



**WORK/STUDY AGENDA
SPRINGVILLE CITY COUNCIL MEETING
NOVEMBER 06, 2018 AT 5:30 P.M.**
City Council Chambers
110 South Main Street
Springville, Utah 84663

MAYOR AND COUNCIL DINNER - 5:00 P.M.

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

**CALL TO ORDER- 5:30 P.M.
COUNCIL BUSINESS**

1. Calendar

- Nov 06 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Nov 12 - Veterans Day observed (city offices closed)
- Nov 13 - Work/Study Meeting 5:30 p.m.
- Nov 20 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Nov 22, 23 - Thanksgiving Observed (city offices closed)
- Dec 4 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.

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

- a) Invocation - Councilmember Snelson
- b) Pledge of Allegiance - Councilmember Jensen
- c) Consent Agenda
 - 1. Approval of the minutes for the Regular Council meetings held on June 19, July 03, July 17, and August 07, 2018.
 - 2. Approval of the Arts Commission grant recipients - Rita Wright, Museum of Art Director
 - 3. Approval of a Resolution and Interlocal Agreement with the State of Utah regarding dispatch services - Scott Finlayson, Public Safety Director

3. DISCUSSIONS/PRESENTATIONS

- a) Speed Study Results and Speed Limit Discussions (various locations in the community) - Brad Stapley, Public Works Director
- b) Discussion of the grant award process - Troy Fitzgerald, City Administrator

4. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

5. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

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

6. ADJOURNMENT

CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE - POSTED 11/02/2018

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

Meetings of the Springville City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to Springville City Municipal Code 2-4-102(4) regarding electronic meetings. s/s - Kim Crane, CMC, City Recorder





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 the minutes for the Regular Council meetings held on June 19, July 03, July 17, and August 07, 2018.
2. Approval of the Arts Commission grant recipients - Rita Wright, Museum of Art Director
3. Approval of a Resolution and Interlocal Agreement with the State of Utah regarding dispatch services - Scott Finlayson, Public Safety Director

REGULAR AGENDA

4. Consideration of a Resolution opening and amending the Storm Water Fund budget for capital expenses applying to the Fiscal Year ending June 30, 2019 - Bruce Riddle, Assistant City Administrator/Finance Director
5. Consideration of a Resolution approving an agreement between Springville City and East Bay RV, LLC regarding East Bay's violations - John Penrod, Assistant City Administrator/City Attorney
6. Consideration of approving an Ordinance and amendment to Title 2, Sections 2-2-109 and 2-6-101 through 2-6-109 of the Springville City Code, duties of the office of City Treasurer and bonding requirements for the City Treasurer and officers - John Penrod, Assistant City Administrator/City Attorney

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

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

ADJOURNMENT

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MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, JUNE 19, 2018, 2017 AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Pro Tem Jensen presided. In addition to Mayor Child, the following were present:
Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Brett Nelson,
Councilmember Michael Snelson, 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
Bradley Neel, Community Development Director Glen Goins, Library Director Dan Mickelson,
Operations Manager Rod Oldroyd, and Museum of Art Director Rita Wright. Excused from the meeting
Mayor Richard J. Child

CALL TO ORDER

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

INVOCATION AND PLEDGE

Mayor Pro Tem Jensen offered the invocation, and Councilmember Creer led the Pledge of
Allegiance.

APPROVAL OF THE MEETING'S AGENDA

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

MAYOR'S COMMENTS

Mayor Pro Tem Jensen welcomed the Council, staff and audience. He asked for any scouts or
students on assignment to please stand and be recognized.

CEREMONIAL AGENDA

1. CERT Graduates Recognized – Scott Finlayson, Public Safety Director

Public Safety Director Finlayson introduced the seven recent CERT (Community Emergency
Response Training) graduates and thanked them and CERT Program Director Martin Palmer for
attending. Mr. Palmer announced a new CERT class would begin in a few weeks and a City wide drill
was scheduled for August.

2. **Mayor Awards, SHS Key Club – Shannon Acor, CTC Coordinator**

42 Mayor Pro Tem Jensen turned the time over to Ms. Shannon Acor to conduct the Mayor’s Award
44 presentation. CTC Coordinator Acor introduced the Springville High School Key Club members
nominated for the June Mayor Awards.

46 **PUBLIC COMMENT**

48 Mayor Pro Tem Jensen introduced the Public Comment section of the agenda. He asked if there
were any requests.

50 Arden Hjorth, Springville resident; Mr. Hjorth introduced a petition to the Council for a traffic
study for 570 South Main, Springville. He provided a copy of the request to the Council and Community
Development Director Goins.

52

CONSENT AGENDA

- 54 3. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
- 4. Approval of the minutes for the Work/Study meetings on April 03 and April 17, 2018
- 56 5. Approval of the appointment of Patrice Bolen to the Springville City Arts Commission
- 6. Approval of a **Resolution** and Agreement with Sunset Farmers Market– Corey Merideth,
58 Recreation Director
- 7. Approval of a Class B Beer License for Magelby’s Grill and Oyster Bar located at 198 South
60 Main, Springville – Glen Goins, Community Development Director
- 8. Approval of an award and multi-year contract to Done Rite Lines LLC for Striping of City Roads
62 in the amount of \$32,633.73 – Brad Stapley, Public Works Director

64 COUNCILMEMBER SNELSON MOVED TO APPROVE THE CONSENT AGENDA AS
WRITTEN.

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

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|----|-----------------------|-----|
| 68 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| | COUNCILMEMBER MILLER | AYE |
| 70 | COUNCILMEMBER NELSON | AYE |
| | COUNCILMEMBER SNELSON | AYE |

72 **RESOLUTION #2018-26 APPROVED**

74 **PUBLIC HEARING AGENDA**

- 76 9. **Public Hearing to consider the Enterprise Fund Transfers for FY 2018/2019 – Bruce
Riddle, Assistant City Administrator/Finance Director (Continued from June 05, 2018)**

78 Public Hearing was opened on June 05, 2018 and continued.

80 Director Riddle provided information on the Enterprise Fund Transfers and reported the noticing
requirements had been met with no further action required.

82

COUNCILMEMBER NELSON MOVED TO CLOSE THE PUBLIC HEARING.

84 COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT VOTED
AYE.

86

10. **Public Hearing to consider a Resolution and adoption of the Final FY 2018/2019
Springville City Budget – Bruce Riddle, Assistant City Administrator/Finance Director
Director Riddle (Continued from June 05, 2018)**

88

90

Public Hearing was opened on June 05, 2018 and continued.

92

94 Director Riddle explained the public hearing requirements for the budget adoption and to allow
for public comment.

96 COUNCILMEMBER CREER MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF
98 THE MOTION. THE MOTION PASSED UNANIMOUSLY.

100 COUNCILMEMBER CREER MOVED TO APPROVE **RESOLUTION #2018-27** AND
ADOPT THE FINAL FY 2018/2019 SPRINGVILLE CITY BUDGET.

102 COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED
AS FOLLOWS:

| | | |
|-----|-----------------------|-----|
| 104 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| 106 | COUNCILMEMBER MILLER | AYE |
| | COUNCILMEMBER NELSON | AYE |
| 108 | COUNCILMEMBER SNELSON | AYE |

RESOLUTION #2018-27 APPROVED

110

11. **Public Hearing for consideration of opening the 2017-2018 Springville City Budget – Bruce
Riddle, Assistant City Administrator/Finance Director**

112

114 Director Riddle reported on the amendment to the current year's budget. He explained
unexpected revenues and expenses had emerged since the beginning of the budget year. In order to
proceed with addressing the changes from the original budget, the Council would need to take action by
116 amending the budget to help close out the year. He outlined the items in the amendment.

118 Councilmember Miller asked about the donation to the Clyde Recreation Center. Administrator
Fitzgerald explained funds have come in and more were scheduled.

120 Mayor Pro Tem Jensen opened the public hearing.

122 COUNCILMEMBER SNELSON MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF
124 THE MOTION. THE MOTION PASSED UNANIMOUSLY.

126 COUNCILMEMBER SNELSON MOVED TO APPROVE **RESOLUTION #2018-28** TO
128 OPEN AND AMEND THE GENERAL FUND, CAPITAL IMPROVEMENT FUND, AND SPECIAL
TRUSTS FUND BUDGETS FOR OPERATIONAL AND CAPITAL EXPENSES AND APPLYING
TO THE FISCAL YEAR ENDING JUNE 30, 2018 AS OUTLINED IN EXHIBIT A

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

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|-----|-----------------------|-----|
| 132 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| 134 | COUNCILMEMBER MILLER | AYE |
| | COUNCILMEMBER NELSON | AYE |
| 136 | COUNCILMEMBER SNELSON | AYE |

RESOLUTION #2018-28 APPROVED

138

REGULAR AGENDA

140 **12. Consideration of an Ordinance amending the Fireworks Ordinance – John Penrod,**
Assistant City Administrator/City Attorney

142 Attorney Penrod explained State law has changed a number of times over recent years with
144 respect to the dates each year that Class C common state-approved explosives are allowed to be sold and
discharged. During this last legislative session, HB 38 reduced the number of days Class C fireworks
146 may be sold and discharged in the summer. The City will be adopting the State code regarding fireworks
and will be updated as State code is updated. Attorney Penrod remarked there were over eight fires in
the City last year attributed to fireworks.

148

COUNCILMEMBER NELSON MOVED TO APPROVE **ORDINANCE #10-2018**
150 AMENDING SPRINGVILLE CITY CODE SECTION 3-1-118 TO COMPLY WITH STATE LAW
CONCERNING THE ALLOWED DATES FOR SELLING AND DISCHARGING FIREWORKS.

152 COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED
AS FOLLOWS:

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|-----|-----------------------|-----|
| 154 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| 156 | COUNCILMEMBER MILLER | AYE |
| | COUNCILMEMBER NELSON | AYE |
| 158 | COUNCILMEMBER SNELSON | AYE |

ORDINANCE #10-2018 APPROVED

160

MAYOR, COUNCIL REPORTS

162 Director Stapley reported the traffic study for the Brookside Subdivision had been received and
another study would be done while school was in session. The recent study showed traffic traveling 26
164 miles per hour going into the subdivision from 800 east and 400 south and 29 miles per hour going out
of the subdivision to 800 east. Once school is back in session they will accumulate more information.

166 Councilmember Nelson raised concerns about traffic speeds on 1300 East and asked Public
167 Safety Director Finlayson to look at enforcement.

168

CLOSED SESSION

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

174 COUNCILMEMBER MILLER MOVED TO ADJOURN THE CITY COUNCIL REGULAR
MEETING AT 7:40 P.M. AND CONVENE IN A CLOSED SESSION REGARDING PROPERTY.

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

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|-----|-----------------------|-----|
| 178 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| 180 | COUNCILMEMBER MILLER | AYE |
| | COUNCILMEMBER NELSON | AYE |
| 182 | COUNCILMEMBER SNELSON | AYE |

184 Council reconvened the Regular meeting at 8:10 p.m.

ADJOURNMENT

186 COUNCILMEMBER CREER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT
187 8:10 P.M.

188 COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED
189 AYE.

192

194
195 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday,*
196 *June 19, 2018.*

197 *I, Kim Rayburn, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville*
198 *City, of Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and*
199 *complete record of this meeting held on Tuesday, June 19, 2018*

200

202 Kim Rayburn, CMC
City Recorder

204



MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, JULY 03, 2018, 2017 AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present:
Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Brett Nelson,
Councilmember Michael Snelson, 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 Lt Warren Foster, Public Works Director Brad Stapley,
Recreation Director Corey Merideth, Power Director Leon Fredrickson, Building and Grounds Director
Bradley Neel, Community Development Director Glen Goins, Library Director Dan Mickelson,
Operations Manager Rod Oldroyd, Golf Pro Craig Norman, and Museum of Art Director Rita Wright.
Excused from the meeting Councilmember Jason Miller

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF THE MEETING'S AGENDA

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

MAYOR'S COMMENTS

Mayor Child welcomed the Council, staff and audience. He asked for any scouts or students on
assignment to please stand and be recognized.

PUBLIC COMMENT

Mayor Child 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 for the May 01, and June 12, 2018 Work/Study Meetings.
3. Approval of a **Resolution #2018-29** and use of funds for the Utah County Recreation Grant –
Corey Merideth, Recreation Director

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

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

| | | |
|----|-----------------------|--------|
| 46 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| | COUNCILMEMBER MILLER | Absent |
| 48 | COUNCILMEMBER NELSON | AYE |
| | COUNCILMEMBER SNELSON | AYE |

50 **RESOLUTION #2018-29 APPROVED**

52 **REGULAR AGENDA**

54 4. **Consideration of a Resolution approving a settlement agreement in the Hobble Creek water adjudication between Springville City, Springville Irrigation Company, 28039 LLC, and the Holly Ranch Trust – John Penrod, Assistant City Administrator/City Attorney**

56 Attorney Penrod provided information regarding the water rights adjudication settlement. He explained the State decided to have the process completed with Hobble Creek being one of the first.

58 Attorney Penrod reviewed the information included in the agreements and reported the City was not giving up anything and there were no objections from other entities. The benefit will be settled and is something the City cannot object to at this time.

62 COUNCILMEMBER NELSON MOVED TO APPROVE **RESOLUTION #2018-30** APPROVING A SETTLEMENT AGREEMENT IN THE HOBBLE CREEK WATER ADJUNCTION BETWEEN SPRINGVILLE CITY, SPRINGVILLE IRRIGATION COMPANY, 28039 LLC, AND THE HOLLY RANCH TRUST.

66 COUNCILMEMBER JENSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

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|----|-----------------------|--------|
| 68 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| 70 | COUNCILMEMBER MILLER | Absent |
| | COUNCILMEMBER NELSON | AYE |
| 72 | COUNCILMEMBER SNELSON | AYE |

74 **RESOLUTION #2018-30 APPROVED**

76 **MAYOR, COUNCIL REPORTS**

76 Mayor Child asked there were any comments. There were none.

78 **CLOSED SESSION**

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

82 There was no closed session.

84

ADJOURNMENT

86 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT
7:15 P.M.

88 COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT VOTED
90 AYE.

92

94 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday,
July 03, 2018.*

96 *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
98 complete record of this meeting held on Tuesday, July 03, 2018*

100

Kim Rayburn, CMC
City Recorder

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MINUTES
Springville City Council Regular Meeting – JULY 17, 2018

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, JULY 17, 2018, 2017 AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present:
Councilmember Craig Jensen, Councilmember Brett Nelson, Councilmember Michael Snelson, 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,
Power Director Leon Fredrickson, Building and Grounds Director Bradley Neel, Community
Development Director Glen Goins, Library Director Dan Mickelson, Operations Manager Rod Oldroyd,
and Museum of Art Director Rita Wright. Excused from the meeting; Councilmember Christopher
Creer

CALL TO ORDER

Mayor Richard J. Child welcomed everyone and called the meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF THE MEETING'S AGENDA

CONSENT AGENDA

1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
2. Approval of the minutes for the Budget Retreat on February 15, 2018, Regular meetings on
March 06, 20, and April 03, 2018
3. Approval of a subdivision for the Utah School for the Deaf and the Blind located at
approximately 1160 West 900 South, Springville in the R1-10 Single Family Residential Zone –
Glen Goins, Community Development Director
- ~~4. Approval of a final site plan for the phase one of Jessie's Brook, Plat L, located at approximately
950 West 1200 South, Springville in the R1-10 Single Family Residential and WF-1 Westfield's
Overlay Zones—Glen Goins, Community Development Director~~
5. Approval of a plat amendment for the Dial Development Phase 2 subdivision at approximately
434 South 2000 West, Springville in the RC-Regional Commercial Zones – Glen Goins,
Community Development Director

COUNCILMEMBER MILLER MOVED TO APPROVE THE CONSENT AGENDA AS
WRITTEN REMOVING **ITEM NUMBER FOUR** TO ITS OWN LINE ITEM.

COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL VOTED AYE.

42 4. **Approval of a final site plan for the phase one of Jessie’s Brook, Plat L, located at**
44 **approximately 950 West 1200 South, Springville in the R1-10 Single Family Residential**
and WF-1 Westfield’s Overlay Zones – Glen Goins, Community Development Director

46 COUNCILMEMBER MILLER MOVED TO APPROVE FINAL SUBDIVISION PLAT PLAN
FOR PHASE ONE OF JESSIE’S BROOK, PLAT L, LOCATED AT APPROXIMATELY 950 WEST
48 1200 SOUTH, SPRINGVILLE IN THE R1-10 SINGLE FAMILY RESIDENTIAL AND WF-1
WESTFIELD’S OVERLAY ZONES.

50 COUNCILMEMBER JENSEN SECONDED THE MOTION, AND ALL PRESENT VOTED
AYE.

52 **MAYOR’S COMMENTS**

54 Mayor Richard J. Child welcomed the Council, staff and audience. He asked for any scouts or
students on assignment to please stand and be recognized.

56 **PUBLIC COMMENT**

58 Mayor Richard J. Child introduced the Public Comment section of the agenda. He asked if there
were any requests. There were none.

60 **PUBLIC HEARING AGENDA**

62 6. **Public Hearing for consideration of Springville City divesting itself of approximately 300**
64 **acres of real property located in Spanish Fork known as the Spanish Fork/Springville**
Airport – John Penrod, Assistant City Administrator/City Attorney

66 Attorney Penrod explained the process and reasoning going into Springville divesting itself from
the Spanish Fork/Springville Airport. He reported Spanish Fork City is continuing to review the
documents and he suggested waiting for clarification from the FAA (Federal Aviation Administration).
68 Attorney Penrod suggested continuing the public hearing and item number seven until August 04, 2018.

70 Councilmember Miller expressed Springville City’s property lies under the runway and any
chance for commercial upside to Springville is limited. Attorney Penrod expounded Springville has
invested a lot of money with little grant money to offset the expense.

72 City Administrator Fitzgerald reported in February of 2018 Spanish Fork added \$100,000 to the
General Fund and in their Fiscal 2019 budget another \$100,000 was included towards the airport while
74 they are undertaking capital projects. This is to the good of Springville not having to expend those
dollars.

76 Attorney Penrod stated the item would be brought back to the Council on August 04, 2018 with
more information.

78 Mayor Child opened the public hearing.

80 Karen Ifediba, Springville resident; Ms. Ifediba stated she thinks removing Springville from the
82 Airport was an excellent idea. Fifteen years ago it was not economically viable and it is good to see the
City is now acting on this. Springville’s participation in the Airport was not noted as being a part owner.

Public hearing will remain open until August 07, 2018

86

COUNCILMEMBER MILLER MOVED TO CONTINUE THE PUBLIC HEARING AND
ITEM #7 UNTIL AUGUST 07, 2018.

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COUNCILMEMBER JENSEN SECONDED THE MOTION, ALL PRESENT VOTED AYE.

90

REGULAR AGENDA

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7. Consideration of a Resolution approving documents to transfer the Spanish Fork-Springville Airport to Spanish Fork – John Penrod, Assistant City Administrator/City Attorney

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CONTINUED UNTIL AUGUST 07, 2018.

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8. Consideration of a Resolution approving a Development Agreement with Bach Homes for the Jessie’s Brook Subdivision, Plat L, Phase I, at approximately 1200 South 950 West, Springville – John Penrod, Assistant City Administrator/City Attorney

100

Attorney Penrod provided information on the location of the development and noted some standard provisions and key focuses unique to the agreement. He noted 1200 west was not a standard residential local road and the City would be participating in a portion of the road development. The developer would pay for 59 feet in width and Springville would cover the remainder of the road. Because it is an arterial road he requested allowing the City Engineer to be able to include some costs and minor tweaks to the agreement.

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Attorney Penrod explained a ten-inch pressurized water line would be going in and upsizing would be covered by the City. Density bonuses would need to come up for a density increase.

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110

COUNCILMEMBER JENSEN MOVED TO APPROVE **RESOLUTION #2018-32** AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT FOR THE JESSIE’S BROOK SUBDIVISION, PLAT L, PHASE 1.

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

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| | |
|-----------------------|--------|
| COUNCILMEMBER CREER | Absent |
| COUNCILMEMBER JENSEN | AYE |
| COUNCILMEMBER MILLER | AYE |
| COUNCILMEMBER NELSON | AYE |
| COUNCILMEMBER SNELSON | AYE |

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RESOLUTION #2018-31 APPROVED

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MAYOR, COUNCIL REPORTS

124

CLOSED SESSION

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

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There was no closed session.

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150

ADJOURNMENT

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 7:21 P.M.
COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, July 17, 2018.
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, July 17, 2018

Kim Rayburn, CMC
City Recorder



MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, AUGUST 07, 2018, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN
STREET, SPRINGVILLE, UTAH.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present:
Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller,
Councilmember Brett Nelson, Councilmember Michael Snelson, 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
Bradley Neel, Community Development Director Glen Goins, Library Director Dan Mickelson,
Operations Manager Rod Oldroyd, and Museum of Art Director Rita Wright.

CALL TO ORDER

Mayor Child welcomed everyone and called the meeting to order at 7:06 p.m.

INVOCATION AND PLEDGE

Councilmember Nelson offered the invocation, and Councilmember Snelson led the Pledge of
Allegiance.

APPROVAL OF THE MEETING'S AGENDA

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

MAYOR'S COMMENTS

Mayor Child welcomed the Council, staff and audience. He asked for any scouts or students on
assignment to please stand and be recognized.

CEREMONIAL

1. Presentation to Adrienne Ottley for service to the Springville Library Board

Director Mickelson presented Adrienne Ottley with an award of service for her dedication and
service to the Library Board over the last four years.

PUBLIC COMMENT

Mayor Child introduced the Public Comment section of the agenda. He asked if there were any
requests.

Jim Brooks, business owner in Springville; Mr. Brooks stated he has a struggling business on
the North end of town and the area is not growing, other businesses in the area are also struggling. He
asked the Council to take a look at signage. He has a sandwich board and it was confiscated by code
enforcement. He would like to discuss it further and have some considerations.

44 Councilmember Nelson asked if Director Goins had discussed the issue. Councilmember
Snelson expressed there should be more discussion.

46 Chad Wright, business owner in Springville; Mr. Wright expressed he would also like to see
about the signage and use of sandwich boards in front of businesses. It does help his business. He
48 stated he would not be opposed to how many and what type of sign.

Councilmember Snelson stated he would like to get some feedback from businesses dealing
with this to have further discussions.

50

CONSENT AGENDA

- 52 2. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
3. Approval of the minutes for the regular council meetings held on April 17 and 20, 2018 and July
54 10, 2018.
4. Approval of the appointments of Luis Muzquiz, Melanie Bott, Glen Evans, Robert Anderson, Eric
56 Riddle, Shannon Kaliker, Larry Lamb and re-appointments of Shirlene Jordan and Rick
Salisbury to the Economic Advisory Commission - Rod Oldroyd, Operations Manager
58 5. Approval a **Resolution** and Contract with American Pavement Preservation LLC as the low
bidder for the Micro Surfacing Type II 2018 Project for various Springville City roads in the
60 amount of \$373,865.44 - Jason Riding, Streets Superintendent

62 COUNCILMEMBER CREER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.
COUNCILMEMBER MILLER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS:

64 COUNCILMEMBER CREER AYE
COUNCILMEMBER JENSEN AYE
66 COUNCILMEMBER MILLER AYE
COUNCILMEMBER NELSON AYE
68 COUNCILMEMBER SNELSON AYE

RESOLUTION #2018-31 APPROVED

70

PUBLIC HEARING AGENDA

- 72 6. **Public Hearing for consideration of a boundary line adjustment between Spanish Fork City and
Springville City for property located at on south end of SR 51 - John Penrod, Assistant City
74 Administrator/City Attorney (Continued from July 17, 2018)**

Attorney Penrod reported about the location of the property. The property owner Steve Johnson
76 is looking to sell the property and a small portion is located in Springville while the larger portion is in
Spanish Fork. He would like to combine the property into one city. The property boundary adjustment
78 has been advertised according to state law.

80 Mayor Child opened the public hearing.

82 COUNCILMEMBER CREER MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER JENSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

84

COUNCILMEMBER SNELSON MOVED TO APPROVE **ORDINANCE #11-2018** ADJUSTING
86 THE COMMON BOUNDARY LINE BETWEEN SPRINGVILLE CITY AND SPANISH FORK TO ALLOW
ALL OF MR. JOHNSON'S PROPERTY TO BE LOCATED IN SPANISH FORK CITY.

88

90 Councilmember Miller asked how the boundary would be outlined. Attorney Penrod explained
the boundary line and noted for the record it was noticed for sixty days to allow any property owner
adjacent to the property to object. No property owner objected.

92
94 COUNCILMEMBER MILLER SECONDED THE MOTION. THE VOTE IS RECORDED AS
FOLLOWS:

96 COUNCILMEMBER CREER AYE
COUNCILMEMBER JENSEN AYE
98 COUNCILMEMBER MILLER AYE
COUNCILMEMBER NELSON AYE
COUNCILMEMBER SNELSON AYE

100 **ORDINANCE #11-2018 APPROVED**

102 7. **Public Hearing for consideration of Springville City divesting itself of approximately 300 acres of**
104 **real property located in Spanish Fork known as the Spanish Fork/Springville Airport - John**
Penrod, Assistant City Administrator/City Attorney

106 Attorney Penrod reported both parties were not ready to go forward with the reverter clause and
would like to postpone the public hearing until August 21, 2018. Item #8 was also requested to be
postponed. He explained the deed of the property, as any portion of the property not used as an airport
108 would revert back to Springville. Spanish Fork is discussing the terms of having to pay the market value
and if the 50% came before or after the bonds are paid. Both Cities would like to meet and confer about
110 the process.

112 Mayor Child asked for further information on how it will work with the Grants. Attorney Penrod
expressed it has been an issue that has come up. If any rules are violated regarding the grant, it can
come due.

114 Mayor Child asked about the perpetuity of the agreement. Attorney Penrod explained the
process. Administrator Fitzgerald added Spanish Fork will sign future grants and will be responsible.
116 The reverter clause is subject to what is here today, based on current fair market value.

118 Mayor Child opened the public hearing.

120 COUNCILMEMBER MILLER MOVED TO CONTINUE THE PUBLIC HEARING UNTIL AUGUST
21, 2018. COUNCILMEMBER SNELSON SECONDED THE MOTION. ALL PRESENT VOTED AYE.

122
124 **REGULAR AGENDA**

124 8. **Consideration of a Resolution approving documents to transfer the Spanish Fork-Springville**
Airport to Spanish Fork - John Penrod, Assistant City Administrator/City Attorney

126
128 COUNCILMEMBER MILLER MOVED TO CONTINUE THE ITEM UNTIL AUGUST 21, 2018.
COUNCILMEMBER NELSON SECONDED THE MOTION. ALL PRESENT VOTED AYE.

130 9. **Consideration of an Ordinance amending Title 11, Chapter 4 Design Standards for Multi-Family**
Housing in the Springville Municipal Code - Glen Goins, Community Development Director

132 Director Goins provided information regarding the design standards amendment. He explained it
would affect multiple zones if approved. Consideration for tonight was a smaller version with more to
134 come.

136 Director Goins explained a potential conflict with the Westfield's overlay and how the design
standards would be used. Currently the City has no design standards while they would give minimal
levels of protection to the City.

138 Director Goins stated the Planning Commission reviewed the design standards and were in
unanimous agreement.

140 Councilmember Nelson asked if the Planning Commission looked at other cities in the valley, or
was it by experience. Director Goins replied there were specific design examples not working for
142 Springville and used in other cities.

Councilmember Snelson asked for an example of one that applies and one that did not. Director
144 Goins provided examples to the Council.

146 COUNCILMEMBER SNELSON MOVED TO APPROVE **ORDINANCE #12-2018** AMENDING
VARIOUS SECTIONS OF TITLE 11, ARTICLE 4, CHAPTER 4 OF THE SPRINGVILLE CITY
148 DEVELOPMENT CODE CONCERNING DESIGN STANDARDS IN MULTI-FAMILY RESIDENTIAL
ZONES.

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

| | |
|---------------------------|-----|
| 152 COUNCILMEMBER CREER | AYE |
| COUNCILMEMBER JENSEN | AYE |
| 154 COUNCILMEMBER MILLER | AYE |
| COUNCILMEMBER NELSON | AYE |
| 156 COUNCILMEMBER SNELSON | AYE |

ORDINANCE #12-2018 APPROVED

158
160 10. Consideration of a Resolution approving the settlement agreements regarding the General
Water Adjudication for the Hobble Creek Area - John Penrod, Assistant City Administrator/City
Attorney

162 Attorney Penrod provided information on the water rights adjudication, he explained there were
many needing resolutions and this portion was a good start. The settlement eliminates objections of the
164 water rights. The stipulation drafted by the State Engineer would correct a prior error in the State
Engineer Office Records.

166
168 COUNCILMEMBER JENSEN MOVED TO APPROVE **RESOLUTION #2018-34** APPROVING
SETTLEMENT DOCUMENTS THAT RESOLVE A NUMBER OF OBJECTIONS TO WATER RIGHTS
IN THE GENERAL DETERMINATION OF ALL THE RIGHTS TO THE USE OF WATER, BOTH
170 SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE UTAH LAKE AND
JORDAN RIVER IN UTAH, SALT LAKE, DAVIS, SUMMIT, WASATCH, SANPETE AND JUAB
172 COUNTIES IN UTAH.

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

| | |
|--------------------------|-----|
| COUNCILMEMBER CREER | AYE |
| 176 COUNCILMEMBER JENSEN | AYE |
| COUNCILMEMBER MILLER | AYE |
| 178 COUNCILMEMBER NELSON | AYE |
| COUNCILMEMBER SNELSON | AYE |

RESOLUTION #2018-34 APPROVED

182

MAYOR, COUNCIL REPORTS

184 Mayor Child asked if there were any comments.

186 Administrator Fitzgerald reviewed the process during a motion to allow a second before
188 questions. Also, Director Stapley recently came back from a meeting with the irrigation company with
information water should be able to be supplied to the Westfield's. Those using Springville irrigation
may be affected.

190 Attorney Penrod stated he was planning the fall retreat with the Council and asked the Council
for feedback on an overnight session with spouses in attendance tentatively set for September 20-21,
2018. Council opted to discuss various dates.

192 Councilmember Snelson requested a joint statement from the Mayor and the Council to go to
Representative Frances Gibbson about the wastewater mandate. He asked if it could be available at
194 the next work meeting addressed to each member of the legislature.

196 Councilmember Jensen asked about a matter in the light industrial area that has come about.
Director Goins reported the issue was regarding a use that is continuing in the light industrial area. The
next step parties will outline what they would like to remain and will forward to it to the Council.
198 Councilmember Nelson asked Director Goins to stay in close contact with them, since the long term
issue, was a concern.

200

CLOSED SESSION

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

206 There was no closed session.

ADJOURNMENT

208 COUNCILMEMBER CREER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:11
210 P.M.

212 COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

214

216 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, August 07, 2018.*
218 *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
220 *on Tuesday, August 07, 2018*

222

Kim Rayburn, CMC
City Recorder

224



STAFF REPORT

DATE: November 6, 2018
TO: Honorable Mayor and City Council
FROM: Rita Wright, Museum Director
SUBJECT: ARTS COMMISSION GRANTS AWARDS APPROVAL

RECOMMENDED MOTION

The Museum staff, representing the Springville City Arts Commission, recommends accepting the Grants Awards proposal made by that Commission.

GOALS, OBJECTIVES AND STRATEGIES AT ISSUE

The Springville City Arts Commission receives money through the City Budget to award to individuals and groups for visual, performing and heritage arts programs for the cultural benefit of our "Art City" community members.

BACKGROUND

The Arts Commission meets regularly throughout the year with the intent of furthering the arts programs in the Springville community. With money allocated through the Mayor and Council City budget, the Commission meets to consider applications for arts programs. Upon review of the applications, the Commission recommends grant amounts to the Mayor and Council for approval, after which funds are disbursed to the various entities through City Finance processes.

DISCUSSION

The grants recommendations are brought to Mayor and Council by staff and Arts Commission officers for approval in order to allow transparency and, if needed, discussion on funding requests and awards.

ALTERNATIVES

FISCAL IMPACT

The Grant Award recommended amounts are included, as an attachment to this report, and approved disbursements are tracked by staff and City Finance as part of the fiscal year budget processes.

| # | Organization | Project Description | \$ Awarded |
|----|---------------------------------|--|---------------|
| 1 | SHS Theatre Dept | Sewing machine and serger to make costumes, bags | \$1000 |
| 2 | SHS Folk Ensemble | Banjo and guitar | \$600 |
| 3 | SHS & Jr High Art | Soft Pastels | \$400 |
| 4 | SHS Ceramics | Ceramic aprons | \$400 |
| 5 | SHS Choir | ? | |
| 6 | Reagan Academy | Wireless microphones for drama productions | \$329 |
| 7 | Sage Creek | Watercolor paintbrushes for art room | \$150 |
| 8 | Merit Dance | Box materials for dances about being in a box | \$300 |
| 9 | Merit Art | Ceramic materials to make mystery boxes | \$200 |
| 10 | Chamber Choir | Perform with Tab Choir in SLC & art museum in spring | \$336 |
| 11 | Westside Elementary | Paintbrushes & Texture | \$150 |
| 12 | Nebo Philharmonic | Submitted report by July 31. \$500 if only one performance. | \$500 |
| 13 | Springville Holiday Concert | Last year gave \$500, this year want \$1000 for costumes, publicity, music. | \$1000 |
| 14 | Sunday Concert Series | Ginny said they want \$350 per performance and \$100 cushion. Partner with vocal academy master course. (They should submit application next year) | \$3600 |
| 15 | Historical Society | Needs not as great for 2018. Reduced from \$3000 last year. | \$2000 |
| 16 | Easter Concert Arlene Bailey | Handel's Messiah / Oratorio. Two performances, 21 songs, singalong, open to all. | \$599 |
| 17 | Springville Playhouse | Money used for royalties, costumes, scripts, scenery, but do charge admission. 30+ performances | \$5000 |
| 18 | Dance classes | Money goes for experienced dance teachers. Open to students and community. | \$1000 |
| 19 | Folkfest | | \$5000 |
| 20 | Shakespeare | Special performances for both schools and public by Cedar City Shakespeare Festival group | \$1000 |
| | Total | | \$21164 |
| | | Balance of Arts Commission Grant Money still to be allocated by end of fiscal year | \$3836 |



STAFF REPORT

DATE: October 25, 2018
TO: Honorable Mayor and City Council
FROM: Police Chief Scott Finlayson
SUBJECT: INTERLOCAL AGREEMENT WITH UTAH DEPARTMENT OF PUBLIC SAFETY

RECOMMENDATION

Approve the Interlocal Agreement with the State of Utah, Department of Public Safety to provide assistance with answering and transferring of information to their PSAP (Public Safety Answering Point) when an accident or emergency event occurs in their jurisdiction and the call is answered by Springville dispatchers.

DISCUSSION

The Utah Communications Authority is requiring all jurisdictions who provide 911 PSAP assistance with another PSAP to have an Interlocal agreement defining the services they each provide. For over 25 years Springville PSAP has answered calls for service for accidents and events occurring on State highways, primarily I-15, for the Highway Patrol.

These calls are answered by Springville dispatchers and Springville provides fire and medical response to events on I-15 and other area State roads. We also provide information to, and in some cases, transfer calls to the Utah Highway Patrol dispatch in Salt Lake City which then sends UHP units to the scene.

This Interlocal agreement puts in writing what we have been doing for decades.

ALTERNATIVES

The City Council may choose not allow Springville dispatchers to transfer calls to the UHP, but I am not sure how this would actually work.

FISCAL IMPACT

There are no fiscal impacts.

Name: Chief Scott Finlayson, Director of Public Safety

RESOLUTION #2018-XX

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE STATE OF UTAH REGARDING DISPATCH SERVICES.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “**Act**”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the providing services; and

WHEREAS, Springville City and the State of Utah – Utah Department of Public Safety Salt Lake Communications Center, hereafter “**DPS-SLCC**”, are public agencies for purposes of the Act; and

WHEREAS, after careful analysis and consideration of relevant information, Springville City desires to enter into an Interlocal Agreement with the State whereby Springville City consents to providing dispatch services to **DPS-SLCC**; and

WHEREAS, the proposed Interlocal Agreement takes effect on November 6, 2018; and

WHEREAS, Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

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

SECTION 1. Agreement Approval. The Interlocal Agreement, substantially in the form attached as EXHIBIT A, is approved and shall be executed by Springville City.

SECTION 2. Legal Review. As required by Section 11-13-202.5 of the Act, the Interlocal Agreement has been submitted to legal counsel of the Agency for review and approval as to form and legality.

SECTION 3. Filing with Records Keeper. As required by Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, an executed original counterpart of the Interlocal Agreement shall be filed immediately with the keeper of records of Springville City.

SECTION 4. Effective Date. This resolution shall become effective immediately upon passage.

PASSED AND APPROVED this 6th day of November 2018.

ATTEST

By _____
Richard J. Child, Mayor

Kim Crane, City Recorder

EXHIBIT A

INTERLOCAL AGREEMENT

(see attachment)

COOPERATIVE AGREEMENT

To Provide 911 Emergency Services to the Geographic Area Served by the DPS Salt Lake Communications Center in Utah County

THIS AGREEMENT made and entered into this **6th Day of November 2018**, pursuant to the Interlocal Cooperation Act found in Title 11, Chapter 13 of the Utah Code, by and between **SPRINGVILLE POLICE DEPARTMENT**, hereinafter referred to as "SPRINGVILLE", and the **UTAH DEPARTMENT OF PUBLIC SAFETY SALT LAKE COMMUNICATIONS CENTER**, hereinafter referred to as "DPS-SLCC", all being public agencies as defined by the Interlocal Cooperation Act.

RECITALS

The parties desire to enter into this Cooperative Agreement for the purpose of coordinating dispatch and communications services with the DPS Salt Lake Communications Center, Utah County. The purpose of this Interlocal Agreement is to establish the relationships, roles and responsibilities of each public safety agency that is party to this agreement in the processing of 9-1-1 emergency calls, dispatching the proper law enforcement agencies and sharing information through an integrated Computer Aided Dispatch system and telephone system in the Utah County and Wasatch Front areas.

This agreement provides the framework for the parties to this agreement to explore the advantages of functionally consolidating the 9-1-1 emergency response from the answering of a 9-1-1 call by either the five primary PSAPs (UTAH VALLEY DISPATCH, SPRINGVILLE PD, PROVO PD, OREM PD or PLEASANT GROVE PD), to dispatching the proper agency assets or either through a secondary PSAP or dispatch center.

The Parties to this agreement are all public safety agencies endowed by the statutory authority of the State of Utah to accept and process emergency 9-1-1 calls, text messages and other forms of emergency communications and to respond to emergency situations based on the information gathered by the authorized Public Safety Answering Points in Utah County and along the Wasatch Front areas;

AGREEMENT

THEREFORE, in compliance with and pursuant to the terms and provisions of Title 69, Chapter 2 of the Utah Code and the Interlocal Co-operation Act, the parties do hereby contract and agree as follows:

1. Joint Cooperation Agreement. It is not the intent of this Agreement to create a new entity or agency, but rather to provide for dispatch and communications services through joint and cooperative agreements.

2. Dispatching Responsibilities.
 - a. Emergency communications and dispatch services that occur within Utah County, except for events that occur within the jurisdiction of the DPS Salt Lake Communications Center, shall be the responsibility of UTAH VALLEY, SPRINGVILLE PD, PROVO PD, OREM PD and PLEASANT GROVE PD.

 - b. Emergency communications and dispatch services for law enforcement services that occur within the jurisdiction of the DPS Salt Lake Communications Center shall be the responsibility of the DPS Salt Lake Communications Center.

 - c. SPRINGVILLE shall provide emergency communications and dispatch services for public safety functions including police departments, emergency medical services, fire departments, and other federal, state and local agencies operating on public safety-licensed frequencies and serve as the public safety answering point (PSAP) for 9-1-1 communications, except when a request for emergency assistance dispatch services for law enforcement services occurs within the jurisdiction of the DPS Salt Lake Communications Center.

 - d. SPRINGVILLE shall provide emergency communications and dispatch services for ambulance and fire service for all areas within the boundaries of Springville City and agreed upon service areas in and along I-15 as agreed upon by the PSAP's providing fire and EMS services in Utah County. SPRINGVILLE shall notify DPS Salt Lake Communications Center as soon as possible when a fire or EMS call is received and being responded to by Springville fire and EMS personnel.

3. Requests for Emergency Assistance. SPRINGVILLE shall provide continuous dispatch services twenty-four (24) hours a day, seven (7) days a week, answer all requests for emergency assistance from the public and to provide communications and dispatch services for public safety agencies, and dispatch the appropriate agency and/or personnel.

Upon identification that a request for emergency assistance has occurred within the jurisdiction of the DPS Salt Lake Communications Center, SPRINGVILLE shall transfer/conference the request to DPS-SLCC.

- a. Create and implement any necessary Standard Operating Procedures (SOP's) regarding call processing and transfer/conference of calls.
 - b. Create and implement any necessary SOP's and technical standards for operational, physical backup, and redundancy plans.
4. 9-1-1 Funds.
 - a. SPRINGVILLE shall maintain a separate emergency telecommunications service fund for the distribution of 9-1-1 funds received from the Utah State Tax Commission. The 9-1-1 fund shall be used in establishing, installing, maintaining, and operating a 9-1-1 emergency communications center in accordance with Utah Code Ann. § 69-2-301(2).
 - b. DPS Salt Lake Communications and/or SPRINGVILLE may seek funding through an interlocal agreement with each other, to include but not limited to; the multinode 9-1-1 CPE, CAD to CAD, Network fees, Grant Matches, and all associated maintenance costs. Either party may opt out of participating in funding opportunities if it is not found to be in the best interest of either party.
5. Indemnification. All parties to this Agreement are governmental entities as defined in the Utah Governmental Immunity Act found in Title 63G, Chapter 7 of the Utah Code. Nothing in this Agreement shall be construed as a waiver by either or both parties of any rights, limits, protections or defenses provided by the act. Nor shall this Agreement be construed, with respect to third parties, as a waiver of any governmental immunity to which a party to this Agreement is otherwise entitled. Subject to the act, each party will be responsible for its own actions and will defend any lawsuit brought against it and pay any damages awarded against it.
6. Amendments to Agreement. This Agreement may be amended, modified, or supplemented only by written amendment, executed by the Parties hereto pursuant to Section 11-13-202.5 of the Interlocal Cooperation Act.
7. Governing Laws. This Agreement shall be governed and interpreted pursuant to the laws of the State of Utah.
8. Interpretation of Agreement. Terms of this Agreement shall be interpreted to conform to the overall intent and purpose of this Agreement. The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect, unless to do so

would violate the intent and spirit of this Agreement. The paragraph and section headings in this Agreement are for convenience of reference only and do not constitute a part of the Agreement.

9. Effective Date. This amended agreement shall become effective immediately upon approval and execution by the governing body of each of the entities in accordance with the Interlocal Cooperation Act.
10. Term of Agreement. This Agreement shall continue in effect, unless terminated as set forth herein, for a period of five (5) years, commencing on July 1, 2017, at 12:01 a.m. and continuing through June 30, 2022, at 11:59 p.m.
11. Termination of Agreement. This Agreement may be terminated at any time upon the mutual written consent of the parties. In the event both parties consent to terminate this Agreement, the parties will consult prior to the date of termination to ensure termination on the most economical and equitable terms. Either party may terminate this Agreement upon 30 days written notification to the other party. Such notice will be the subject of immediate consultation by the parties to decide upon the appropriate course of action.
12. Documents on File. Executed copies of this Agreement shall be placed on file in the office of the Keeper of the Records of each of the parties and shall remain on file for public inspection during the term of this Agreement.
13. Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute the same Agreement.
14. No Third Party Beneficiaries:
The Parties expressly agree that nothing contained in the Agreement shall create any legal right or inure to the benefit of any third party.
15. Interlocal Cooperation Act Requirements: In satisfaction of the requirements of the Interlocal Cooperation Act, §§ 11-13-101 *et seq.*, and in connection with this Agreement, the Parties agree as follows: (a) this Agreement shall be approved by each party pursuant to § 11-13-202.5; (b) this Agreement shall be reviewed as to the proper form and compliance with applicable law by an authorized attorney on behalf of each party pursuant to § 11-13-202.5; (c) an executed original counterpart shall be filed with the keeper of records for each party pursuant to § 11-13-209; (d) no separate legal entity is created by the terms of this Agreement; (e) to the extent that a party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party; and (f) except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action taken pursuant to

this Agreement, and for any financing of such costs.

16. Authorization. The individuals signing this Agreement on behalf of the parties confirm that they are the duly authorized representatives of the parties and are lawfully enabled to sign this Agreement on behalf of the parties.

IN WITNESS WHEREOF, the hands of the parties are set below:

UTAH DEPARTMENT OF PUBLIC
SAFETY

APPROVED AS TO FORM

BY:

Jess Anderson
Commissioner

BY:

Marcus R. Yockey
Utah Assistant Attorney General

DATE:

DATE:

BY:

Jess Anderson
Major
DPS Communications Bureau

SPRINGVILLE POLICE
DEPARTMENT

APPROVED AS TO FORM

BY:

J. Scott Finlayson
Chief of Police

BY:

John Penrod
Attorney

DATE:

DATE:



STAFF REPORT

DATE: October 31, 2018
TO: Honorable Mayor and City Council
FROM: Bruce Riddle, Finance Director
SUBJECT: FY 2019 BUDGET AMENDMENT

RECOMMENDED MOTION

The Finance Department recommends adopting Resolution _____ to open and amend the Storm Water Fund budget for capital expenses applying to the Fiscal Year ending June 30, 2019 as outlined in Exhibit A (attached).

SUMMARY OF ISSUES/FOCUS OF ACTION

The Uniform Fiscal Procedures Act for Utah Cities sets forth the procedures for the governing body to review and increase or decrease the appropriations in operating and capital budgets of the city. The resolution will provide the budget authority for the city to proceed with the projects detailed in the report.

BACKGROUND

Unexpected revenues and expenses have emerged since the beginning of the budget year. In order to proceed with addressing the variations from the original budget, The Council will need to take action through amending the budget.

DISCUSSION

In response to new developments and after reviewing the various fund budgets the Finance Department recommends a number of budget appropriations. Requests for appropriation as well as the funding sources are summarized in Exhibit A (attached). Brief descriptions of the recommended actions are as follows:

- *Storm Water Fund.* Recent applications and approval of two subdivisions (Condie Farms) along with a church meetinghouse are prompting the construction of a regional storm water detention basin in the area of 1500 West 400 North. The construction of this basin is driven by new development not anticipated as part of the regular budget process, thus necessitating a mid-year budget amendment.

ALTERNATIVES

The Council has the alternative of considering different funding sources than those recommended by staff in Exhibit A. However, taking no action at all on the resolution will leave the staff without the budget authority to proceed with these projects and services.

FISCAL IMPACT

The fiscal impacts of the proposed appropriations are included in Exhibit A.



**Exhibit A
City of Springville
Budget Amendment Form**

Fiscal Year Ending June 30, 2019

| <i>Item</i> | <i>Fund</i> | <i>Dept.</i> | <i>Acct.</i> | <i>Description</i> | <i>Beginning Budget</i> | <i>Increase</i> | <i>Decrease</i> | <i>Amended Budget</i> | <i>Purpose and Funding Source</i> |
|---------------------|-------------|--------------|--------------|------------------------------|-------------------------|-----------------|-----------------|-----------------------|---|
| Revenues | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | Utilize Reserves | | | | | |
| | | | | Total Revenue Amendments | | | | | |
| Expenditures | | | | | | | | | |
| | 55 | 6800 | 012 | IFMP PW24 | 379,893 | | 301,822 | 78,071 | Reduce sinking fund for deferred project to fund development-driven detention basin |
| | 55 | 6800 | NEW | IFMP CW5 | 0 | 72,000 | | 72,000 | Impact Fee Master Plan project driven by new development |
| | 55 | 6800 | NEW | IFMP PW36 | 0 | 50,000 | | 50,000 | Impact Fee Master Plan project driven by new development |
| | 55 | 6800 | NEW | IFMP PW37 | 0 | 103,758 | | 103,758 | Impact Fee Master Plan project driven by new development |
| | 55 | 6800 | NEW | IFMP PW38 | 0 | 76,064 | | 76,064 | Impact Fee Master Plan project driven by new development |
| | | | | Total Expenditure Amendments | | 301,822 | | | |



RESOLUTION #2018-XX

A RESOLUTION OPENING AND AMENDING THE STORM WATER FUND BUDGET FOR CAPITAL EXPENSES APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2019 AS OUTLINED IN EXHIBIT A.

WHEREAS, the City Council has received a recommendation from the Administration that the Springville City Storm Water Fund budget be opened and amended for capital expenses; and,

WHEREAS, on November 6, 2018 the City Council held a duly noticed regular meeting and ascertained the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the Administration's recommendation and facts and comments presented to the City Council, the Council finds the proposed appropriations reasonably further the health, safety, and general welfare of the citizens of Springville City.

NOW, THEREFORE, be it resolved by the City Council of Springville, Utah as follows:

PART I:

The Budget Officer is hereby authorized and directed to amend the budgets in the CIP Fund, Special Revenue Fund and Internal Service Fund for capital expenses as outlined in Exhibit A.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PASSED AND APPROVED this 6th day of November 2018.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder

**Exhibit A
City of Springville
Budget Amendment Form**

Fiscal Year Ending June 30, 2019

| <i>Item</i> | <i>Fund</i> | <i>Dept.</i> | <i>Acct.</i> | <i>Description</i> | <i>Beginning Budget</i> | <i>Increase</i> | <i>Decrease</i> | <i>Amended Budget</i> | <i>Purpose and Funding Source</i> |
|---------------------|-------------|--------------|--------------|------------------------------|-------------------------|-----------------|-----------------|-----------------------|---|
| Revenues | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | Utilize Reserves | | | | | |
| | | | | Total Revenue Amendments | | | | | |
| Expenditures | | | | | | | | | |
| | 55 | 6800 | 012 | IFMP PW24 | 379,893 | | 301,822 | 78,071 | Reduce sinking fund for deferred project to fund development-driven detention basin |
| | 55 | 6800 | NEW | IFMP CW5 | 0 | 72,000 | | 72,000 | Impact Fee Master Plan project driven by new development |
| | 55 | 6800 | NEW | IFMP PW36 | 0 | 50,000 | | 50,000 | Impact Fee Master Plan project driven by new development |
| | 55 | 6800 | NEW | IFMP PW37 | 0 | 103,758 | | 103,758 | Impact Fee Master Plan project driven by new development |
| | 55 | 6800 | NEW | IFMP PW38 | 0 | 76,064 | | 76,064 | Impact Fee Master Plan project driven by new development |
| | | | | Total Expenditure Amendments | | 301,822 | | | |

RESOLUTION #2018-XX



STAFF REPORT

DATE: October 31, 2018

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: **CONSIDERATION OF A RESOLUTION THAT APPROVES VIOLATION ENFORCMENT PENALTIES FOR THE KOA RV PARK.**

RECOMMENDED MOTIONS

Motion to approve Resolution No. ____ approving an agreement between Springville City and East Bay RV, LLC regarding East Bay's violations of the Settlement Agreement and General Release of All Claims, dated May 6, 2014.

BACKGROUND

On May 6, 2014, Springville City and East Bay RV, LLC entered into a Settlement Agreement and General Release of All Claims that resolved RV stay issues for the East Bay RV Park stemming from a settlement agreement entered between the parties in 2000. The 2000 settlement agreement allowed RV's to stay in the park for periods up to 120 days. In 2012, East Bay brought a lawsuit against Springville, claiming that RV's could stay as long as the RV owner wanted to stay because the 2000 settlement agreement did not require any hiatus period between 120-day stay periods. The 2014 settlement agreement settled the issue by requiring a 10-day hiatus period for the patron and the patron's RV every 120 days the RV stayed in the RV park.

In late 2017, the City received calls from RV park patrons claiming that the RV park was violating the 2014 settlement agreement. Upon further investigation, City staff concluded that the RV park had numerous monthly log and stay period violations. In accordance with the 2014 settlement agreement, staff sent a notice of violation to East Bay RV.

As result of the notice of violation, East Bay RV and staff has negotiated the proposed agreement attached to this staff report. The agreement states that

East Bay's violations will be considered three violations and the following will happen:

1. Fine. In lieu of not leasing any space or pad to a new RV patron for a period of 30 days, East Bay shall pay City \$17,000 on or before November 16, 2018.

2. Additional Violations. In the event that East Bay has a violation under the Settlement Agreement prior to March 1, 2019, the violation shall be considered the fourth violation of the Settlement Agreement within a 12-month period, and City shall have the right to declare East Bay in default of the Settlement Agreement, which default will not be curable.

FISCAL IMPACT

Springville will receive \$17,000. Staff will still be required to regularly investigate the RV park to make sure that it is following the 2014 settlement agreement.

Attachments: Proposed Resolution with Agreement



RESOLUTION #2018-XX

A RESOLUTION APPROVING AN AGREEMENT BETWEEN SPRINGVILLE CITY AND EAST BAY RV, LLC THAT ADDRESSES VIOLATIONS OF THE SETTLEMENT AGREEMENT AND GENERAL RELEASE OF ALL CLAIMS, DATED MAY 6, 2014.

WHEREAS, Springville City and East Bay RV, LLC entered into the Settlement Agreement and General Release of All Claims, dated May 6, 2014 (the "Settlement Agreement"); and

WHEREAS, in late 2017, the City discovered that East Bay had several violations of the Settlement Agreement, specifically violations of the monthly log entries and RV patron stay period provisions; and

WHEREAS, the City and East Bay have negotiated a resolution to the violations that requires East Bay to pay the City \$17,000 by November 16, 2018 and not have another violation before March 1, 2019; and

WHEREAS, the parties now desire to enter into the attached agreement; and

WHEREAS, the City Council finds that the attached agreement is in the best interests of the City.

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

SECTION 1. Agreement Approval. The Agreement, substantially in the form attached as Exhibits A is approved and shall be executed by Springville City. The City Attorney may make and/or agree to minor revisions to the Agreements.

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

PASSED AND APPROVED this 6th day of November 2018.

By

Richard J. Child, Mayor

ATTEST

Kim Crane, Recorder

EXHIBIT A

Agreement

Draft

AGREEMENT

East Bay R.V., LLC, a Utah limited liability company ("East Bay"), and **Springville City**, a municipality and political subdivision of the State of Utah ("City"), hereby enter into this Agreement as of this ____ day of November 2018, for the purpose of resolving East Bay's violations of the Settlement Agreement and General Release of All Claims, entered into between the parties, dated May 6, 2014 (the "Settlement Agreement"). This Agreement does not revise, interpret, or amend the Settlement Agreement.

RECITALS

- A. On January 3, 2018, City provided East Bay with a notice of violation for numerous violations of the Settlement Agreement. East Bay has violated the Settlement Agreement by providing incomplete monthly logs and not following the stay period rules set forth in the Settlement Agreement. East Bay denies that it has violated the Settlement Agreement.
- B. Under the Settlement Agreement, the following penalties apply to violations of the Settlement Agreement:
 - a. Third Violation - East Bay is prohibited from leasing any new space or pad to any new patron for a period of 30 days.
 - b. Fourth Violation - East Bay is required to stop all RV Park operations pursuant to the Settlement Agreement, and City could ask the court to terminate the Settlement Agreement.
- C. The parties desire to resolve East Bay's outstanding violations, as follows: (1) East Bay will pay City the amount of \$17,000, which amount is equivalent to one month of East Bay's approximate net revenue, and (2) the Settlement Agreement will be terminated if East Bay has one more violation of the Settlement Agreement before March 1, 2019.

NOW, THEREFORE, intending to be legally bound hereby, in consideration of the covenants, agreements, and other terms and conditions contained herein, and other good and valuable consideration, East Bay and City hereby agree as follows:

1. Recitals. The above Recitals are made an integral part of this

Agreement, and the parties hereto do hereby expressly acknowledge and agree that this Agreement is intended to effectuate the purposes of those Recitals.

2. East Bay Penalties. The parties agree that East Bay's violations will be considered three violations under the Settlement Agreement. As a result of the three violations, the following shall happen:

a. Fine. In lieu of not leasing any space or pad to a new RV patron for a period of 30 days, East Bay shall pay City \$17,000 on or before November 16, 2018.

b. One More Violation. In the event that East Bay has a violation under the Settlement Agreement prior to March 1, 2019, the violation shall be considered the fourth violation of the Settlement Agreement within a 12-month period.

- i) Pursuant to Section 3.i.iii).D. of the Settlement Agreement, if a fourth violation of the Settlement Agreement occurs, East Bay shall immediately commence operating the RV Park pursuant to City's current ordinances and City shall have the right to declare East Bay and the RV Park in default of the Settlement Agreement, which default will not be curable.
- ii) Any violation prior to March 1, 2019 must be a violation as defined under the Settlement Agreement.
- iii) A violation shall be considered a fourth violation under this Agreement if the violation occurs or has occurred during the period of time from April 20, 2018 up to and including March 1, 2019.
- iv) In the event that no violation has occurred from April 20, 2018 to March 1, 2019 and declared by the City within 30 days of March 1, 2019, East Bay's violation count under the Settlement Agreement will start over.

3. Settlement Agreement. This Agreement does not in any way revise, interpret or amend the Settlement Agreement. All provisions of the Settlement Agreement shall remain in full force and effect.

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

5. Counterparts. This document may be executed in one or more

counterparts, which together shall constitute one and the same document.

6. Amendment. This Agreement or the rights and obligations contained herein may not be modified, superseded, or supplemented except by an instrument in writing signed by the parties hereto.

7. Mutual Participation in Document Preparation. Each party has participated materially in the negotiation and preparation of this Agreement and any related items; in the event a dispute concerning the interpretation of any provision of this Agreement or any related item, the rule of construction to the effect that certain ambiguities are to be construed against the party drafting a document will not apply.

8. Attorneys' Fees and Costs. In the event of any legal proceedings between the parties related to or arising from this Agreement, the prevailing party shall be entitled to reimbursement of reasonable attorneys' fees and costs (including paralegal fees, court fees, and discovery costs) from the non-prevailing party.

9. Notice. All notices described in this Agreement shall be delivered or transmitted to the following:

East Bay R.V., LLC
Attn: F. Mckay Winkel
3651 North 100 East Suite 125
Provo, Utah 84604
(801) 836-1314

Springville Provo KOA
Attn: Manager
1550 North 1750 West
Springville, Utah 84663
(801) 491-0700

East Bay may amend or modify these notice provisions to update the information as it deems appropriate by sending written notification to the Springville City Manager. Notice is deemed provided upon delivery.

WHEREFORE, the parties have executed the foregoing to be effective the date first appearing above.

[Signatures and Acknowledgments on Next Page]

"EAST BAY RV PARK, LLC"

By: _____

Its: _____

STATE OF UTAH)

:

COUNTY OF UTAH)

On this _____ day of _____, 2018, before me personally appeared,

_____ known to me to be the person who executed this Agreement on behalf of East Bay RV Park, LLC and acknowledged to me that he/she executed the same for the purposes therein stated.

Notary Public

Having been properly authorized by the City Council I, Richard J. Child, hereby execute this Agreement for and on behalf of the City.

"SPRINGVILLE CITY"

By: _____
Richard J. Child, Mayor

Attest:

Kim Crane, Springville City Recorder



STAFF REPORT

DATE: November 06, 2018
TO: Honorable Mayor and City Council
FROM: Kim Crane, City Recorder
SUBJECT: SPPRINGVILLE CITY CODE TITLE 2, SECTIONS 2-2-109 AND 2-6-101 THROUGH 2-6-109 AMENDMENT

RECOMMENDED MOTION

Motion to approve Ordinance #XX-2018 amending Sections 2-2-109 and 2-6-101 through 2-6-109 of the Springville City Code, which sections establish the duties of the office of City Treasurer and bonding requirements for the City Treasurer and officers

SUMMARY OF ISSUES/FOCUS OF ACTION

Update of the Springville City Municipal Code for grammatical errors and to bring it into compliance with the State Code as it relates to certain provisions for the City Treasurer and bonding requirements for all city officers.

FISCAL IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 2-2-109 AND 2-6-101 THROUGH 2-6-109 OF THE SPRINGVILLE CITY CODE, WHICH SECTIONS ESTABLISH THE DUTIES OF THE OFFICE OF CITY TREASURER AND BONDING REQUIREMENTS FOR THE CITY TREASURER AND OFFICERS.

WHEREAS, Section 2-2-109 of the Springville City Code requires all City officers to provide a penal bond in an amount established by ordinance or resolution and the City Treasurer to provide a penal bond in the amount of \$2,500; and

WHEREAS, the Utah State Code states that a city of the third class may require officers to provide bonds for the faithful performance of the duties of their office; and

WHEREAS, the Utah State Code does require treasurers to have a treasurer bond as required by the state money management council, which council pursuant to Section 51-7-15 of the Utah Code and the Utah Attorney General's Office interpretation of that section allows for a treasurer's bond or theft or crime insurance to cover the treasurer's actions; and

WHEREAS, as part of Springville City's property insurance coverage with the Local Government Trust, the Trust provides a \$5,000,000 crime insurance coverage for the City's Treasurer, officers, and rank and file employees; and

WHEREAS, the City Council desires to amend Section 2-2-109 of the Springville City Code to allow the City's officers and Treasurer to provide a bond or be covered by the Trust's crime insurance coverage to cover the City Treasurer or officer's duties; and

WHEREAS, Sections 2-6-101 through 2-6-109 of the Springville City Code have not been updated in several years, and the City Council desires to update those sections to reflect changes in State law requirements and development of the treasurer's position; and

WHEREAS, Springville City finds it is in the best interest of the City to approve this Ordinance.

NOW, THEREFORE, be it ordained by the City Council of Springville City, Utah:

SECTION 1. Section 2-2-109 of the Springville City Code regarding required bonds for City officers and treasurer is hereby amended as follows:

2-2-109 Bonds.

Every officer of Springville, whether elected or appointed, and the City Treasurer shall, before entering upon the duties of his or her office, execute a be bonded or covered by crime or theft insurance for the faithful performance of the officer or City Treasurer's respective duties based on the payment of all money received by such officers according to law with good and sufficient sureties, payable to the City, in an amount not less than an amount approved in accordance with and as establish by State law or City resolution. such penal sum as may by resolution of the City Council be directed, conditioned upon the faithful performance of the duties of his office and the payments of all money received by such officer according to the law and the ordinances of the City. The Treasurer's bond shall be fixed at a sum not less than \$2,500.00, or such larger amount as may be determined by the State Money Management Council. The bonds of Councilmen shall be approved by the Mayor. The bonds of all other officers shall be approved by the City Council. The premium charged by a corporate surety for any official bond shall be paid by the City.

(Statutory Authority UCA 10-3-819, 10-3-821 to 823; 1968 Code 1-8-7; amended in codification 1979; 1979 Code 2-2-9)

Section 2: Sections 2-6-101 through 2-6-109 of the Springville City Code regarding the duties of the City Treasurer is hereby amended as follows:

2-6-101 Custodian of Funds. Appointment

~~The City Treasurer shall be the custodian of all money, bonds, or other securities belonging to the City. He shall receive all money payable to the City, including all taxes, licenses, and fines, and keep an accurate and detailed account thereof. He shall collect all special taxes and assessments as provided by law and ordinance.~~

The Mayor shall appoint, with the advice and consent of the City Council, a City Treasurer who shall perform the duties required of him/her by law, the

ordinances of the City, the laws of the State of Utah, and such other duties as the City Council may require. The City Treasurer shall serve until his/her successor is appointed, qualified, and sworn in.

(Statutory Authority UCA 10-3-916)

2-6-102 Receipt of Payments City Treasurer – Duties

~~The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and upon what account paid, and shall file the duplicate of such receipt or other evidence of payment in the office of the City Recorder.~~

(1) The City Treasurer is custodian of all money, bonds, or other securities of the city.

(2) The City Treasurer shall:

(a) determine the cash requirements of the city and provide for the investment of all money by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act, as amended;

(b) receive all public funds and money payable to the city, within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue;

(c) keep an accurate detailed account of all money received under Subsection (2)(b) in the manner provided in this chapter and as directed by the legislative body of the city by ordinance or resolution;

(d) collect all special taxes and assessments as provided by law and ordinance; and

(e) pay the City payroll as established by City policy.

(Statutory Authority UCA 10-6-141)

2-6-103 Signing Checks.

The Treasurer or such other persons as the City Council may by resolution designate, shall sign all checks prepared by the ~~City Recorder~~ Finance Director. Prior to affixing said signatures, the City Treasurer, or such other person, shall determine that sufficient funds are on deposit in the appropriate account of the City to honor such check. ~~The Treasurer shall make provision for the payment of all warrants issued before signing any subsequently issued checks.~~ The governing body may also designate a person, other than the City Recorder, to countersign checks.

(Statutory Authority UCA 10-6-143)

2-6-104 Payment of Warrants.

In the absence of the appropriate funds, the City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented to him, the date of presentation and the date of payment.

(Statutory Authority UCA 10-6-144)

2-6-105 Special Assessments.

All money received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made. Such money shall be used for the payment of interest and principal on bonds, or other indebtedness issued in settlement thereof, and shall be used for no other purpose, except as otherwise provided by law. The Treasurer shall have such duties as are enumerated in Title 6, Chapter 6 of this Code regarding the sale of property for delinquent assessments.

(Statutory Authority UCA 10-6-145)

2-6-106 Misuse of Funds.

(1) The City Treasurer shall promptly deposit all City funds in the appropriate bank accounts of the City. It shall be unlawful for any person to commingle City funds with his/her own money. Whenever it shall appear that the City Treasurer or any other officer is making profit out of public money, or is using the same for any purpose not authorized by law, the City Treasurer or officer shall be suspended from office and subject to City disciplinary action. keep all money belonging to the City separate and distinct from his own money and shall promptly make deposit thereof in the appropriate accounts of the City. Whenever it shall appear to the City Council that the Treasurer is making a profit from public money or is using the same for any purpose not authorized by law, it shall suspended him from office. Upon his conviction for such offense, his the office shall become vacant.

(2) Reporting in the Event of Misuse of Public Funds. If at any time the City Treasurer discovers evidence which gives the City Treasurer reasonable cause to believe public funds held in trust by Springville City, of any source or amount, have been stolen, misplaced, misused, or otherwise managed in violation of Utah law, the City Treasurer shall report this information directly and in a confidential manner to the City Administrator and City Finance

Director, and shall further report this information to proper law enforcement officers with authority to undertake a full investigation. In the event an elected official is reasonably suspected of engaging in activities which give rise to any misuse of public funds, the City Treasurer shall be deemed to have fulfilled his/her reporting requirements if the City Treasurer advises the remaining elected officials who are not suspected of having engaged in such misuse. At any time, the City Treasurer may seek advice from the City Attorney in determining how to fulfill his/her reporting requirements under this section.

(Statutory Authority UCA 10-6-146)

2-6-107 Statements of Utility Service.

The City Treasurer shall mail or send electronically a written monthly statement to each user of ~~electrical service, water service, sewer service, garbage collection service, or other services of the City as provided in Title 4 of this Code and as provided in Title 12 of this Code.~~ City utilities.

2-6-108 ~~Other Duties.~~ Receipts for Payments.

~~The Treasurer shall perform such other duties as may be required by City Ordinance, by direction of the Mayor or City Council, or by state law.~~
The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and upon what account paid, and shall file the duplicate of such receipt, a summary report, or other evidence of payment in the office of the City Recorder.

(Statutory Authority UCA 10-6-142)

2-6-108 Other Duties.

The City Treasurer shall perform such other duties as may be required by City Ordinance, by direction of the Mayor or City Council, or by state law.

SECTION 3. Effective Date. This Ordinance shall become effective on the date of its first publication.

END OF ORDINANCE.

Passed by the City Council of Springville City, Utah this 06th day of November 2018.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder