of sense of community in your neighborhood (Citizen Survey. Scale 4= just average, 5 = good, 6 = very good)	4.97	4.88		5.02		5.19		5	
Perception that local tax dollars are being spent wisely (Citizen Survey. Scale 3 = neither agree nor disagree, 4 = agree, 5 = strongly agree)	3.18	3.26		3.2		3.34		4	
Dollars per capita committed to Parks and Recreation (All Parks, Recreation, Pool, Senior Citizens and Art City Days divided by Population)	\$63.47	\$58.93	\$67.78	\$66.53	\$80.13	\$ 80.99	\$ 81.28	\$70	
Dollars per capita committed to Arts and Culture (Museum and Arts Commission divided by Population)	\$14.37	\$14.45	\$14.82	\$14.77	\$16.81	\$ 16.38	\$ 15.77	\$15	

Acres of Parks per 1,000 residents	4.89	4.89	5.09	5.18	5.31			5.00	
Library circulation per capita as a % of the national average (National Average from ICMA. More than 100% means above national average.)	131%	138%	139%	179%	170%	171%		130%	
Average years since last maintenance of all city streets (Years since last road maintenance or rehabilitation)	6.3	6	5.4	5.1	5.2	4.2		6	
Enterprise (Utility) Efficiency	2010	2011	2012	2013	2014	2015	2016	Target	Progress
Residential Power Rates % of neighboring community rates (Average User. Neighbors are Mapleton, Provo and Spanish Fork. Lower # is better.)	124.0%	108.7%	103.7%	100.9%	99.1%	95.5%	95.4%	99%	
Commerical Power Rates % of neighboring community rates (Small User. Neighbors are Mapleton, Provo and Spanish Fork. Lower # is better.)		109.8%	106.4%	104.2%	95.3%	94.5%	92.3%	99%	
Commerical Power Rates % of neighboring community rates (Large User. Neighbors are Mapleton, Provo and Spanish Fork. Lower # is better.)		135.3%	131.3%	125.3%	124.9%	124.1%	123.3%	99%	
Residential Water Rates % of neighboring community rates (Average User. Neighbors are Mapleton, Provo and Spanish Fork. Lower # is better.)	65.9%	66.0%	65.1%	64.5%	61.7%	51.4%	48.1%	99%	
Commerical Water Rates % of neighboring community rates (Average User. Neighbors are Mapleton, Provo and Spanish Fork. Lower # is better.)	87.5%	91.8%	90.9%	90.2%	89.7%	82.0%	80.6%	99%	
Sewer Rates % of neighboring community rates (Ave. Resident. Neighbors are Mapleton, Provo and Spanish Fork. Lower # is better.)	98.6%	98.6%	101.4%	101.4%	95.5%	96.5%	104.3%	99%	
Ave. Enterprise Fund Reserves as a Percentage of Gross Revenues (Power, Water, Sewer, and Non-Major Funds Averaged)	28.9%	35.5%	42.7%	47.20%	50.77%	47.46%	55.44%	30%	
Economic Strength	2010	2011	2012	2013	2014	2015	2016	Target	Progress
Number of Businesses (No home occupancies)	568	532	601	612	686	664	645		
Sales Tax Revenue	\$3,447,000	\$3,646,500	\$3,827,200	\$4,082,100	\$4,416,900	\$4,564,700	\$4,650,000		
New dwelling units started	126	66	127	99	359	159			
Population (April 1)	29,466	29,886	30,113	30,548	31,205	31,464	32,286		
Household Size	3.44								





**REGULAR AGENDA
SPRINGVILLE CITY COUNCIL MEETING
FEBRUARY 07, 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 October 18, November 01, December 06 and December 20, 2016 Regular City Council meeting and August 16, September 06, and January 10, 2017 Work/Study meeting.
3. Approval of a ground lease extension with the State of Utah for the Air Quality monitoring station at the Spanish Fork/Springville Airport – Cris Child, Airport Manager
4. Approval of an amended Hangar Ground Lease Agreement with ImSar LLC between Springville City, Spanish Fork City and the Spanish Fork/Springville Airport – Bruce Riddle, Assistant City Administrator/Finance Director

REGULAR AGENDA

5. Consideration of an amended agreement for Commercial Operations at the Spanish Fork/Springville Airport between Springville City and Spanish Fork City – Cris Child, Airport Manager

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s/s - Kim Rayburn, CMC, City Recorder

6. Consideration of granting approval to Strap Tank Brewing Co. LLP to become a Package Liquor Agency – John Penrod, Assistant City Administrator/City Attorney

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION

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

ADJOURNMENT

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s/s - Kim Rayburn, CMC, City Recorder



MINUTES
Springville City Council Work/Study Meeting – August 16, 2016

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD
ON TUESDAY, AUGUST 16, 2016 AT 5:15 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present:
Councilmember Rick Child, Councilmember Craig Conover, Councilmember Chris Sorensen, City
Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City
Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson,
Golf Pro Craig Norman, Public Works Director Brad Stapley, Building Official Jason Van Ausdal,
Recreation Director Corey Merideth, Library Director Pam Vaughn, Operations Manager Rod Oldroyd
and Museum of Art Director Dr. Rita Wright. Excused from the meeting: Councilmember Christopher
Creer and Councilmember Jason Miller.

CALL TO ORDER

Mayor Clyde welcomed everyone and called the Work/Study meeting to order at 5:20 p.m.

COUNCIL BUSINESS

1) Calendar

- August 27 – City Wide Disaster Drill
- September 5 – Labor Day (City Offices Closed)
- September 06 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- September 13 – Work/Study Meeting 5:15 p.m.

Mayor Clyde asked if there were any questions or additions to the calendar.

City Administrator Fitzgerald reported the Council retreat will be done with various discussions
over a few work sessions.

The Chamber of Commerce Golf Tournament was announced it would be held on August 23,
2016.

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

- a) Invocation – Councilmember Sorensen
- b) Pledge of Allegiance – Councilmember Conover
- c) Consent Agenda
 1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
 2. Approval of the minutes for May 17, 2016 Regular City Council meeting
 3. Approval of equipment disposal according to the Surplus Property Policy – Leon Fredrickson, Power Director

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

42

3) **DISCUSSIONS/PRESENTATIONS**

44 a) **Youth Court** – Shannon Acor, Prevention Coordinator

Mayor Clyde asked those youth in attendance tonight and serving on the Youth Court to please stand and give introductions. He then turned the time over to Prevention Coordinator Shannon Acor.

46 Ms. Acor reported the Youth Court started training the first group of students last October. She explained they hear cases regarding underage tobacco use, theft, disorderly conduct, curfew violations, and criminal mischief. The youth must be under eighteen year's old and attending school.

50 Ms. Acor stated the Youth Court gives students a second chance and is an important role to mentor youth and help families understand the process. The members of the Youth Court meet twice a month during school time and once a month during the summer. From October 2015 to August 2016 they had 49 cases with 14 hearing dates, with a 100% disposition completion rate of those appearing. Five juveniles or 10% failed to appear and were referred back to the referring entity. Currently they have 40 active members and all schools within the City are represented, including charter and public schools. They youth participate various service projects such as "One Warm Coat" and receive certificates for participation. In July the Youth Court donated 3800 hours to the City.

58 Mayor Clyde thanked the youth for their service.

60 b) **Discussion of data services for the City** – Troy Fitzgerald, City Administrator

City Administrator Fitzgerald provided information on telecommunications within the community, surrounding areas and the options available. He explained the fourth highest request on the city survey from the community was high speed internet if the funding was available.

64 Administrator Fitzgerald provided information regarding internet providers in Springville and surrounding cities. He expressed the City could wait for the marketplace to take care of it or explore a city wide service. The expense for the city to build a city wide service was discussed as well as underground infrastructure. Administrator Fitzgerald observed the City owns some fiber connections that could be used for a city service or a commercial service. He explained the city can own and install the service, however under current laws the City is unable to provide the service.

70 Councilmember Sorensen asked about the availability of IP addresses and if there are enough available. Administrator Fitzgerald replied this is something staff will need to look into. The City would need to incur debt in order to provide connections.

74 Administrator Fitzgerald asked the Council to think about the various options and after the first of the year they can discuss it further.

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

Mayor Clyde asked for any other comments from the Council or Directors.

78 Councilmember Child asked about the status on the sidewalk approval for 200 East next to the LDS church. Director Stapley replied staff has attempted to contact church officials without success and will continue to try and reach them.

80 Councilmember Sorensen commented on the recent council tour of the Ashford Assisted Living Facility and noted it was very nice.

82 Councilmember Conover commended Director Stapley and staff for their work on the 950 west railroad crossing.

84

86 Assistant Administrator Penrod reported a vehicle towing company recently met with city
88 personnel regarding the City ordinance on vehicle towing. One part of the ordinance addresses vehicle
90 accidents where the police department works off of a list of towing companies. The second part of the
92 ordinance involves private property owners who have a contract with a towing company for their
parking lots. This portion of the ordinance requires the group to have a towing yard in Springville. He
asked if the Council would be interested in changing the ordinance. He noted there are some concerns of
how the process is done with yards in another city. Councilmember Conover asked what other cities are
doing. Mayor Clyde expressed to not change the ordinance unless the community has interest. Council
voiced they were in agreement.

94 Recreation Director Merideth reported he talked with those involved with the Historical Society
regarding their upcoming lecture and presentation for Heritage Days. They reported the event will be
96 held at Contractor Park and it will be noticed in the City Source newsletter.

98 **5) CLOSED SESSION**

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

102
104 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE CITY COUNCIL
WORK/STUDY MEETING AT 6:16 P.M. AND CONVENE IN CLOSED SESSION TO DISCUSS
PURCHASE OF REAL PROPERTY. COUNCILMEMBER SORENSEN SECONDED THE MOTION
106 AND THE VOTES IS RECORDED AS FOLLOWS:

108	COUNCILMEMBER CHILD	AYE
	COUNCILMEMBER CONOVER	AYE
	COUNCILMEMBER CREER	Excused
110	COUNCILMEMBER MILLER	Excused
	COUNCILMEMBER SORENSEN	AYE

112 **ADJOURNMENT**

114 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE WORK/STUDY MEETING
OF THE SPRINGVILLE CITY COUNCIL AT 6:30 P.M. COUNCILMEMBER CHILD SECONDED
116 THE MOTION, ALL VOTED AYE.

118
120 *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday,
August 16, 2016.*

122 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville
City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and
complete record of this meeting held on Tuesday, August 16, 2016.*

126
128

Kim Rayburn, CMC
City Recorder



MINUTES
Springville City Council Work/Study Meeting – September 06, 2016

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD
ON TUESDAY, SEPTEMBER 06, 2016 AT 5:15 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present:
Councilmember Rick Child, Councilmember Craig Conover, Councilmember Christopher Creer,
Councilmember Jason Miller, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald,
Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director
Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Power Director Leon Fredrickson,
Brandon Graham, Power Distribution Superintendent, Golf Pro Craig Norman, Public Works Director
Brad Stapley, Recreation Director Corey Merideth, Operations Manager Rod Oldroyd and Museum of
Art Director Dr. Rita Wright.

CALL TO ORDER

Mayor Clyde welcomed everyone and called the Work/Study meeting to order at 5:18 p.m.

COUNCIL BUSINESS

1) Calendar

- September 13 – Work/Study Meeting 5:15 p.m.
- September 15 – Museum of Art VIP Reception for dignitaries from the Republic of Georgia 4:30 p.m. – 6:30 p.m.
- September 14-16 – ULCT Annual Conference, Salt Lake City
- September 20 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

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

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

- a) Invocation – Councilmember Conover
- b) Pledge of Allegiance – Councilmember Child
- 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 June 21, 2016 and August 09, 2016 Work Study meetings.

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

3) **DISCUSSIONS/PRESENTATIONS**

42 a) **Deer Problem within City** – Scott Finlayson, Public Safety Director

44 Chief Finlayson reported during last six months the Police Department has received more
46 complaints about deer than in the last five years. He provided a map showing areas with the most issues,
noting most are along the hillsides and near the high school hillside. Chief Finlayson stated he met with
48 the Department of Wildlife Resources and they explained there are about 400 urban deer in the
community and the urban deer are the ones causing most of the problems.

48 Chief Finlayson provided information and discussion regarding options for consideration; do
nothing, trap and release was discussed in a previous meeting, however Chief Finlayson spoke to a
50 Sportsman Association and was told this option is off the table because Maple Mountain has had deer
wasting disease and will not allow releasing deer in other areas. Another option would be a controlled
52 archery hunt. He explained Mapleton and Highland Cities are going with this option. Highland is in its
fourth year of a controlled archery hunt, populations of deer are going down and they have not received
54 any complaints. Highland uses a private company who has all of their archers vetted and the city states
where and when they hunt and the meat is required to be donated to a non-profit.

56 Chief Finlayson reported the cost for Mapleton for 100 deer a year would be approximately
\$6000. He then described what was included and explained the hunt is held in the fall before the winter
58 deer come down and is to target the urban deer.

Councilmember Sorensen, Conover and Creer expressed they would like to look into an
60 ordinance and see if it is possible to do it this year.

62 b) **Aquatic Activity Center update** – Troy Fitzgerald, City Administrator

64 City Administrator Fitzgerald reported on the progress of the Aquatic Center and stated the
groundbreaking is scheduled for September 20, 2016. A site plan has been submitted to the City, details
were discussed on the timeline for the building permit and bid package. A review of a possible outdoor
66 water feature for younger kids was discussed as well as possible property available south of the property
for purchase to increase space.

68 Mayor Clyde stated he would like more information. Administrator Fitzgerald replied more
information will be gathered and brought back to the Council. Councilmember Creer expressed he
70 agrees to put plumbing for a future water outdoor water feature if it is feasible.

72 c) **Building Code** – Jason Van Ausdal, Chief Building Official

74 Building Official Van Ausdal provided information from a citizen requesting an amendment to
the building code. He reviewed Title 10 of the City Code and can propose change to Council directly if
requested. He explained the proposal is to consider an alternative to allow for basements in the west
76 field's area that is below grade with drainage. He reviewed a possible drainage system that may involve
a separate system that would need approval from other entities for the drainage. He explained in
78 discussions with other entities for basement drainage they were not in favor of the drainage into their
systems and the possible liability.

80 Councilmember Sorensen asked if a new system was approved, what would be involved. Official
Van Ausdal replied the approvals could take a few years by working with other entities and getting
82 approvals.

84 Mayor Clyde asked about waterproofing. Official Van Ausdal replied staff is against allowing it
as a standard or as something that can be used to mitigate a problem, but is not a standard.

86 Official Van Ausdal asked the Council what staff priority should be and any language changes.
87 Attorney Penrod replied Title 10 does not require Planning Commission review. If Council wants the
88 Planning Commission to review and give a recommendation it is possible. Changes could affect
numerous codes and standards. Also, drainage will need to be approved by the drainage districts.

89 Councilmember Sorensen questioned the liability and expressed it will never go away if
90 something should happen forty years from now. Attorney Penrod replied there is a possibility it could
fail and the city could be liable.

91 Mayor Clyde asked the Council for their direction. Councilmember Creer expressed there are so
many obstacles and to not use any more staff time. Councilmember Conover stated he was in agreement.

92 Director Stapley gave an update on the 950 West railroad crossing. He provided information and
93 pictures of the building of the crossing with curb, gutter and sidewalk and reported paving is set for
94 September 13, 2016.

95
96
97
98 **d) Tour of the Museum of Art's new exhibition; *Rock the Vote: Presidential Portrayals Past
and Present at 6:30 p.m.***

99 The Mayor and City Council adjourned for a tour of the Museum Art's new exhibition. No
100 action will be taken on any items.

101

102
103 **4) MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

104 Mayor Clyde asked for any other comments.

105
106 **CLOSED SESSION**

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

109 There was no Closed Session.

110
111
112 **ADJOURNMENT**

113 **COUNCILMEMBER CHILD MOVED TO ADJOURN THE WORK/STUDY MEETING OF**
114 **THE SPRINGVILLE CITY COUNCIL AT 6:16 P.M. COUNCILMEMBER CREER SECONDED THE**
MOTION, ALL VOTED AYE.

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116
117
118 *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday,*
August 02, 2016.

119 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville*
120 *City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and*
121 *complete record of this meeting held on Tuesday, August 02, 2016.*

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Kim Rayburn, CMC
City Recorder



Springville City Council Work/Study Meeting –Tuesday, January 31, 2017

MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY, COUNCIL
HELD ON TUESDAY, JANUARY 10, 2017, AT 5:15 P.M. IN THE MULTIPURPOSE ROOM
AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE, UTAH.

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

Also present were: Administrative Services Manager Rod Oldroyd, Recreation Director Corey Merideth, Reference Librarian Elizabeth Westenberg, Golf Pro Craig Norman, Power Director Leon Fredrickson, Public Works Director Brad Stapley, Public Safety Director Scott Finlayson, Community Development Director Glen Goins, Buildings and Grounds Director Brad Neel and Museum of Art Director Dr. Rita Wright.

CALL TO ORDER- 5:15 P.M.

COUNCIL BUSINESS

1. Calendar

- January 16 – City Offices closed in observance of Martin Luther King Day
- January 17 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- January 24 – City Council Budget Retreat 12:00 p.m.
- January 25 – ULCT Local Officials Day at the Legislature 7:00 a.m. – 2:00 p.m.
- February 7 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.

Additional calendar items mentioned include the April Budget Retreat, tentatively held at the new golf course clubhouse and the ribbon cutting at the new Quick Quack Car Wash franchise on 400 South. Councilmember Conover reported that there is a delay in the remodel concerning the permit for the septic tank at the Golf Course, but County Commissioner Graves corrected the problem. Councilmember Sorensen clarified that the Budget Retreat includes lunch, not dinner.

2. DISCUSSIONS/PRESENTATIONS

**a) Discussion and suggestions from Directors for the upcoming Legislative Session–
Troy Fitzgerald, City Administrator**

Administrator Fitzgerald stated that he and Councilmember Miller attended the Utah League of Cities and Towns (ULCT) meeting yesterday. He updated the City Council on items

40 included in the upcoming legislative session, convening January 23, 2017. Currently, bill filings
total only 150 house bills (HB) and 100 state bills (SB) for the coming legislative session. Some
of these items, listed by Administrator Fitzgerald that may affect the City are:

- 42 • Because referenda are becoming more common, some cities suffered while
44 waiting for answers from the legislature. Currently, there is a bill limiting a city's
46 ability to influence the signatures collected for a referendum. HB 20 limits the
48 political activity of public entities. If this bill passes, using email or social media
to offer information about a referendum qualifies as political activity of a public
entity. An example would be last year when cities were sued after advertising
town meetings inviting citizens to learn about BRT.
- 50 • If an email or social media post tends to indirectly influence the public concerning
52 a referendum, it is a criminal act. Attorney Penrod clarified that an individual can
post, but not as the City or the Mayor. Councilmember Sorensen noted laws
concerning elections and social media already exist and the language in this bill
can affect someone indirectly.
- 54 • Online sales tax is a national issue, with Representative Chafetz leading the
56 charge. A Provo legislator will introduce a bill detailing how an economic nexus
in Utah would report sales tax to Utah. An affiliate nexus would report as well
58 and force retailers to report the transaction that would cause consumers to be
liable for sales tax on our personal income tax return. Mayor Clyde noted an
email from Francis Gibson, surveying preferences between self-reporting sales tax
60 and remitting sales tax to the retailer. Administrator Fitzgerald stated there is
federal case law stating Utah cannot force an out of state retailer to charge sales
62 tax. Councilmember Sorensen asked about the fiscal ramifications of Springville
City receiving sales tax from online purchases. Administrator Fitzgerald answered
64 that today the City already collects sales tax from online purchases if there is a
brick and mortar retailer in the City. Mayor Clyde asked if ready mix concrete is
66 purchased in Orem, but mixed in Springville, who receives the sales tax.
Administrator Fitzgerald answered the sales tax goes to where the product is
68 delivered. Operations Manager Oldroyd stated Springville receives Larry H.
Miller sales tax when the dealer delivers a car to Springville. Administrator
70 Riddle added that even Airbnb is sending transient room tax to Springville. Mayor
Clyde added return purchases are killing online retailers. Administrator Fitzgerald
72 agreed reverse logistics is killing online retailers.
- HB 19 will amend civil asset forfeiture.
- 74 • HB 82 will remove a city's right to allow street legal vehicles on streets, which
Springville City has already allowed in our code. Councilmember Sorensen added
76 the Legislature complains about federal overstep and the Legislature is the worst
at overstepping.
- 78 • HB 105 extends early voting to the day before Election Day.
- HB 111 changes the filling dates for elective offices.

- 80
- A joint resolution encouraging a pay increase for the public safety officers and firefighters who are in the Tier II retirement system, which includes highway
- 82 patrolmen.
- There will be a land use bill dealing with court cases and legislation from several
- 84 years ago fine tuning conditional uses as well as administrative versus legislative
- 86 definitions. Basically, uncodified land use regulation such as engineering
- 88 requirements, fee schedules and subdivision standards, will not satisfy the
- 90 standard in the proposed bill. That means Council must enact a standard. In our
- 92 case, Council has adopted everything indicated in the proposed legislation so far.
- 94 We will have to be careful to not have non-codified policies in place concerning
- 96 land use. Attorney Penrod clarified whether this bill will cover engineering
- 98 standards too. Administrator Fitzgerald answered this bill specifies that
- 100 municipalities should not expect courts to uphold vague land use restrictions or
- 102 regulations that require local interpretation directed at conditional uses.
- 104 Developers want cities to spell out every condition in the code. Attorney Penrod
- 106 stated we have tried to do that. Administrator Fitzgerald stated the standards must
- 108 be clearly defined. Mayor Clyde questioned whether Springville City must codify
- 110 the standard. Director Goins stated this bill will tie our hands because we cannot
- 112 determine every possible outcome. Administrator Fitzgerald stated after one
- 114 conditional use, the council can change the law. Mayor Clyde stated it is
- 116 frustrating, as a developer, when a legislative body can decide on a conditional
- 118 use. Administrator Fitzgerald agreed we cannot be arbitrary or capricious and
- 120 Council must approve the use, once the developer meets the criteria. Attorney
- Penrod stated if we codify the standard, the developer also gets no leeway and must meet the standard. Administrator Fitzgerald stated this land use bill comes from the ULCT Land Use Task Force that has representatives from cities and developers sitting on the task force. Attorney Penrod stated the reality of the task force is that city representatives are there to hold back developers year to year. Administrator Fitzgerald stated the bill has language that affirms the Council's authority. He stated one final item in the bill requires clearly defining the difference between administrative and legislative code to limit the need for referenda. Currently, Springville City code needs to be reorganized and separate legislative code from administrative code.
- Another bill concerns short-term rentals like Airbnb, essentially limiting overregulation. Springville City has several Airbnb locations.
 - Administrator Fitzgerald continued by stating Salt Lake City passed a policy extending parental leave to six weeks of paid leave for all employees. Orem sent a survey to HR departments in other cities.
 - Gas Tax problem is fixed based on allocation changes according to price fluctuation. Because Utah County voters rejected the County's portion of the gas tax, Springville City is collecting substantially less gas tax because of that vote.

122 • Springville City is asking the legislature for funding to realignment a railroad and
123 build a freeway off ramp. Representative Francis Gibson is working on this
124 initiative. Mayor Clyde talked to Senator Stuart Adams, who wants to know if
125 Springville City wants the 1600 South exit. Administrator Fitzgerald asked if the
126 exit impacts commercial development on 400 South. According to MAG, it is in
127 the 5-10 year phase one of the plan. Gibson is the majority whip of the house,
128 which is a leadership role. Representative McKell, of Spanish Fork, is onboard.
129 Stuart Adams wants to know if Springville wants the freeway exit. Administrator
130 Fitzgerald stated the 1600 South off ramp/overpass and realigning the railroads
131 project are lumped together with over one billion dollars of transportation projects
132 all over the state. The Springville portion of the transportation projects is close to
133 120 million dollars. Mayor Clyde noted the Legacy Highway had a Legacy Fund.
134 The theory was the projects would be grouped and the support would come from
135 all over the state. Bountiful, Davis and Utah County did not vote for the increase
136 in sales tax, so it is time for another county to get the funding. Silicon Slopes is
137 the number one economic development in the United States. Transportation
138 funding has competition this legislative session from higher and lower education
139 and the prison relocation. Mayor Clyde concluded by asking how insistent is the
140 Council to start the 1600 South freeway exit. Should Council support MAG's
141 design as it is? Operations Manager Oldroyd wondered why support it if it sends
142 traffic to Spanish Fork instead of Springville. Councilman Conover stated we
143 need to support it to support Representative Gibson. Administrator Fitzgerald
144 asked if Springville supports new funding to rush the overpass. Councilmember
145 Conover asked if MAG is contributing to a lobbyist. Mayor Clyde noted Senator
146 Adams says 1200 West must extend all the way to 1600 South. Administrator
147 Fitzgerald answered the MAG funding in 2018 will extend 1200 West to 1600
148 South. Director Goins recommended a study to determine how dramatically the
149 land uses would change with the traffic changes predicted for 1600 South.
150 Councilmember Sorensen noted that the west side traffic is going crazy from new
151 development and the Utah County Jail. Mayor Clyde added that all the Lakeshore
152 land will feed into commercial developments on 400 South and Spanish Fork
153 Main Street will eventually cross Provo Bay. Councilmember Sorensen stated the
154 traffic diversion from the car accident this morning was big. Mayor Clyde
155 concluded that the Council is for the overpass, but 5 years from now is ok.

156 • A possible bill concerning transfers from enterprise funds being subject to
157 referenda.

158 Mayor Clyde asked if the legislature is concerned about discharge of our wastewater
159 from our treatment plants. Administrator Fitzgerald noted there are new storm water rules that
160 are delayed to 2019. Nutrient removal rules do not apply until 2020.

161 Councilmember Sorensen suggested 1600 South should be fixed up on their dollar. In
162 addition, Spanish Fork should know that we are with them on this instead of against them. We
are jointly spending dollars on a lobbyist with Spanish Fork. Mayor Clyde suggested pushing

164 construction of 1600 South all the way to 400 East in Mapleton, which is the only reason
165 Mapleton cares about this project. Administrator Fitzgerald clarified that the overpass project is
166 only a priority to Springville and Mapleton if 1600 South extends to Mapleton. Spanish Fork
wants the exit for the Spanish Fork Walmart, but that does not help the other cities.

168 **3. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

169 Chief Finlayson reported that today there were six or seven accidents because of
170 morning black ice. In the last two weeks of December with the big storms, there were 15
accidents total, which is average. The good news is that drivers paid attention.

171 Councilmember Sorensen asked about hiring new police officers and if we are funding
172 interested future employees to go through police training. Chief Finlayson noted the applicants
173 without law enforcement experience were not good applicants. Mayor Clyde asked how long the
174 Academy training takes. Chief Finlayson answered one year at UVU, 16 weeks at Post. There is
175 an entrance exam, which must be passed with a score of 70%.

176 Director Wright reported on a discussion panel of architects of classical traditions
177 tomorrow night. The process of hiring an associate director continues and will finish this week.

178 Director Meredith expressed condolences to the family of Ray Davis, a former
179 Recreation employee, who passed away last night. Basketball needs new gyms next year.

180 Director Neel reported his staff meeting went well, covering risk management, safety,
181 including educating employees on hydration in the winter and injury prevention. The
182 reorganizing of the 4th South Compound continues with new inventory control implemented to
183 reduce cost.

184 Ms. Westenberg reported any new library projects are on hold until the new director
185 starts next week. Mr. Oldroyd reported the Director is moving in next week as well.

186 Director Glen Goins listed several administrative approvals. A permit for a container
187 lease business is cleared. They are leasing or selling shipping containers for advertising and
188 storage. Reagan Academy is expanding classroom space and the permit is pending. A permit
189 combining two lots for a large warehouse is up for approval before the Planning Commission
190 tonight.

191 Mr. Norman stated the golf course is taking applications for the grounds supervisor. All
192 winter equipment repair and sharpening was completed in December. The septic tank permit is
193 holding up the clubhouse remodel.

194 Director Stapley reported the snow water content in Hobbie Creek Canyon is twice the
195 norm. The good news is water is not running off, but is soaking into the ground. Buildings and
196 Grounds, Power, Sewer Public Works and Water Public Works all helped the Streets Department
197 with snowplowing cul-de-sacs and dead ends. Staff learned from these large storms. A 35-foot
198 plow cannot turn around in those situations. Bids go out on the construction of the 4th South well
199 on February 7th. The well construction contract will be awarded at the February 21, 2017 City
200 Council meeting. Staff is also looking at the design of the 1200 West roadway and development
201 on the Brigham Ashton parcel. Councilmember Sorensen asked how many bidders to expect for
202 the well construction. Director Stapley stated there are four possible.

203 Councilmember Child complimented Director Fredrickson on no power outages with all
204 the snow and wind.

206 Operations Manager Rod Oldroyd reported Emilee Stansfield move to a fulltime position
in the Police Department and there were over 80 applications for her part time position in
208 Administration. The weather posts on Facebook received over 10,000 views so far. Most social
media comments are complimentary of plowing. Mayor Clyde noted there are 167 miles of
210 streets to plow. Some of the Dead end streets and cul-de-sacs are only one lot deep.

Director Riddle reported the Finance Department has shifted from the audit time of year
212 to the budget time of year. There is a question of rotating to a different auditor. This auditor has
been retained since 2000. Best practice would be to put out an RFP and hire a different auditor
214 because the contract is worth about \$30,000. Director Riddle asked if Council is comfortable
with one set of eyes auditing for so many years. Councilmember Conover asked if Provo
216 switched. Director Riddle answered once in eleven years. Councilmember Sorensen stated the
school district switched back and forth. Council agreed and Mayor Clyde recommended a 3-5
218 year RFP.

Recorder Rayburn reported staff accepted 88 passports in December. Councilmember
220 Sorensen spotted an ad that listed passport agencies, but Springville was not listed. Ms. Rayburn
reported the City receives \$25 for accepting an application.

222 Councilmember Sorensen thanked Manager Oldroyd for fixing the library lights that
stayed on all night around Christmas time. Buildings and Grounds staff fixed it.

224

5. CLOSED SESSION

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

There was no closed session

230

ADJOURNMENT

232 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE WORK/STUDY
MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:19 P.M. COUNCILMEMBER
234 MILLER SECONDED THE MOTION, ALL VOTED AYE.

236 *This document constitutes the official minutes for the Springville City Council Work/Study Meeting held on*
Tuesday, January 10, 2017.

238

240 *I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy City*
Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent
242 *a true and accurate, and complete record of this meeting held on Tuesday, January 10, 2017.*

244

246

Jennifer Grigg
Deputy City Recorder



MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, OCTOBER 18, 2016, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present:
Councilmember Craig Conover, Councilmember Chris Creer, Councilmember Jason Miller,
Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City
Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Public Works Director Brad Stapley,
Recreation Director Corey Merideth, Building Official Jason Van Ausdal, Kim Francom, Parks
Superintendent, Power Director Leon Fredrickson, Library Director Pam Vaughn, Operations Manager
Rod Oldroyd and Museum of Art Director Dr. Rita Wright.

Excused from the meeting: Councilmember Rick Child and Assistant City Administrator/City
Attorney John Penrod arrived at 8:15 p.m.

CALL TO ORDER

Mayor Clyde welcomed everyone and called the meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER SORENSEN MOVED TO APPROVE THE MEETING'S AGENDA AS
WRITTEN. COUNCILMEMBER MILLER SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Clyde welcomed the Council, staff and audience.

PUBLIC COMMENT

Mayor Clyde introduced the Public Comment section of the agenda. He asked if there were any
requests. Mayor Clyde postponed this portion of the agenda until Attorney Penrod was able to attend
later in the meeting. Attorney Penrod arrived at 8:15 p.m.

Kay Wheeler, Springville Resident; Ms. Wheeler expressed her parents had passed away and the
family is now selling the property where they grew up. She explained years ago the back property was
turned into a small apartment and rented to students and grandchildren. She stated a renter approached
the City and asked if the utilities could be split and to install a separate meter; this was done and two
utility bills have been generated. In January 2014 trench work was done for sewer and utilities and they
asked for a non-conformity and received a denial and she feels the City played a part in the problem

with this lot. Currently they have a Springville citizen who would like to purchase the property and financing has failed because of a non-conforming use stated by the city. Ms. Wheeler stated they would very much like to sell the home and would like to ask for a variance or some sort of solution.

Troy Vincent, Springville Resident; Mr. Vincent stated he lives in Springville and grew up in Springville. His family is growing and they decided to purchase the Wheeler home. He expressed they recognize the historic value of the home and want to maintain it.

Attorney Penrod reported he had spoken to the Wheelers and they have stated the issue well. He explained accessory buildings were built on the same lot one was an apartment the other was some type of shed. The structures themselves are legal and met all of the requirements at the time they were built. The problem is accessory apartments have never been allowed within the zone. This last January the Wheelers tried to get a non-conforming use permit. In order to get the permit it needs to be shown it was legal and continues to be legal, this has not been found. In order to make it legal a zone change would be needed.

Mayor Clyde asked why the City split the utility bill if it was not allowed. Attorney Penrod replied he was not sure why it was allowed at the time. There are some situations where utilities run to accessory buildings and may have separate billings for such things as a separate pool house or something similar. Mayor Clyde asked about having sewer to an accessory building. Attorney Penrod replied it was not uncommon.

Mayor Clyde explained a variance would be needed and they would need to go to the Board of Adjustments, the Council cannot legally grant a variance. He stated the course of action would be to make an application to the Community Development Department for a zoning change and staff would need to make a recommendation to the Planning Commission.

CEREMONIAL AGENDA

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

Mayor Clyde explained the Mayor's Recognition Awards were instituted to award students for being good examples to their peers, and to encourage young people to avoid involvement in drug use. He then turned the time over to CTC Coordinator Shannon Acor and asked Councilmember Sorensen to assist.

Ms. Acor asked Calie Hougaard and Kate Southern to come forward and she read Calie and Kate were nominated by Springville Junior High Assistant Principal Shauna Shepherd. Ms. Shepherd wrote in part Calie and Kate took the challenge of a teacher to make a positive difference and came up with the idea to use a bully box at Springville Junior High to help cut down on bullying problems in the school. They found a place to put it in the school where students could easily access it and created announcements for the school to make about the use of the box. Students could submit written tips to the box, anonymously if they would like or if they are victims of bullying or see it happen; the tips are then collected each day by the administration and the issues addressed.

CONSENT AGENDA

2. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
3. Approval of the minutes for July 05, 2016 Work/Study meeting.
4. Approval of a six month extension for the final approval of the Meadow Walk Subdivision located at approximately 850 south 950 west in the R1-10 Single-Family Residential and WF-1 Westfield's Overlay zones – Glen Goins, Community Development Director

86 COUNCILMEMBER CONOVER MOVED TO APPROVE THE CONSENT AGENDA AS
WRITTEN.

88 COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

90

PUBLIC HEARING

92 5. **Public Hearing to consider a proposed amendment to the General Plan Land Use Map**
94 **from Medium Low Density to Medium Density for four properties in the area of 700 South**
94 **400 East** – Glen Goins, Community Development Director

96 Director Goins provided information on the proposed amendment. He explained the potential for
96 the property to have an owner occupied accessory apartment. He noted the Planning Commission
98 considered this item in a public hearing and received comments. Some of the concerns voiced were
98 about going backwards on the historic district, and concerns with traffic and density.

100 Councilmember Sorensen commented one lot is very large and asked if it could be subdivided.
100 Director Goins replied it could possibly have two or maybe more.

102 Mayor Clyde opened the Public Hearing.

104 Marlon Bird spoke; he is the petitioner and purchased the property. Mr. Bird reported the area
has duplexes and twin homes and questioned what an absentee landlord is by definition.

106 John Taylor, Springville resident. He stated his concern was about properties owned by
landlords, specifically absentee landlords. He expressed they do not tend to take care of them and he is
108 concerned the historic district is not considered. He stated with landlords living outside the community it
does not seem to work well. He said he would like to see the Council not vote for the change.

110 Dean Bird, Springville resident. Mr. Bird stated the home was built by his great grandfather and
has been vacant for two years, he asked his son to restore the home. He expressed his son worked on the
112 home for the past two years, with renovations exceeding the value. He requested his son consider an
additional home on the vacant lot adjacent to help recoup expenses. Mr. Bird commented his son
114 currently owns a duplex in the area, always had good renters, and has kept them in good repair. He
stated they have found it difficult for people to find homes to rent. There have been many changes in the
116 area and he thinks it is a wonderful idea to have rules and regulations and to consider each application
on its own merits.

118 Stacy Backus, Springville resident and current renter of the newly renovated home. Ms. Backus
commented it was a blessing to live in the home and believes it is beautiful and considers it as her own.
120 She expressed how impressed she is with the Bird's and their family and how they have tried to keep
everyone happy. She stated Marlon Bird builds an incredible home and it would not be a detriment to
122 the neighborhood. She said she would do what she could to make sure it stays clean and nice.

124 Vincent Bird, commented forty years ago he moved into an historic home and has loved living in
the home and found it was expensive to fix them up. He stated there are some really nice homes on big
lots in Springville and the City should consider filling in the vacant lots with beautiful homes.

126 Erica Taylor, Springville resident. Ms. Taylor commented we appreciate the work the Birds'
have done on renovating the home, they hoped he would live in the home. She said the issue is the
128 absentee landlord. She expressed they can do other things with the vacant lot rather than having a weedy

lot. If allowed it could set a precedence, and allow more duplexes or four-plexes. She commented
130 Springville is already overburdened with duplexes in neighborhoods and after a few years they tend to
get run down.

132 Garth Felix, Mapleton resident, he expressed staff was in favor although the Planning
Commission was not. He said they take care of vacant property and didn't understand the absentee
134 landlord issue; he has built duplexes in the area and lives in Mapleton. He expressed they take pride in
the property and the frontage will limit what is on the lot. They understand there are maintenance issues,
136 and is asking it to go through and approve the request.

Sandra Farley, Springville resident. Ms. Farley commented she likes to see improvements around
138 town and not contribute to urban sprawl. The home was renovated and is a beautiful home. It only
makes sense to continue on with a duplex with the similar theme. She stated the proposed home is new
140 and she has lived in a twin home for over sixteen years. She expressed her neighborhood is 60% twin
homes, she feels safe in her neighborhood, the homes are not run down and landlords do not live in
142 town. She stated she doesn't think it will set a new precedence.

Julie Barrett, Springville resident. Ms. Barrett commented she has seen a lot of positive growth.
144 She drives by the home and it is beautiful it is a shame to have a vacant lot next to it. She is concerned
of the detriment as a little short sighted any home could become a potential rental. She expressed the
146 home would attract a positive residence. If quality development is not allowed that is short sighted.
Springville should encourage quality development. She expressed her support for the zoning change.

148 Jack Bird, Springville resident. Mr. Bird stated he has been a resident for 50 years and a veteran
of the US Air Force. He stated he sees both sides of the discussion. Many are feeling the impact with the
150 fourplexes and some are not well managed. He expressed zoning of dual family homes will add to the
community. He stated he fears the zoning could cause precedence and it is totally the Council's
152 discretion. Improvements at the address have improved the corner; he would like to see it follow around
the corner. He stated it was possible to make sensible adjustments he was in favor.

154 Casey Warren, Springville resident. Mr. Warren stated he thinks the world of the Bird family.
The issue is not the beautification of the home or land, but would it be a mistake to increase the density
156 for this neighborhood. He commented he has an acre and a half on the interior and would like to develop
a single family home. Increasing the density would be a mistake, too much has gone wrong.

158 Chauncey Bird; expressed if there were a few more feet available a single family home would be
built at the location. He asked what is best for Springville, they could lay grass and mow it or build a
160 home. If it was a bigger lot a new single family home would be built. In order to build the home it will
need to be attached. It is not economical to renovate older homes.

162 Karen Iffediba, Springville resident. Ms. Iffediba expressed within the past two years a
committee has gone through and approved a master plan. They have approved a plan that would be best
164 for the City; a moratorium was placed years ago from 4th, to 4th to 4th and included 800 south. The area
has been looked at by three committees and she feels this would be spot zoning an area. She suggested
166 reviewing what was said at previous meetings, the Master Plan is already in place.

Denise Bird; co-owner of the property. Ms. Bird stated the house was a labor of love it was her
168 husband's great grandfathers and there are many who have ties to the home. She expressed during some
of those years it was out of the family and fell in disrepair. It would be much better than having a weed
170 patch next door. She stated they do care about the neighborhood and Springville. What is being
proposed will not hurt anyone and feels it has been embellished.

172

174 COUNCILMEMBER CONOVER MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF
THE MOTION. THE MOTION PASSED UNANIMOUSLY.

176
178 Mayor Clyde asked to review the zone. Community Develop Director Goins stated it was a
single family only and a minimum lot width of 60 feet. He explained the proposed change and noted no
more than two units can be attached.

180 Councilmember Conover asked why include the other lot. Marlon Bird commented the City
suggested tying the house together. Councilmember Conover expressed he didn't see the downside to
182 approving there is a duplex next door.

184 Councilmember Creer commented he likes rules and the fact there is a Historic District, and likes
to see improvements to the land. He stated he didn't see why it would be a problem, if there was a
reason for exception I would make one here.

186 Mayor Clyde stated the street between 700 and 800 South are duplexes and asked about the
zoning. Councilmember Conover replied the zoning is R2.

188 Councilmember Miller expressed we may want the Planning Commission to take another look,
and stated it should be consistent.

190 Mayor Clyde asked Director Goins to go over the information from the Planning Commission
meeting. Director Goins replied there was a good discussion regarding the historic center goals,
192 balancing with the track record of the Birds and their quality development. He stated the General Plan
encourages a mixture of uses. A discussion of spot zoning was had and they ultimately felt the case was
194 made for concern of the change and proliferation of the R2 zone.

196 Councilmember Creer stated he wanted the audience to know he voted how he thinks he should
even though the turnout may have been bigger at the Planning Commission. He expressed he doesn't
want a piecemeal zone; this case was the best decision.

198

Motion General Plan Land Use Map Amendment

200 COUNCILMEMBER CONOVER MOVED TO **DENY ORDINANCE #23-2016**, KEEPING
THE GENERAL PLAN LAND USE MAP AS MEDIUM LOW DENSITY AND THE OFFICIAL
202 ZONE MAP AS R1-8 SINGLE-FAMILY RESIDENTIAL FOR THE FOUR PROPERTIES IN THE
AREA OF 700 SOUTH 400 EAST.

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

206	COUNCILMEMBER CHILD	Absent
	COUNCILMEMBER CONOVER	AYE
208	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER MILLER	AYE
210	COUNCILMEMBER SORENSEN	AYE

ORDINANCE #23-2016 DENIED

212

REGULAR AGENDA

- 214 6. **Consideration of amending the Official Zone Map from the R1-8 8 Single-Family
Residential to the R2 Single/Two-Family Residential Zone for four properties located in the
216 area of 700 South 400 East** – Glen Goins, Community Development Director

218 **Motion Official Zone Map Amendment**

219 COUNCILMEMBER CONOVER MOVED TO **DENY ORDINANCE #24-2016**
220 REQUESTING TO AMEND THE OFFICIAL ZONE MAP AND KEEPING THE OFFICIAL ZONE
221 MAP AS R1-8 SINGLE-FAMILY RESIDENTIAL FOR THE FOUR PROPERTIES IN THE AREA
222 OF 700 SOUTH 400 EAST

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

225	COUNCILMEMBER CHILD	Absent
226	COUNCILMEMBER CONOVER	AYE
	COUNCILMEMBER CREER	AYE
228	COUNCILMEMBER MILLER	AYE
	COUNCILMEMBER SORENSEN	AYE

230 **ORDINANCE #24-2016 DENIED**

232 7. **Consideration of approving an extension to the Nestle’ lease agreement that expires on**
233 **November 6, 2016 for another 6 months while Springville City and Nestle’ finish revising a**
234 **new lease agreement** – Juan Garrido, Storm Water/Waste Water Superintendent

235 Attorney Penrod reported in 1996 the City entered into an agreement with Nestle to treat the
236 sewage coming from the Nestle plant, the lease is also due to expire. He explained there have been
237 discussions for a new lease and staff is asking for an extension to allow for discussion of a new lease.

238
239 COUNCILMEMBER MILLER MOVED TO **APPROVE** EXTENDING THE NESTLE’ LEASE
240 AGREEMENT THAT EXPIRES ON NOVEMBER 6, 2016 FOR ANOTHER 6 MONTHS WHILE
241 SPRINGVILLE CITY AND NESTLE’ FINISH REVISING A NEW LEASE AGREEMENT.

242 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN
243 FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

244
245 8. **Consideration of approving a Lease Agreement for the Hobble Creek Golf Course**
246 **Clubhouse with Sunroc Building Materials** – Bruce Riddle, Assistant City
247 Administrator/Finance Director

248 Mayor Clyde declared for the record a conflict of interest because he works for the company that
249 owns Sunroc Building Materials.

250 Director Riddle provided information from previous discussions regarding the Hobble Creek
251 Golf Course Clubhouse. He explained they followed an RFP process where the City has negotiated a
252 Lease Agreement with Sunroc Building Materials for the lease of portions of the Hobble Creek Golf
253 Course Clubhouse to Sunroc Building Materials including certain improvements to the facility and the
254 operation of a restaurant and banquet operations. Sunroc would operate on a 10-year lease and make
255 payments to the City. Sunroc would manage the improvements with the City contributing \$250,000 to
256 the project and Sunroc contributing \$100,000 with the value of the contribution being returned to Sunroc
257 in the form of credit for golf events and advertising on the course.

258 Mayor Clyde asked how the City will pay the \$250,000. Director Riddle replied \$150,000 was
259 left over from previous appropriations and \$100,000 has been added from the Facility Reserve Fund and
260 is in the budget amendment for approval this evening.

262 Attorney Penrod asked if the improvements that have been done so far are included. Director Riddle replied all expenses have been submitted and have been covered, there may be a few minor expenses left to cover.

264 Councilmember Sorensen asked about the timeline for completion. Director Riddle replied staff will be meeting with Sunroc. They want to start immediately to be done by the March timeframe.

266 Councilmember Sorensen asked if some of the money has been allotted for the cart staging area and stated this was a critical area. Director Riddle replied after review the area is not as critical.

268 Mayor Clyde commented the lease agreement should be reviewed by the Staff and approved by the Council. Administrator Fitzgerald commented the city will need to approve the lease and can bring it to the Council before doing so.

272 COUNCILMEMBER SORENSEN MOVED TO APPROVE A LEASE AGREEMENT FOR THE HOBBLE CREEK GOLF COURSE CLUBHOUSE WITH SUNROC BUILDING MATERIALS. AS DESCRIBED IN THE PRESENTATION, TO BRING THE LEASE AGREEMENT BEFORE THE CITY COUNCIL BEFORE APPROVAL.

276 COUNCILMEMBER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

278

PUBLIC HEARING

280 9. **Public Hearing to consider adopting an Impact Fee Facilities Plan, an Impact Fee Analyses, a Transportation Master Plan, and an amendment to the Transportation Component of the General Plan** – Jeff Anderson, City Engineer

282 City Attorney Penrod stated City Engineer Jeff Anderson and Steven Lord with Horrocks Engineers were in attendance tonight to answer any questions. Attorney Penrod presented the proposed Transportation Master Plan for roadways up to the year 2040. He explained the Transportation Master Plan is designed to meet the needs of the City and to decrease traffic. He reported mobility and land access work together and reviewed the existing level of service. He observed if the City did nothing it would show failing roadways and gridlock.

284 Attorney Penrod reviewed the Capital Facilities plan and the total cost of improvements. He explained there are 65 different projects between now and 2040. He reported on the proposed IFFP and IFA are based on the Transportation Master Plan and are developed to maintain the LOS D (Level of Service) through 2025. He explained the Level of Service (LOS) is used to measure the performance of a roadway and is based on the level of congestion on a roadway segment or intersection. LOS is assigned a letter grade from A to F, where A represents free flowing and F represents grid lock. The LOS designated in Springville City's General Plan and historically used by Springville is a LOS D. He explained LOS D is approximately 80 percent of a roadway's capacity and is a common goal for urban streets during peak hours. Peak hours during the day usually occur from 6:00 am to 8:00 am and from 296 4:00 pm to 6:00 pm. The Transportation Master Plan is based on LOS D for 2040.

300 Mayor Clyde opened the Public Hearing.

302 Deann Huish, with the Utah Valley Homebuilders Association. Ms. Huish stated she was happy to see that Horrocks Engineers was doing Springville City's study. She stated compared to other cities like Spanish Fork and American Fork they give credits to developers. By law sometimes you can charge

304

306 more, but is it ethical and expressed new residents get the same service. She commented she hopes the numbers may stay the same.

308 COUNCILMEMBER CONOVER MOVED TO CLOSE THE PUBLIC HEARING.
310 COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

312 Mayor Clyde commented on the Transportation Master Plan. He noted in reviewing the local streets and the history of the city at one time the city made huge wide streets. Some streets this has been
314 good because they turn into collector roads others are very large streets and need to be maintained. Many of the subdivisions built over the last 30 years have 39 foot streets. At one time there was enough
316 room to park on the street and two cars could pass. Now we have less road footage, larger sidewalks and planter strips. He stated a road 28 feet wide you cannot park on each side of the road and allow cars to
318 pass. It slows down traffic, but doesn't seem to make sense for parking and traffic. He expressed the eight foot planters are beautiful but can younger families afford them, and they may want more yard
320 than a planter strip. Mayor Clyde suggested going back to the three foot planter in neighborhoods and prevent planting trees.

322 Administrator Fitzgerald asked the Mayor if he would clarify his request. Mayor Clyde replied to shrink the planter strip, and increase the road width for parking and traffic. Administrator Fitzgerald
324 commented the road asphalt decreased because of the maintenance and cost of the road.

326 Mayor Clyde explained MAG (Mountainland Association of Governments) does not do transportation the Metropolitan Planning Organization is Utah County representatives that allocate the funding.
328

Motion #1-Transportation and Circulation Element

330 COUNCILMEMBER CONOVER MOVED TO **APPROVE** **ORDINANCE #25-2016** THE
332 AMENDMENT TO THE GENERAL PLAN CHAPTER 4, TRANSPORTATION AND CIRCULATION ELEMENT

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

336	COUNCILMEMBER CHILD	Absent
	COUNCILMEMBER CONOVER	AYE
	COUNCILMEMBER CREER	AYE
338	COUNCILMEMBER MILLER	AYE
	COUNCILMEMBER SORENSEN	AYE

340 **ORDINANCE #25-2016 ADOPTED**

342 **Motion #2-Adopting the Transportation Master Plan, IFFP, and IFA**

344 COUNCILMEMBER CREER MOVED TO **APPROVE** **ORDINANCE #26-2016** THAT ADOPTS AND/OR MODIFIES THE SPRINGVILLE CITY TRANSPORTATION MASTER PLAN, IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS.

346 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

348	COUNCILMEMBER CHILD	Absent
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350 COUNCILMEMBER CONOVER AYE
COUNCILMEMBER CREER AYE
COUNCILMEMBER MILLER AYE
352 COUNCILMEMBER SORENSEN AYE

ORDINANCE #26-2016 ADOPTED

354
356 **10. Public Hearing to consider an amendment of the Fiscal Year 2016-2017 Springville City budget** – Bruce Riddle, Assistant City Administrator/Finance Director

358 Director Riddle reported the item is a follow up to the action approved a week ago by the City Council, regarding the MOU (Memorandum of Understanding) for the Museum of Art and a grant to the Recreation Department. He then reviewed other remaining line items included.

360 Mayor Clyde opened the Public Hearing.

362
364 COUNCILMEMBER CONOVER MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF
THE MOTION. THE MOTION PASSED UNANIMOUSLY.

366
368 COUNCILMEMBER MILLER MOVED TO APPROVE RESOLUTION #2016-17 TO OPEN
AND AMEND THE GENERAL FUND AND GENERAL CIP FUND FOR OPERATIONAL AND
CAPITAL EXPENSES AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2017 AS
370 OUTLINED IN EXHIBIT A

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

374 COUNCILMEMBER CHILD Absent
COUNCILMEMBER CONOVER AYE
COUNCILMEMBER CREER AYE
376 COUNCILMEMBER MILLER AYE
COUNCILMEMBER SORENSEN AYE

378 **RESOLUTION #2016-17 ADOPTED**

380 **REGULAR AGENDA**

382 **11. Consideration of approving a Pole Attachment agreement between Springville City and UTOPIA** – John Penrod, Assistant City Administrator/City Attorney

384 Attorney Penrod provided details on the agreement. He explained the agreement allows them to make attachment to a pole and use a foot of the pole. The proposed pole attachment agreement gives UTOPIA a non-exclusive license to attach to the City’s utility poles. The provisions in the proposed agreement are substantially the same as the provisions in the proposed agreement between Springville and CenturyLink, and Comcast approved by City Council in 2014. Attorney Penrod commented it is a five year agreement with the option to renew. If for some reason they want to increase the attachment it is at their cost and the City will need to approve. He explained the City Council could disapprove the agreement and give staff direction on how to further proceed.

390 Councilmember Sorensen asked if it was allowed underground. Attorney Penrod replied they would have to put in their own conduit, this agreement is for poles only.

394 Mayor Clyde asked about the availability of the poles and who has access. Power Superintendent
Graham replied the private party would have to pay for the increased height of the pole.

396 Mayor Clyde suggested staff look at the providers and who should have access to the poles.

398 COUNCILMEMBER CONOVER MOVED TO APPROVE THE PROPOSED POLE
ATTACHMENT AGREEMENT BETWEEN SPRINGVILLE CITY AND UTOPIA

400 COUNCILMEMBER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

402 **12. Consideration of an Ordinance amendment concerning residential accesses onto arterial
and major collector streets** - John Penrod, Assistant City Administrator/City Attorney, and TJ
404 Allen, Legal Extern (Continued from October 04, 2016)

406 Attorney Penrod reported concerns came up from the last meeting questioning which roads were
included. He explained the streets included were 1200 West, 1600 South, Main Street, 400 South, SR51
and Highway 89. He noted as major collector roads are built they will try to avoid all access and allow
408 more mobility. He explained this would be for new subdivisions only.

410 COUNCILMEMBER SORENSEN MOVED TO APPROVE **ORDINANCE #21-2016**
AMENDING SECTION 14-5-105, "LOT STANDARDS" TO LIMIT THE NUMBER OF
412 RESIDENTIAL ACCESSES ON ARTERIAL AND MAJOR COLLECTOR STREETS.

414 COUNCILMEMBER CONOVER SECONDED THE MOTION. THE VOTE IS RECORDED
AS FOLLOWS:

416	COUNCILMEMBER CHILD	Absent
	COUNCILMEMBER CONOVER	AYE
	COUNCILMEMBER CREER	AYE
418	COUNCILMEMBER MILLER	AYE
	COUNCILMEMBER SORENSEN	AYE

420 **ORDINANCE #21-2016 ADOPTED**

422 **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

424 Administrator Fitzgerald asked for discussion from the Council about how they would like staff
to present motions for Council consideration. Currently staff is giving the council what the staff is
recommending. Councilmember Conover stated he would like two separate motions one for approval
426 and one for denial. Councilmember Sorensen expressed it should be discussed during work session if
there are any questions. Mayor Clyde suggested giving a motion and staff recommendation

428 Councilmember Sorensen asked about parking on 1000 South and stated it needs to be on the
radar for review. Administrator Fitzgerald commented staff has identified this location.

430 Councilmember Conover reported the road on the south side of hobble creek next to Brookside
Subdivision needs a sidewalk.

432 Mayor Clyde asked about the home on Houtz Avenue and stated the weeds need to be taken care
of.

434
436

CLOSED SESSION

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

There was no closed session.

442

ADJOURNMENT

444 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE CITY COUNCIL MEETING
AT 9:42 P.M. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE.

446

448

450 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday,*
452 *October 18, 2016.*

452 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville*
454 *City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and*
complete record of this meeting held on Tuesday, October 18, 2016.

456

Kim Rayburn, CMC
City Recorder

458

460



MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, NOVEMBER 01, 2016, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present:
Councilmember Rick Child, Councilmember Craig Conover, Councilmember Christopher Creer,
Councilmember Jason Miller, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald,
Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director
Bruce Riddle and City Recorder Kim Rayburn.

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

CALL TO ORDER

Mayor Clyde welcomed everyone and called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

Councilmember Sorensen offered the invocation, and Councilmember Conover led the Pledge of
Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER CONOVER MOVED TO APPROVE THE MEETING'S AGENDA AS
WRITTEN. COUNCILMEMBER MILLER SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Clyde welcomed the Council, staff and audience.

PUBLIC COMMENT

Mayor Clyde introduced the Public Comment section of the agenda. He asked if there were any
requests. There was none.

CONSENT AGENDA

1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
2. Approval of the minutes from the June 21, 2016 Regular meeting and September 13, 2016
Work/Study meeting.

COUNCILMEMBER CREER MOVED TO APPROVE THE CONSENT AGENDA AS
WRITTEN.

42 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

44 **REGULAR AGENDA**

46 3. **Consideration of a change order agreement for the Spanish Fork/Springville Airport
Asphalt Improvement project in the amount of \$57,775.20** – Bruce Riddle, Assistant City
Administrator/Finance Director

48 Cris Child, Airport Manager reported they are working to improve the asphalt at the airport and
the asphalt improvement project will help with this as some areas haven't been touched in 30 years. He
50 explained when they started millwork at the airport, equipment started sinking. They had Terracon give
a recommendation on improving the asphalt. A change order has been recommended to start the project
52 before cold and bad weather.

Mayor Clyde asked how it will be funded. Director Riddle replied the combined funds from
54 Springville and Spanish Fork cities will be enough to complete the project, but it may delay future
projects.

56 Mayor Clyde commented Planes, Trains and Aeroplanes was a great success. Mr. Child agreed
and stated they are looking into having the event every year. Mayor Clyde suggested they have the
58 event in August so as to not conflict with Springville Heritage days.

60 COUNCILMEMBER MILLER MOVED TO APPROVE A CHANGE ORDER AGREEMENT
FOR THE SPANISH FORK/SPRINGVILLE AIPORT IN THE AMOUNT OF \$57,775.20 FOR
62 ASPHALT IMPROVEMENTS.

COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN
64 FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

66 4. **Consideration and acceptance of the Guaranteed Maximum Price of \$18,262,893 for the
Aquatic and Activities Center** – Troy Fitzgerald, City Administrator

68 Administrator Fitzgerald reported earlier this year, Hogan & Associates Construction was
awarded a contract to be the Construction Manager and General Contractor on the Springville Aquatic
70 Center. Part of this agreement requires Hogan to take the plans and specifications provided by the
architect, bid the various sub-contract work and provide the City with a Guaranteed Maximum Price
72 (GMP) to provide the building as designed.

Administrator Fitzgerald explained a week ago the project was estimated at \$19,300,000 staff
74 has carefully reviewed specifications and design with both the architect and contractor and were able to
decrease the amount to \$18,019,000. He explained currently they are switching from the concept of
76 budget to the actuals. He explained Nebo School District has committed an additional \$600,000 to the
project. This is to come next budget year. We also anticipate significant interest amounts totaling
78 between \$100,000 and \$200,000 to benefit the project. The remaining amounts of \$3,200,000 and
\$3,700,000 will need to be placed in next year's budget. Of this, \$2,500,000 was already planned to be
80 inserted into the budget. Utah construction prices have increased 9% in the past year. Construction
prices increased 6% the previous year. Thus since the original budget was created for this project,
82 pricing has inflated at least 16%. Moreover, much of this work will not be completed for yet another
year and contractors need to be prepared for the market conditions of next summer. Administrator
84 Fitzgerald commented the primary options are; to build and find the funding or remove the gym and

86 track and add an outdoor water feature. He explained there are contingency funds in place however he would be hard pressed to dip into them because we have a guaranteed maximum price.

88 Administrator Fitzgerald reported the Council had previously determined an additional \$2,500,000 will come from existing city reserves. This leaves a maximum of \$1,208,893 still to be paid from City Sources assuming the project comes in within the current budget that incorporates a GMP of less than \$18,262,893. He commented the current recommendation on this amount would be to borrow the amount from internal reserves and pay back whichever funds provide the internal loan at public treasurer rates over ten years. Thus, the funds will be made whole over time. While we still need to compile the budget, we should be able to accomplish this while maintaining council-recommended reserve rates within the City.

94 Administrator Fitzgerald explained if approved tonight work can start immediately and should be completed by December 2017. Future items will be discussed in upcoming budget meetings.

96 Councilmember Sorensen asked why the total guaranteed maximum price is different. Administrator Fitzgerald replied they continued to negotiate over the weekend and the price is lower than what was shown in the staff report and it should be \$18,186,034.00.

100
102 COUNCILMEMBER CREER MOVED TO AUTHORIZE HOGAN CONSTRUCTION TO COMPLETE THE AQUATIC CENTER FOR A GUARANTEED MAXIMUM PRICE NOT TO EXCEED \$18,186,034.00.

104 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

106
108 **5. Consideration of entering into a Boundary Line Agreement and purchasing approximately 0.25 acres of property from Nebo School District that is located immediately east of the Aquatic and Activity Center Property – John Penrod – Assistant City Administrator/City Attorney**

110 Assistant City Administrator Penrod reported when Nebo School District constructed the Meadow Brook Elementary School, the survey for the school's fence line on the west side of the school's property was off by 17 feet. Accordingly, the current fence is 17 feet into the school's property, leaving a gap between the fence and the City's aquatic center property.

112 Instead of leaving a strip of property between the school's fence and the aquatic center property, the District and the City have negotiated to allow the City to purchase the approximate 0.25 acres for \$7,500. The purchase will allow the City to expand the City's facility in the future by the 17 feet and will help the District by alleviating the District's need to maintain the property on the other side of the school fence.

120
122 COUNCILMEMBER CHILD MOVED TO APPROVE THE PURCHASE OF APPROXIMATELY 0.25 ACRES OF PROPERTY FROM NEBO SCHOOL DISTRICT FOR THE AMOUNT OF \$7,500 AND GRANT THE MAYOR AUTHORITY TO SIGN A BOUNDARY LINE AGREEMENT WITH NEBO SCHOOL DISTRICT..

124 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

128 6. **Consideration of purchasing approximately 1.2 acres of property from Suburban Land**
130 **Reserve, Inc. that is located immediately west of the Aquatic and Activity Center property**
 – Assistant City Administrator/City Attorney John Penrod

132 Assistant City Administrator Penrod explained the City’s property on which Springville’s future
aquatic center is going to be constructed is approximately eight acres. Rocky Mountain’s power lines are
134 currently located on the western portion of the aquatic center property and a portion of 1200 West will
be constructed on the property, greatly reducing the amount of space available for the aquatic center and
parking lot.

136 In looking at options to expand the site to make sure that it contains enough property for the
aquatic center, staff has been in discussions with Suburban Land Reserve (SLR) to purchase
138 approximately 100 additional feet along the south boarder of aquatic center property. He reported the
City property ends west of the property being purchased and is odd shaped, but can be used for future
140 parking. This will give the City options for the future and the purchase price is within the amounts of the
appraisals. During conversations with SLR it was discussed that they would like the City to pay the
142 rollback taxes. Assistant Penrod recommended the City not pay the rollback taxes and to include this in
them motion. Councilmember Sorensen asked if it was needed in the motion. Assistant Penrod replied
144 the amount could be limited to the \$96, 340.00 in the motion.

 Councilmember Child questioned the small square piece of property at the west end of the City
146 property that SLR owns. Assistant Penrod commented a road will need to be installed and SLR will need
to cover the cost of the road.

148
 COUNCILMEMBER SORENSEN MOVED TO APPROVE THE PURCHASE OF
150 APPROXIMATELY 1.206 ACRES OF PROPERTY FROM SUBURBAN LAND RESERVE, INC.
FOR THE AMOUNT OF \$96,340 AND GRANT THE MAYOR AUTHORITY ON BEHALF OF THE
152 CITY TO SIGN A PROPERTY PURCHASE AGREEMENT WITH SLR.

 COUNCILMEMBER CHILD SECONDED THE MOTION. ALL PRESENT VOTED IN
154 FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

156 7. **Consideration of entering into a donation contract with Suburban Land Reserve, Inc.**
158 **Wherein SLR will donate approximately 45,267 square feet of property to Springville City**
for the construction of right-of-way needed for the Aquatic and Activities Center –
 Assistant City Administrator/City Attorney John Penrod

160 Assistant City Administrator Penrod reported Springville City needs to construct the 700 south
road from the northeast corner of the aquatic center property to the northwest corner of the aquatic
162 center property. In addition to the 700 South street improvements, the City needs to construct the 1200
west road from where that street ends on the west side of the new Smith’s Marketplace to the aquatic
164 center property. The City currently does not own the property needed to construct the 700 South and
1200 West improvements.

166 Assistant Penrod explained the City and SLR have negotiated SLR donating to the City the
property for the 700 South and 1200 West improvements. The City will be required to install curb and
168 gutter along SLR’s property that is adjacent to the subject streets, which is a requirement of
development. SLR will construct the remaining right of way improvements when SLR develops its
170 property.

172 Assistant Penrod stated SLR is willing to donate the property and asks the City to pay the
rollback taxes. He recommends in the motion to not pay the rollback taxes and noted there are a number
of indemnification clauses that he would like to review before the Mayor signs the agreement.

174 Mayor Clyde asked about 1200 west and if it is an impact fee road. City Administrator Fitzgerald
replied that was correct. Mayor Clyde asked about the 700 south road and if SLR will be required to
176 share the cost of the road. Assistant Penrod replied SLR would help with the sidewalk, however given
the size of the road and the building standards set by the city, the City is developing first and would need
178 to build the road and do curb and gutter. Administrator Fitzgerald stated funds have been budgeted for
the road and SLR is paying about half of the value.

180
182 COUNCILMEMBER MILLER MOVED TO APPROVE THE ACCEPTANCE OF
APPROXIMATELY 45,267 SQUARE FEET OF RIGHT-OF-WAY PROPERTY NEEDED FOR THE
AQUATIC CENTER AND GRANT THE MAYOR AUTHORITY TO SIGN A DONATION
184 CONTRACT WITH SUBURBAN LAND RESERVE, INC. SUBJECT TO FINAL APPROVAL BY
THE CITY ATTORNEY AND WITHOUT THE PAYMENT OF SLR'S ROLLBACK TAXES.

186 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

188
MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

190
CLOSED SESSION

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

There was no closed session.

196
ADJOURNMENT

198 COUNCILMEMBER CREER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT
7:52 P.M. COUNCILMEMBER CONOVER SECONDED THE MOTION, AND ALL VOTED AYE.

200
202

204 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday,*
November 01, 2016.

206 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville*
City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and
208 *complete record of this meeting held on Tuesday, November 01, 2016.*

210
212

Kim Rayburn, CMC
City Recorder



MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, DECEMBER 06, 2016, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Pro Tem Jason Miller presided. In addition to Mayor Pro Tem Miller, the following were present: Councilmember Rick Child, Councilmember Christopher Creer, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Public Works Director Brad Stapley, Recreation Director Corey Merideth, Power Director Leon Fredrickson, Building and Grounds Director Brad Neel, Community Development Director Glen Goins, Library Director Pam Vaughn, Operations Manager Rod Oldroyd and Museum of Art Director Dr. Rita Wright. Excused from the meeting: Mayor Wilford W. Clyde, Councilmember Craig Conover and Councilmember Chris Sorensen

CALL TO ORDER

Mayor Pro Tem Miller welcomed everyone and called the meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF THE MEETING’S AGENDA

COUNCILMEMBER CREER MOVED TO APPROVE THE MEETING’S AGENDA AS WRITTEN. COUNCILMEMBER CHILD SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR’S COMMENTS

Mayor Pro Tem Miller welcomed the Council, staff and audience. He observed boy scouts and students in the audience and asked them to stand and introduce themselves.

PUBLIC COMMENT

Mayor Pro Tem Miller introduced the Public Comment section of the agenda. He asked if there were any requests. There was none.

CEREMONIAL AGENDA

1. Presentation of the recent CERT Volunteer graduates – Scott Finlayson, Public Safety Director Councilmember Creer assisted with presenting certificates to the recent CERT volunteers.

CONSENT AGENDA

- 2. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
- 3. Approval of the minutes from the July 05, 2016 Regular meeting.

42 COUNCILMEMBER CHILD MOVED TO APPROVE THE CONSENT AGENDA AS
WRITTEN.

44 COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

46

REGULAR AGENDA

48 4. **Consideration of an agreement regarding the McKell and Sarianne Condie property** – John
Penrod, Assistant City Administrator/City Attorney

50 Assistant Penrod reported McKell and Sarianne Condie are in the process of constructing a home
at the location of 1080 West 250 North, Springville, Utah. Prior to the commencement of constructing
52 their home, the Condie’s and the City engineers discussed allowing the Condie’s to enter a waiver of
protest agreement that would allow the Condie’s to postpone installing Right Of Way infrastructure until
54 a special improvement district is established to install the improvements, Condie’s decide to sell their
property, or the property on either side of the Condie property develops. Improvements would need to be
56 installed when one of the trigger events happens.

Assistant Penrod explained a similar agreement was done years ago, regarding a utility lot,
58 payment was made at that time for future improvements and the funds are being held until
improvements are done. City Engineers are in agreement with the recommendation and it would be
60 recorded with the property.

Councilmember Child asked if the sidewalk has been designated. Assistant Penrod replied the
62 sidewalk location has been decided.

64 COUNCILMEMBER CREER MOVED TO APPROVE AN AGREEMENT BETWEEN
SPRINGVILLE CITY AND MCKELL AND SARIANNE CONDIE THAT WOULD ALLOW THE
66 CONDIE’S TO MOVE FORWARD WITH BUILDING A HOUSE AT THE LOCATION OF 1080
WEST 250 NORTH AND REQUIRE THE RIGHT-OF-WAY IMPROVEMENTS BE INSTALLED
68 WHEN THE PROPERTY AROUND THE CONDIE’S PROPERTY IS DEVELOPED.

COUNCILMEMBER CHILD SECONDED THE MOTION. ALL PRESENT VOTED IN
70 FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

72 5. **Consideration of an amendment to Title 7, “Business Regulations and Licensing, amending
certain sections to streamline the regulatory process and correct grammatical errors** – Glen
74 Goins, Community Development Director

Director Goins reported the proposed code amendment changes to Title 7 will further streamline
76 the licensing process to the benefit of licensees, preserve critical staff time which can be more
effectively devoted to other needs and eliminate grammatical errors. The number of follow up mailings
78 on expiring business licenses will be adjusted for better efficiency and Administrative functions would
be updated.

80 Councilmember Creer asked if the final appeal to the City Administrator rather than the Council
was agreeable. Assistant Penrod explained as an administrative process, the ordinance is approved by
82 the council and the staff would oversee the requirements.

84 COUNCILMEMBER CREER MOVED TO APPROVE **ORDINANCE 27-2016**, AN
AMENDMENT TO TITLE 7, "BUSINESS REGULATIONS AND LICENSING, AMENDING
86 CERTAIN SECTIONS TO STREAMLINE THE REGULATORY PROCESS AND CORRECT
GRAMMATICAL ERRORS.

88 COUNCILMEMBER CHILD SECONDED THE MOTION. THE VOTE IS RECORDED AS
FOLLOWS:

90	COUNCILMEMBER CHILD	AYE
	COUNCILMEMBER CONOVER	Absent
92	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER MILLER	AYE
94	COUNCILMEMBER SORENSEN	Absent

ORDINANCE #27-2016 APPROVED

96
6. **Consideration of approving Springville City's Pretreatment Program Local Limits** – Juan
98 Garrido, Storm Water/Waste Water Superintendent

Superintendent Garrido explained the City Pretreatment Program verifies that the City's
100 Pretreatment Local Limits are in compliance with Springville City's pretreatment program and the State
permit requirements.

102 Director Stapley asked about the amount of waste water allowed to come into the sewer plant.
Superintendent Garrido explained it is what the industry will allow to come into the city wastewater.

104 Councilmember Miller asked how often it was approved. Superintendent Garrido replied every
five years unless the state requires an earlier review.

106
COUNCILMEMBER CHILD MOVED TO APPROVE SPRINGVILLE CITY'S
108 PRETREATMENT PROGRAM LOCAL LIMITS.

COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN
110 FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

112 **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

Mayor Pro Tem Miller commented on how well the Christmas lights look on Main Street.

114
CLOSED SESSION

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

There was no closed session.

120
ADJOURNMENT

122 COUNCILMEMBER CREER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT
7:36 P.M. COUNCILMEMBER CHILD SECONDED THE MOTION, AND ALL VOTED AYE.

124
126

128 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, December 06, 2016.*

130 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday, December 06, 2016.*

134

Kim Rayburn, CMC
City Recorder

136



MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, DECEMBER 20, 2016, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present:
Councilmember Rick Child, Councilmember Craig Conover, Councilmember Chris Creer,
Councilmember Jason Miller, City Administrator Troy Fitzgerald, Assistant City Administrator/City
Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder
Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Public Works Director Brad Stapley,
Water Reclamation and Storm Water Superintendent Juan Garrido, Recreation Director Corey Merideth,
Community Development Director Glen Goins, Building and Grounds Director Brad Neel and
Operations Manager Rod Oldroyd. Excused from the meeting: Councilmember Chris Sorensen

CALL TO ORDER

Mayor Clyde welcomed everyone and called the meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF THE MEETING'S AGENDA

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

MAYOR'S COMMENTS

Mayor Clyde welcomed the Council, staff and audience. He observed boy scouts and students in
the audience and asked them to stand and introduce themselves.

PUBLIC COMMENT

Mayor Clyde introduced the Public Comment section of the agenda. He asked if there were any
requests. There was none.

CEREMONIAL AGENDA

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

Mayor Clyde explained the Mayor's Recognition Awards were instituted to award students for
being good examples to their peers, and to encourage young people to avoid involvement in drug use.
He then turned the time over to CTC Coordinator Shannon Acor and asked Councilmember Child to
assist.

84 COUNCILMEMBER CONOVER AYE
COUNCILMEMBER CREER AYE
86 COUNCILMEMBER MILLER AYE
COUNCILMEMBER SORENSEN Excused

88 **RESOLUTION #-2016-18 Approved**

90 **REGULAR AGENDA**

8. **Consideration of approving lease agreements between Springville City and Mike Miner and between Springville City and Steve Sumsion that would allow these individuals to lease City property for animal grazing – Brad Neel, Building and Grounds Director**

94 Building and Grounds Director Neel reported there are two leases up for approval for agricultural purposes. He explained Mr. Mike Miner prior to the City owning the old Suntana property and since the City has owned the property, Mr. Miner has leased the property for cow grazing during the winter months, typically December through March. His past lease payments have been for \$10 per head during that time period. Mr. Miner will install an electric fence to separate the area used for grazing and the portion used by Sunroc. Assistant Penrod noted County approvals will be needed, and Mr. Miner will need to get them.

102 Director Neel reported Mr. Steve Sumsion entered into a lease with Springville in 2010 to lease the property directly south of the Whitehead Power Facility. Mr. Sumsion has leased this property for \$500 per year. The 2010 lease has since expired and Mr. Sumsion has asked that he be allowed to continue to lease the property. Mr. Sumsion will be required to meet all of the City's requirements for agricultural use of the property and assume full liability associated with the use of the property.

106 Director Neel asked for feedback from the Council regarding any future leases of this type. Councilmember Child asked how many properties the city is leasing. Assistant Penrod and Director Neel replied they are working to have them organized. Councilmember Creer asked if anyone has asked previous Building and Grounds Director Alex Royslance and recommended staff talk to him for more information.

112 COUNCILMEMBER MILLER MOVED TO APPROVE (1) A LEASE AGREEMENT BETWEEN SPRINGVILLE CITY AND MIKE MINER THAT WOULD ALLOW MR. MINER TO LEASE A PORTION OF THE OLD SUNTANA PROPERTY FOR COW GRAZING DURING THE WINTER MONTHS OF DECEMBER THROUGH MARCH. AND (2) A LEASE AGREEMENT BETWEEN SPRINGVILLE CITY AND STEVE SUMSION THAT WOULD ALLOW MR. SUMSION TO LEASE SERIAL PARCEL #230220023 LOCATED DIRECTLY SOUTH OF THE WHITEHEAD POWER FACILITY FOR AGRICULTURAL USE.

120 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9. **Consideration of approving an agreement with Cole Fowler, to purchase approximately 0.77 acres of property on 321 W. Seasons Way at approximately 900 North 400 West for the amount of \$81,000.00 for the future construction of a storm water detention basin – Juan Garrido, Water Reclamation and Storm Water Superintendent**

126 Superintendent Garrido reported the City was in the process of acquiring property for the construction of regional storm water detention basins within the City. The property in question is a 0.77

128 acre parcel located on the north side on 900 North 400 West adjacent to the railroad tracks in Springville
129 City.

130 Assistant Penrod explained the property is within the impact fee facility plan and will be
131 purchased with impact fees and the property has not been appraised. He expressed the property owner
132 would like to move quickly and due diligence has been done.

134 COUNCILMEMBER CREER MOVED TO APPROVE AUTHORIZING THE MAYOR,
135 PENDING REVIEW BY THE CITY ATTORNEY, JOHN PENROD, TO ENTER INTO AN
136 AGREEMENT WITH COLE FOWLER, TO PURCHASE APPROXIMATELY 0.77 ACRES OF
137 PROPERTY ON 321 W SEASONS WAY AT APPROXIMATELY 900 NORTH 400 WEST FOR THE
138 AMOUNT OF \$81,000.00 FOR THE FUTURE CONSTRUCTION OF A STORM WATER
DETENTION BASIN AS SHOWN IN EXHIBIT A.

140 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN
141 FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

142
143 **10. Consideration of adopting a resolution to open and amend the Storm Water Fund for
144 capital expenses applying to the Fiscal Year ending June 30, 2017 – Bruce Riddle, Assistant
City Administrator/Finance Director**

146 Director Riddle reported unexpected expenses have emerged since the beginning of the budget
147 year. In order to proceed with addressing the variations from the original budget, the Council will need
148 to take action through amending the budget.

149 In response to new developments and after reviewing the various fund budgets the Finance
150 Department recommends budget appropriations in the Storm Water Fund. This request is the result of a
151 need to purchase property related to a retention basin.

152
153 COUNCILMEMBER CONOVER MOVED TO APPROVE ADOPTING **RESOLUTION**
154 **#2016-19** TO OPEN AND AMEND THE STORM WATER FUND FOR CAPITAL EXPENSES
155 APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2017 AS OUTLINED IN EXHIBIT A.

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

158	COUNCILMEMBER CHILD	AYE
	COUNCILMEMBER CONOVER	AYE
160	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER MILLER	AYE
162	COUNCILMEMBER SORENSEN	Excused

163 **RESOLUTION #-2016-19 Approved**

164
165 **11. Presentation of the FY2016 Springville City Audit – Bruce Riddle, Assistant City
166 Administrator/Finance Director**

168 Director Riddle reported Springville City has retained the services of Mr. Greg Ogden, CPA to
169 prepare the City’s financial statements and perform the independent audit. Mr. Ogden has performed
170 these services for the City for the last several years and is familiar with the organizational structure and
accounting practices of the City. He then turned the time over to Mr. Ogden.

172 Mr. Ogden reviewed the management letter and findings from the audit. He noted the General
Fund balance was exceeded by \$125, 000 and will be required to move into the General Fund. He stated
174 there were similar findings with the Airport Budget in excess of \$31,000 that will need to be moved into
the capital projects fund also the Airport Board will need to have open meetings law training.

176 City Administrator Fitzgerald commented more information will be available to the Council this
January for review.

178 Mr. Ogden stated the City is in good financial shape and debit is being paid down. He thanked
the city staff for all of their assistance.

180 Councilmember Miller commented it would be nice to be able to see the audit earlier to have
more time to review.

182 Administrator Fitzgerald asked Mr. Ogden to give information on the golf course operating
revenues and expenses. Mr. Ogden reported they are covering costs for operating programs. The golf
course made a profit of \$32,000 this year, which is highly unusual for a golf course.

184 Administrator Fitzgerald stated the net position has gone negative in the golf budget, it is
hanging on, but not enough to keep up with the maintenance needs. Councilmember Miller commented
186 last year was down, why the change this year. Administrator Fitzgerald replied employee turn around
has helped.

188

190 COUNCILMEMBER CREER MOVED TO APPROVE (1) TO ACCEPT THE SPRINGVILLE
CITY FY2016 INDEPENDENT AUDITOR'S REPORT AS PRESENTED; AND (2) AUTHORIZE
192 THE CITY RECORDER TO ADVERTISE AND MAKE AVAILABLE FOR PUBLIC INSPECTION
THE INDEPENDENT AUDITOR'S REPORT; AND (3) AUTHORIZE THE FINANCE DIRECTOR
TO SUBMIT THE INDEPENDENT AUDITOR'S REPORT TO THE STATE AUDITOR AS
194 REQUIRED BY LAW.

196 COUNCILMEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

198 **12. Presentation of the FY2016 Spanish Fork/Springville Airport Audit** – Bruce Riddle,
Assistant City Administrator/Finance Director

200 CPA Mr. Greg Ogden reported the Airport is receiving a great deal of Federal and State funding.
There is a big investment in capital assets and no debt.

202 The Spanish Fork/Springville Airport is owned by the City of Spanish Fork and the City of
Springville and is run through an interlocal agreement. The Airport accounts for its operations as a
204 governmental-type fund; activities are financed and the costs of services are recovered primarily through
user charges, grants and equal direct payments from the member cities.

206

208 COUNCILMEMBER MILLER MOVED TO APPROVE (1) TO ACCEPT THE SPANISH
FORK/SPRINGVILLE AIRPORT FY2016 INDEPENDENT AUDITOR'S REPORT AS
PRESENTED; AND (2) AUTHORIZE THE CITY RECORDER TO ADVERTISE AND MAKE
210 AVAILABLE FOR PUBLIC INSPECTION THE INDEPENDENT AUDITOR'S REPORT; AND (3)
AUTHORIZE THE FINANCE DIRECTOR TO SUBMIT THE INDEPENDENT AUDITOR'S
212 REPORT TO THE STATE AUDITOR AS REQUIRED BY LAW.

214 COUNCILMEMBER CHILD SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

216 **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

218 Administrator Fitzgerald reported an offer of employment has been extended to replace the
219 Library Director to Daniel Mickelson. Mr. Mickelson is from Silt Colorado and is pending final
220 approvals. He is expected to start in January 2017.

221 Administrator Fitzgerald reminded the Council the Budget Retreat is scheduled for January 24,
222 2017 at Noon with a ribbon cutting for the Quick Quack Carwash at 11:30 a.m.

223 **CLOSED SESSION**

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

227 There was no closed session.

228 **ADJOURNMENT**

229 COUNCILMEMBER CONOVER MOVED TO ADJOURN THE CITY COUNCIL MEETING
230 AT 8:02 P.M. COUNCILMEMBER MILLER SECONDED THE MOTION, AND ALL VOTED AYE.
231

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236 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday,*
237 *December 20, 2016.*

238 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville*
239 *City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and*
240 *complete record of this meeting held on Tuesday, December 20, 2016.*

241
242
243
244

Kim Rayburn, CMC
City Recorder



SPANISH FORK-SPRINGVILLE AIRPORT

Cris Child/Manager
2050 N 300 W
Spanish Fork, Utah 84660
(801) 420-8888

January 31, 2017

Staff Report

To: Honorable Mayors and City Councils

From: Cris Child Airport Manager on behalf of the Spanish Fork/Springville Airport Board

Subject: Lease Extension Air Quality Monitoring Station

Recommended Motion: Approve the attached Ground Lease Extension with the State of Utah for the Air Quality monitoring station here at the Airport.

Background/Discussion: The State's Air Quality Monitoring Station has been operating here at the Airport for quite some time and has very little impact on operations. They fairly compensate the airport for the use of the land, they are an extremely good tenant and the Airport Board recommends extending the lease agreement for an additional 5 years.

STATE OF UTAH
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT

**CONTRACT NO. 98-0428
AMENDMENT NO. 4**

TO BE ATTACHED TO AND MADE A PART OF the above numbered contract by and between SPANISH FORK-SPRINGVILLE AIRPORT, a cooperative operation governed by Spanish Fork City and Springville City, hereinafter referred to as "LESSOR," and the STATE OF UTAH, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT, hereinafter referred to as "LESSEE," for the use of the Department of Environmental Quality, Division of Air Quality.

WITNESSETH

THAT WHEREAS, LESSOR and LESSEE have heretofore entered into that certain Lease Agreement (Contract No. 98-0428) for 600 square feet, more or less, of real property described as follows:

Located on the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12 Township 8 South Range 2 East, the approximate address being 2350 North 300 West, Spanish Fork, Utah County, Utah;

which Lease Agreement commenced July 1, 1997, and was partially amended by Amendment No. 1, 2 and 3, which Amendment No. 3 currently expires June 30, 2017; and

WHEREAS, LESSOR and LESSEE are mutually desirous to renew the subject Lease Agreement for an additional five (5) years renewal or extended term; and

NOW THEREFORE, for and in consideration of the mutual covenants, conditions, and agreements herein contained, and other good and valuable considerations, it is covenanted and agreed between the parties that the aforesaid Lease Agreement be modified and amended as follows:

PARAGRAPH 1. RENEWAL OR EXTENDED TERM

1.1 This Lease Agreement is hereby renewed and extended for an additional term of five (5) years which term shall commence July 1, 2017, and shall expire June 30, 2022, and shall continue thereafter on a month-to-month rental basis, if option to renew is not exercised by LESSEE as provided for in Paragraph 2 of this Lease Amendment No. 4, until terminated by either party by giving thirty (30) days advance written notice to the other party.

1.2 LESSOR and LESSEE mutually agree that LESSOR may require LESSEE to relocate its Air Monitoring Station from its present location to a new location mutually acceptable to both parties. LESSEE agrees to move the Air Monitoring Station within 60 days of receiving notice from the LESSOR that LESSOR wants and needs LESSEE to relocate its Air Monitoring Station.

PARAGRAPH 2. OPTION TO RENEW

2.1 LESSOR covenants with LESSEE that LESSOR shall, at LESSEE'S option, again grant and lease to LESSEE at the expiration of the lease term, the Premises pursuant to the provisions of this Lease for and during the term of FIVE (5) years thereafter, with a like covenant for future renewals of the Lease as is contained in this Amendment No. 2, and on the same terms and conditions, except as to the annual rentals, which rentals shall be determined by negotiation between the parties. LESSEE shall notify LESSOR in writing at least thirty (30) days prior to the expiration of this renewal term if said option is to be exercised.

2.2 To exercise an option hereunder, LESSEE must give LESSOR written notice of its desire to extend the Lease Agreement an additional term at least thirty (30) days prior to the end of the then lease term. Failure to timely exercise an option shall revoke and terminate any right to exercise options for successive periods.

2.3 The parties shall have thirty (30) days after LESSOR receives the option notice in which to agree on the base rentals during the extended or renewal term. If the parties agree on the base rentals for the extended or renewal term during that period, they shall immediately execute an amendment to this Lease stating the base rentals.

2.4 If the parties are unable to agree on the base rentals for the extended or renewal term within the specified period, the option notice shall be of no effect and the Lease shall expire at the end of the then term. Neither party to this Lease shall have the right to have a court or other third party set the base rentals.

PARAGRAPH 3. CONSIDERATION

3.1 For the renewal or extended period beginning July 1, 2017, and ending June 30, 2022, the sum of the annual base rentals shall be payable by LESSEE to LESSOR for the 600 square feet, more or less, of real property in the amount of \$1,200.00 annually in advance, payable no later than 15 days from July 1 of each lease year hereunder. If the day upon which the term of the Lease shall commence is other than the Commencement Date above, then the rentals shall be apportioned accordingly.

Staff Recommendation:

Gentlemen,

In regards to the following request for clarification received from Doug Yarrington representing ImSar, I would like to recommend the following:

Item 1. The other lease agreements at the Airport are calculated based on the footprint of the building even if the Building Owner has added a mezzanine or second floor. I would recommend that we clarify the ImSar document to reflect this same policy.

Item 2. I recommend acceptance of ImSar's offer to begin Lease Payments on February 15th and extend the deadline to begin construction to February 15, 2019.

Item 3. In order to obtain partial Federal reimbursement for the public portion of the taxiway it must be designed and built according to FAA guidelines. Both ImSar's and the Cities main objective is to have the taxiway in place as soon as ImSar is ready to utilize it. We do not anticipate any need for the Taxiway prior to that time. In order for us to be in a position to quickly bid and construct the taxiway I recommend that we immediately begin work on the design of the project and appropriately modify and execute the Memorandum of Agreement regarding the Taxiway Construction. The modifications to the memorandum of agreement should include a trigger by which ImSar can initiate commencement of construction to suit their schedule.

Item 4. This item will need to be clarified by the Spanish Fork Engineering Department,

Respectfully,

Cris Child

From: "Doug Yarrington" <dyarrington@imsar.com>

Subject: lease agreement

Date: January 11, 2017 at 12:03:16 PM MST

To: <cthompson@spanishfork.org>

Cc: <david.trent@imsar.com>

Chris,

I'm writing to follow up on some issues we've discussed previously and to clarify on a few things relating to our lease agreement at the airport.

1. The first issue is that when the lease was negotiated, the lease rate is calculated "per square foot of building space." This made sense since the rate is tied to the standard airport ground lease rate and, at the time, we anticipated a single story structure such that footprint and total square footage were the same. At the recommendation of the architect, our plans now include a second floor (most or all of which won't be finished initially, but the basic structure will be built). We would like to clarify via a contract amendment or some other means (we defer to your judgment as to the appropriate mechanism) that the lease rate is based on square footage of the building's footprint, not total square footage to include the second floor. We believe this is consistent with the intent and avoids the hassle of determining at what point what portions of the second floor would be included in the lease calculation.

2. The second issue is the final sentence of Section II of the lease requiring that construction begin by February 15 or the agreement is null and void. As we've discussed previously, the timeline for our construction will likely not allow for construction by then. David tells me we should have approval of the site plan soon, but architecture is not yet complete, so a building permit and construction are in question. We propose amending this language to extend the deadline to February 15, 2019. We understand that having the land tied up that long without any lease revenue is unattractive to the cities, so IMSAR proposes to change Section V(B) so that lease payments start upon issuance of the building permit (how it currently reads) OR upon receipt of a written request from the cities to begin lease payments on or after February 15, 2017. This gives the cities the ability to force the issue if they believe IMSAR is delaying unreasonably.

3. IMSAR also proposes to change Section V(E). Currently it requires the public portion of the taxiway to be built by this fall, which doesn't make much sense if IMSAR isn't ready to build its building. We think it makes sense to require completion of the taxiway before completion of IMSAR's building. Our expectation is that our building's construction will take 9-12 months, so if this process starts roughly concurrently with our construction, I don't think there will be issues.

4. Also on the subject of Section V(E), we wanted to clarify an issue regarding the curb and gutter requirement there. The site plan David tells me he sent you shows 2 bridges into the area from Main Street that fall within the area between the trail and Main Street. Is it correct to expect that the city will install and maintain these 2 bridges with the rest of the curb, gutter, landscaping, etc.?

We appreciate all your hard work and the patience of everyone from the airport and both cities as we work to make this happen. We're confident this will be a great thing for IMSAR, the airport, and both cities.

Thank you,

Doug Yarrington
IMSAR LLC, Contracts Manager
940 S. 2000 W. Suite 140
Springville, UT 84663
801-798-8440 ext. 105
dyarrington@imsar.com

Amendment #1 to Hangar Ground Lease Agreement

This Amendment hereby modifies that certain Hangar Ground Lease Agreement by and between Spanish Fork City, Springville City, the Spanish Fork/Springville Airport Board, and IMSAR LLC, dated February 15, 2016 (the "Lease Agreement"). This Amendment is made pursuant to Section XXXII of the Lease Agreement. The Lease Agreement is modified as follows:

1. Section II is amended to read as follows:

TERM. Subject to all other provisions of this Agreement regarding termination reserved herein, the term of this lease shall commence on February 15, 2017 and end after 20 years. If Lessee does not commence construction of building/hangar February 15, 2019, the agreement is hereby null and void.

Comment [1]: I changed the commencement date to February 15, 2017 and clarified the time period for the pro-ration of the first years lease payment.

2. Section V(A) is amended to read as follows:

Rental for the above described parcel shall be at the Standard Airport Hanger Lease Rate (as set each year by Spanish Fork and Springville cities) (the "Standard Airport Hanger Lease Rate") plus Ten Percent (10%) per square foot of building envelope footprint (by way of example only, as of the January 1, 2016 the Standard Airport Hanger Lease Rate is \$0.31, plus 10% or \$0.031 would create a lease rate for 2016 of \$0.341 cents per square foot of building space). The Standard Airport Hanger Rate shall be reviewed on an annual basis by Spanish Fork and Springville City Councils and will be adjusted from time to time. The Rent paid each year will adjust accordingly.

3. Section V(B) is amended to read as follows:

The first lease payment shall be due February 15, 2017. ~~In the event that this occurs on some date other than January 1, The first year's lease payment shall be pro-rated from February 15, 2017 to December 31, 2017 to reflect the actual first year occupancy period of this agreement.~~ All subsequent years shall be paid at the full rate by January 1 of each year.

Deleted: seven (7) days after Lessee receives a building permit from Spanish Fork City

Deleted: t

4. Section V(E) is amended to read as follows:

Lessor shall construct public use taxiway to connect Lessee's private taxiway to the main runway. Lessor shall commence construction of the public portion of the taxiway upon receipt of written notice from Lessee that Lessee has commenced construction of its building and private taxiway. Spanish Fork City shall install and maintain an access bridge suitable for large truck passage, curb, gutter, trail or sidewalk, and landscaping, and shall maintain the existing access bridge along that portion of Main Street contained within the demised premises, concurrent to the site work of the demised property. Lessee may install and maintain other access bridges along Main Street at its own expense. Time is of the essence with respect to these improvements. In the event of default of either of these obligations, Lessee may make the improvements and offset the cost of the improvements against lease payments until fully reimbursed.

Deleted: no later than the end of the 2017 construction season.

5. The Lease Agreement is modified only as expressly provided above and all other terms and conditions of the Lease Agreement remain in full force and effect, unmodified in any way by the foregoing.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures to be effective the day and year first above written.

IMSAR LLC (Lessee)

Cris Child, Airport Manager

Signature

Signature (Recommended for Approval)

Name/Title

Date

Date

Spanish Fork City

Springville City

By: Steve Leifson, Mayor

By: Wilford W. Clyde, Mayor

Date

Date

Attest:

Attest:

By: Kent Clark, Recorder

By: Kim Rayburn, Recorder

Date

Date



SPANISH FORK-SPRINGVILLE AIRPORT

Cris Child/Manager
2050 N 300 W
Spanish Fork, Utah 84660
(801) 420-8888

January 31, 2017

Staff Report

To: Honorable Mayors and City Councils

From: Cris Child Airport Manager on behalf of the Spanish Fork/Springville Airport Board

Subject: Agreement allowing commercial operations at the Airport

Recommended Motion: Approve the attached Commercial Operations Agreement for use at the Airport.

Background/Discussion: This agreement now includes a requirement for 1 million in liability insurance per occurrence and 2 million aggregate. The City Ordinance governing the Airport requires that commercial operations conducted out of hangars at the airport be approved by each City Council and also that the person's conducting said businesses have an agreement to do so with the cities. The attached agreement has been reviewed and is being recommended for implementation by the Spanish Fork City Legal Department and the Airport Board.

Alternatives: We could create multiple leases for the different commercial operations at the Airport however many of the businesses sub-lease from hangar owners and would require additional agreements. We believe that the attached agreement represents a less onerous solution.

Fiscal Impact:
None.

Spanish Fork/Springville Airport

Agreement Allowing The Use of Hanger ____ to Include Commercial Operations

COMES NOW the Spanish Fork/Springville City Airport (Owner), and _____
_____ (Business) and hereby enter into this agreement on the ____ day of
_____, 20__.

RECITALS

WHEREAS, there exists an agreement titled "Spanish Fork/Springville Airport Hanger Lease"
(the Lease) dated the ____ day of _____, 20__ on Hangar #____; and

WHEREAS, Section VI of the Lease prohibits commercial uses of the Hanger except by an
additional agreement; and

WHEREAS, Owner and Business desire to enter into an agreement to allow for commercial use
at the Spanish Fork/Springville Airport.

NOW THEREFORE, the parties hereto hereby contract, covenant, and agree as follows:

1. Business's principal place of business at the Spanish Fork/Springville Airport is described as Hanger _____.
2. Business's commercial activities are described herein as:

_____.
3. Business acknowledges and agrees that if the Business desires to add to the commercial operations described above, Business must obtain prior written approval by the Spanish Fork City and Springville City Councils.
4. Business declares that they have signed and executed a standard airport lease agreement for the hanger listed above or that they have signed and executed a sublease with the hanger Lessee and such commercial activities are authorized by the hanger Lessee.
5. Business acknowledges and agrees that it has reviewed and met both the Spanish Fork/Springville Airport Lease requirements and the minimum airport standards set forth at the time of this addendum.
6. Concurrent with the execution of this agreement and as partial performance of the obligations assumed under this Agreement, hereof, the Business shall, have from a reliable insurance company or companies authorized to do business in the State of

Utah, liability insurance in the minimum amount of \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregate.

The above insurance policy or policies shall contain an endorsement which provides that the Owner is named as an additional insured. Business shall provide Owner with written evidence of said insurance at all times this agreement is in effect.

All insurance policies secured by the Business providing the coverages which affect the leasehold premises required under this agreement shall require each insurer to notify the Owner by registered or certified mail of any modification, termination or cancellation of any policy of insurance that affects the leasehold premises no less than thirty (30) days prior to the effective date of such modification, termination or cancellation. Notice by the insurer shall be effective upon the receipt of said notice by the Owner. In addition to any other requirements of this agreement, the Business shall notify the Owner of any modification which affects the leasehold premises, termination or cancellation of any policy of insurance secured by the Business pursuant to this paragraph as soon as the Business learns of any such modification, termination or cancellation. Each of said policies shall stipulate that the policy provided coverage is not subordinate to nor contributing with any other insurance coverage held or maintained by the Owner. The procuring of such policy or policies of insurance shall not be construed to be a limitation upon the Business' liability or a waiver of performance on the Business' part of the indemnification and hold harmless provisions of this agreement and the Hanger Lease; and the Business understands and agrees that notwithstanding any policy or policies of insurance it remains the Business' obligation to protect, indemnify and hold harmless the Owner hereunder for the full and total amount of any damage, injuries, loss, expense, costs or liabilities, including attorneys fees, caused by or in any manner connected with or attributed to the negligent acts or omissions of the Business, its officers, agents, employees, licensees or the operations conducted by the Business, or the Business' use, misuse or neglect of the premises described herein.

7. Business acknowledges and agrees that it has met the standards set forth in Spanish Fork City Code 7.12.050 (F)(1) for general commercial activities and, if applicable 7.12.050 (F)(2) for fixed based operators, public aviation fuel sales, private aviation fuel sales, aircraft engine and airframe accessory sales or maintenance and flight training and Springville City Code 4-8-106(6)(a) for general commercial activities and, if applicable 4-8-106(6)(b) for fixed based operators, public aviation fuel sales, private aviation fuel sales, aircraft engine and airframe accessory sales or maintenance and flight training.
8. Business has applied for and been granted a Spanish Fork City business license.
9. Owner agrees that the Business may operate in Hanger ____ as described and approved in the Spanish Fork business license.

10. Owner may terminate this agreement in the event any of the provisions of the airport hanger lease are broken or Business violates any FAA regulation or Federal, State or Local rules. Otherwise, this agreement shall terminate at the end of the lease or at the termination of the sub-lease or when the business ceases to operate. The Business shall notify the airport manager within 10 days if the Business either changes location on the Airport or terminates commercial activities on the Airport.
11. Business expressly agrees to defend, protect, indemnify and hold harmless the Owner, its officers, agents and employees free and harmless from and against any and all claims, demands, damages, expenses, losses or liability of any kind or nature whatsoever which the Business, its officers, agents or employees may sustain or incur or which may be imposed upon them for injury to or death of persons or damages to property arising out of or resulting from the negligent acts or negligent omissions of the Business, its officers, agents or employees use or misuse of the premises. Business agrees to defend at its own cost, expense and risk all claims or legal actions that may be instituted against either the Business or the Owner, which arise out of the negligent acts or omissions of the Business. If any claim or legal action is brought arising out of the negligent acts or omissions of the Business and is also brought against the Owner, the Owner agrees to cooperate with the defense of the claim or legal action. In such claim or legal action wherein the defense of Owner is in conflict with the defense of Business, the Owner may have its own attorney to defend such action. If after written notice of such conflict Business is unable or unwilling to defend such claim or legal action the Owner may defend such a claim or legal action at the expense of the Business. Any settlement of any claim or lawsuit made by the Owner or Business that results in liability against either party is subject to written approval of the Business or Owner and will not affect the claims or lawsuits still pending against the against the other party. Business agrees to pay any settlement entered into and satisfy any judgment that may be rendered against either the Business or the Owner as a result of any negligent injuries or damages which have resulted from or are connected with this agreement or the occupancy or use of the premises by the Business, or its officers, agents, employees or licensees, including reasonable attorney fees.

This indemnity clause is not valid wherein the loss or claim is the result of actions the Business took at the Direction of the Owner or the loss or claim is the result of a negligent act or omission made by the Owner.

12. Business recognizes and understands that it is a separate entity from Owner and may not utilize the airport's name or logo for the promotion of its business.
13. Except as modified herein, the Spanish Fork/Springville Hanger Lease dated _____ shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed, in triplicate, with all the formalities required by law on the respective dates set forth opposite their signatures to be effective the day and year first above written.

SPANISH FORK CITY, by

_____ Date: _____
STEVE LEIFSON, Mayor

ATTEST:

_____ Date: _____
KENT CLARK, Recorder

RECOMMENDED FOR APPROVAL

_____ Date: _____
CRIS CHILD, Airport Manager

SPRINGVILLE City by,

_____ Date: _____
WILFORD W. CLYDE, Mayor

ATTEST:

_____ Date: _____
Kim Rayburn, Recorder

Business

_____ Date: _____
TITLE

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1625 S 900 W • PO Box 30408 • Salt Lake City, UT 84130-0408 • Phone (801) 977-6800 • Fax (801) 977-6889

“PACKAGE AGENCY CONTRACT”

LOCAL CONSENT

Date: 2/1/17

Attn: DABC Licensing & Compliance Section

Springville (City)(Town)(County) hereby grants its consent to the establishment of a package liquor agency for Steep Tank Brewery CoLLP operated by Duck & Victoria Salubury and located at 569 So 1750 W pursuant to the provisions of Section 32B-2, Utah Code, for the purpose of storage and sale of liquor, wine and heavy beer in unopened containers for off-premise consumption. Furthermore, said organization has met all ordinances relating to issuance of local business license(s).

Check if applicable

LOCAL CONSENT FOR PROXIMITY VARIANCE

In accordance with Utah Code 32B-1-202, the local authority also grants consent to a variance regarding the proximity of this establishment relative to a public or private school, church, public library, public playground, or park.

Authorized Signature

Print Name / Title