



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

- May 27 - Memorial Day Observed (City Offices Closed)
- Jun 04 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Jun 01-08 - Art City Days Celebration
- Jun 11 - Work/Study Meeting 5:30 p.m.
- Jun 18 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

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

- a) Invocation - Councilmember Nelson
- b) Pledge of Allegiance - Councilmember Snelson
- c) Consent Agenda

3. Approval of the minutes for the May 07, 2019 work study and regular City Council meeting.

4. Approval of a 3-Year natural gas hedge for the Nebo Power Plant - Shawn Black, Power Generation Superintendent

3. **DISCUSSIONS/PRESENTATIONS**

- a) Discussion of Short Term Rentals - John Penrod, Assistant City Administrator/City Attorney
- b) Power Department Title 4 Code Update - Shawn Black, Power Generation Superintendent

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 05/17/2019

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





WORK STUDY DISCUSSION

DATE: May 15, 2019
TO: Honorable Mayor and City Council
FROM: Leon Fredrickson, Power Director
Cari Thomsen, Paralegal
SUBJECT: AMENDING ORDINANCE §4-1-101 THRU §4-1-117 PUBLIC PROPERTY AND UTILITIES: ELECTRICAL DEPARTMENT

RECOMMENDATION

To amend Springville City Code §4-1-101 THRU §4-1-117 (Power Department) to correct language and make other technical changes.

SUMMARY OF ISSUES/FOCUS OF ACTION

Power department and legal department employees have been meeting to review the City's power ordinance. The ordinance is due for an update after comparing it to State Code and ordinances of other cities. The issues addressed in the amended ordinance are as follows:

- A section was added indicating that billing corrections can only be made going back for a period of 36 months since records are not retained outside of that timeframe.
- A provision was added disallowing the resale of power at a rate higher than the power was purchased from the City.
- Separate metering will be required in most circumstances.
- If a building or home owner changes or does an addition to their building that makes it so the meter is no longer on an outside wall, it shall be corrected at the owner's expense.
- A provision was added to disallow socket jumpers that bypass meters.
- A section was added that requires users to install protective devices to prevent damage to their property due to frequency fluctuation.
- A section was added allowing the Power Department to make rules when necessary in conjunction with this ordinance.
- Wording was corrected to use the word "power" instead of "electrical" when possible for consistency and other minor technical changes were made.

Attachments: Proposed Amendments to Springville City Code §4-1

Electrical Power Department.

4-1-101 Creation of Department.

~~There is hereby created an Electrical Department, which shall consist of a Superintendent and such other employees as may be provided for by the City Council. A Department of Power for Springville City is hereby created.~~

4-1-102 Duties of ~~Superintendent~~ Director.

The ~~Superintendent of the Electrical Department~~ Power Department Director shall have charge of and be responsible for the operation and maintenance of the City's power generating plants and distribution systems ~~belonging to the City~~ and management of energy resources. Director or designee shall also be responsible for the inspection of power installations and repairs insofar as may be required by state law or ordinance of the City.

~~4-1-103 Control of Electrical System.~~ (REPEAL)

~~The generating plants in Hobble Creek Canyon and Spring Creek, which are operated by the City to supply the City with electrical power, and all lines and apparatus for the distribution of the same, are the property of the City and shall be under the sole and exclusive control and jurisdiction of the City. The Superintendent of the Electrical Department may, and at the direction of the City Council shall, from time to time direct the making of needed additions, improvements, alterations and repairs to said system. The City Council may from time to time make such rules and regulations as it deems necessary for the operation and control of the City electrical system. (1968 Code 4-6-1; amended in codification 1979; 1979 Code 4-1-3)~~

4-1-104 Application for Electrical Service.

~~Any person desiring electrical service from the City electrical system, when such service is available, shall apply therefor to the City Recorder and file an agreement with the City which shall be in substantially the following form: The undersigned hereby applies to the City of Springville for electrical services at (address) and agrees to be governed by the rules, regulations and ordinances applicable to the City electrical system. The undersigned further agrees to pay promptly, when due, the rate fixed by the City for the use of such electrical service, and, in the event of failure to pay for such service, agrees that the same may be discontinued by the City. Each person or entity desiring to purchase electricity from the Department shall make a service connection application to the City and shall furnish the necessary information, as determined by the Department, required to establish an account and shall ensure timely payment of utility bills.~~

4-1-105 Rates and Fees.

The City Council shall from time to time by resolution establish such rates and fees as it deems proper for the electrical services provided by the City. In establishing rates, the City Council may classify the type of services provided and uses made of the electricity and provide different rates for the classifications so made. In the event that utility services are found to have been incorrectly billed, restitution of payment to the customer, or to Springville City, shall only be made on the most recent thirty-six (36) month billing period. No claims shall be filed or suits shall be instituted for improper billing outside of this time limit.

(a) Resale of Power. The rates fixed by the City Council for the sale of electricity shall be the maximum rates for which electricity may be sold within the City. It shall be unlawful for any person to charge or otherwise resell electrical energy transmitted or distributed by the City of Springville at a rate in excess of that provided by the City Council for the applicable class of service.

~~4-1-106 Board of Equalization. (REPEAL)~~

~~The City Council is hereby constituted a Board of Equalization of electrical rates and fees, to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. The City Council, may, if it sees fit, rebate all or any part of the electrical bill of any indigent person. (1968 Code 4-6-4; 1979 Code 4-1-6)~~

4-1-107 [Repealed] (Repealed by Ord. No. 22-2017, 10/17/2017)

4-1-108 Unlawful to Reconnect Service.

It shall be unlawful for any person, after electrical service has been disconnected for non-payment of fees or for the violation of any established rules or regulations of the power system, to again use or connect to such system without authority to do so and first paying all service charges due for electrical power furnished through such connection. In the event that damage is caused during unlawful reconnection, the offender will be liable for damages to Springville City and to any other injured person.

4-1-109 Access to Premises.

Free access shall at all reasonable times be allowed to ~~the Superintendent of the Electrical Department or other authorized persons~~ authorized Power Department personnel to all places supplied with service from the power system, to examine the apparatus, the amount of electricity used, the manner of use of the service, and to perform such duties as they may have under this Chapter.

4-1-110 Permits for Electrical Work.

It shall be unlawful for any person to engage in the installation, ~~maintenance,~~ alteration, repair or construction of any electrical work, ~~wiring device, fixture, appliance, or equipment inside or outside of any building either by himself or his agents or employees, except work done on the property of the City or a public utility company,~~ without first securing such permit or permits as may be required by Title 10 of this Code. No connection shall be made or permitted to the City's power system until the electrical work has been inspected and approved by the ~~Electrical Department~~ Power Department or other authorized City inspector.

4-1-111 Connections.

~~The City Council shall from time to time by resolution, establish a fee for temporary or permanent connection to the City's power system. Upon payment of that fee-~~ Upon notification from the Finance Department that a customer has paid a connection fee, it shall be the responsibility of the ~~Electrical Department~~ Power Department to make connection to the City's power system but only on condition that all applicable ordinances, rules and regulations have been complied with, and any required extension of the City's power system may be made within the scope of such policies governing the same as the City Council may make from time to time.

4-1-112 Meters.

~~All~~ Each structure, dwelling unit, ~~and establishments~~ establishment, and commercial tenant space using electricity from the City's power system must have ~~such number of~~ a meter connected to their electrical

system ~~as are necessary in the judgment of the Superintendent of the Electrical Department~~ to adequately measure the electricity used and determine electrical charges. The Power Department shall cause to be installed and maintained one (1) meter for each class of service supplied. Each such service connection shall be billed independently of all others, and all meters shall be tested periodically by the Department and will be replaced if found defective. Meter readings shall be taken at regular intervals as determined by the ~~Superintendent of the Department City~~ and shall be submitted to the ~~City Auditor Finance Department~~ for the purpose of making the necessary billings for electrical service.

(1) Meters shall be located in an accessible area on an outside wall of the building served with electricity. If a meter is enclosed by changing the building, the meter shall be relocated outside the building at the building owner's expense. Existing inside meters shall be moved as a condition of the building permit and at the building owner's expense, to the outside of a building whenever major repair or rewiring is done.

4-1-113 Service Connection.

A separate and independent service connection shall be provided for every building, ~~except in cases of undue hardship where the City Council deems it necessary to make an exception, and~~ except that customary outbuildings used in connection with the main building shall not require separate service connections. All new electrical service shall be underground.

4-1-114 Unauthorized Use of Electricity.

It shall be unlawful for any user of electricity to permit any person from other premises, or any unauthorized persons to use or obtain electricity regularly from his premises or electrical fixtures, either outside or inside his building.

4-1-114.5 Diverting Current - Theft of Power.

All electricity consumed on customers' premises shall be metered through the Department's meters. No socket jumpers or other devices shall be allowed which cause current to bypass the meter. The consumer shall not in any way interfere with the proper operation of the Department's meter in an attempt to evade payment for any electricity consumed. It shall be unlawful to break a meter seal or remove a meter from its mounting device except by gaining permission in advance from the proper authority of the Power Department.

4-1-115 No Liability of City.

The City shall not be liable for damages for any interruption of service. Nothing in this Chapter shall be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical wires, fixtures, appliances, apparatus, construction or equipment, for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming any liability by reason of any inspection authorized herein. Notwithstanding any other provision of the Springville City Code, each customer receiving power from Springville City, and each person in privity of contract with a customer of Springville City for the purposes of receiving power from Springville City, shall install and use protective devices and equipment and take all other reasonable precautions which are designed according to accepted industry standards to avoid property damage or personal injuries resulting from the use, misuse or unavailability of power, or from excessive or low voltage, current or frequency fluctuations, noise or other failures or malfunctions in the supply of

power. The City shall not be liable for damages in association with providing or failing to provide service to users.

4-1-116 Interference with Power System.

~~Every person who shall~~ It is unlawful to willfully or maliciously cut down or break any of the poles used in the City power system, or to willfully or maliciously cut, break, or remove from its insulator, any wire in use in said system, or by the attachment of a ground wire or other contrivance willfully destroy the insulator of said system or any part thereof, or intercept the transmission of the electric current through the same, or in any other manner willfully injure, molest or destroy, any property or materials appertaining to said system, or willfully interfere with the use of said system, or obstruct or postpone the transmission of the electrical current through the wires of said system, or procure or advise any such injury, interference, or obstruction, to any line or wires of said system ~~shall be guilty of a misdemeanor.~~ In all other circumstances, a person who, by an act of negligence, causes damage to any part of the Springville power system, shall be liable in damages to Springville City and to any other person injured by said act of negligence.

4-1-116.5 Department Rules

(1) The Power Department is hereby authorized to adopt Department rules regulating the use of any electrical load wherein the use of electrical energy is intermittent or cyclic or causes or may cause voltage and/or frequency fluctuations, harmonic current, noise or any other cause of interference or disruption of electrical service in the Springville City power system. Said rules may reasonably limit such interference or reasonably restrict the use of electrical equipment causing such interference.

(2) The Power Department is hereby authorized to adopt Department rules not in conflict with any law or other City ordinance regulating the management of a power system clearance program throughout the City. Trees, shrubs, vines and other vegetation on private or public property over or underground that pose a risk to the installation, operation or maintenance of the power transmission and distribution facilities of Springville City may be trimmed or removed by Power Department personnel, or its agents, in accordance with said Power Department rules and regulations. Said rules may reasonably limit such interference with the City's power system or restrict the planting of trees where they can conflict with the system and cause interference or damage.

4-1-117 Penalty.

(1) Any electrical service user violating any of the rules, regulations or ordinances controlling the power system shall forfeit all payments made and the right to the use of said service, and service to the premises of such user shall be discontinued. (2) Any person who shall violate any of the provisions of this Chapter shall ~~in addition to the penalty provided by Subsection (1) above~~ be guilty of a Class B misdemeanor and, upon conviction thereof, the maximum fine shall be in accordance with the current State Uniform Fine Bail Schedule. ~~subject to punishment by a fine in an amount not to exceed \$299, or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.~~



CALL TO ORDER

**INVOCATION AND PLEDGE
APPROVAL OF THE MEETING'S AGENDA
MAYOR'S COMMENTS**

CEREMONIAL

1. Presentation by the Art City Days Rodeo Royalty
2. Presentation of the recent CERT graduates

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.

3. Approval of the minutes for the May 07, 2019 work study and regular City Council meeting.
4. Approval of a 3-Year natural gas hedge for the Nebo Power Plant - Shawn Black, Power Generation Superintendent

PUBLIC HEARING

5. Public Hearing for consideration of an Ordinance for a future Land Use Map element of the General Plan from Agricultural to Industrial Manufacturing and amend the Official Zone Map from A-1 Agriculture to L-IM Light Industrial Manufacturing on two parcels (26:055:0066 and 26:055:0084) located in the area of 2255 South 600 West - John Penrod, Assistant City Administrator/City Attorney

REGULAR AGENDA

6. Consideration of an Ordinance and amendment to Springville City Code Section 11-4-301 the Land Use Matrix allowing Light-Industry-Manufacturing Processes as a conditional use within the HC-Highway Commercial Zone - John Penrod, Assistant City Administrator/City Attorney
7. Consideration of an Ordinance and amendment to Springville City Code Section 11-4-404 Configuration Requirements, amending the minimum rear yard setback amount - John Penrod, Assistant City Administrator/City Attorney
8. Discussion on Utility Rate Increases for FY2020 budget - Troy Fitzgerald, City Administrator
9. Consideration of a Resolution approving the MWPP Annual Report - Juan Garrido, Water Reclamation and Storm Water Superintendent

10. Consideration of an Ordinance repealing Section 12-7-131 of the Springville City Code regarding solid waste disposal at the South Utah Valley Solid Waste District - Jason Riding, Public Works Superintendent
11. Consideration of a 10-Year base load resource purchase, Shawn Black, Power Generation Superintendent

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

12. *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 WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, MAY 07, 2019 AT 5:30 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 Michael Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Crane.

Also, present were: Public Safety Director Scott Finlayson, Operations Manager Rod Oldroyd, Building and Grounds Director Bradley Neel, Public Works Director Brad Stapley, Library Director Dan Mickelson, Community Development Director Glen Goins, Power Director Leon Fredrickson, Golf Pro Craig Norman and Museum of Art Director Rita Wright. Excused from the meeting Councilmember Brett Nelson

CALL TO ORDER

Mayor Child welcomed everyone and called the Work/Study meeting to order at 5:30 p.m.

COUNCIL BUSINESS

1) Calendar

- May 11 - Springville Museum of Art's Annual Art Ball 6:00 p.m.
- May 14 - Work/Study Meeting 5:30 p.m.
- May 18 - Bike with the Mayor 9:30 a.m.
- May 21 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- May 27 - Memorial Day Observed (City Offices Closed)

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

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

- a) Invocation - Councilmember Miller
- b) Pledge of Allegiance - Councilmember Nelson
- c) Consent Agenda
 4. Approval of the minutes for the April 09, 2019, Budget meeting, April 16, 2019 Work Study meeting, and April 16, 2019 Regular meeting.
 5. Approval of a Class A Beer License to Singhkaur, Inc. located at 171 North Main, Springville - Heather Bakker, Business Licensing Official
 6. Approval of an application for the 2019 Utah County Recreation Grant in the amount of \$16,620.77 - Corey Merideth, Recreation Director
 7. Approval of a Plat for the Springville Storage Condominiums, an office/warehouse development located at 2052 West 700 South in the HC-Highway Commercial Zone - Glen Goins, Community Development Director

- 42 8. Approval of the amended Interlocal Agreement regarding the Sharp/Tintic Railroad
Connection Project - Brad Stapley, Public Works Director
- 44 9. Approval of an Agricultural Lease Agreement between Springville City and Ashley
Mortensen for animal grazing on City property - Brad Stapley, Public Works Director

46
48 Mayor Child asked if there was any discussion on tonight's consent agenda. There were none.

DISCUSSIONS/PRESENTATIONS

50 a) **Public Safety Bike Compound Project - Troy Fitzgerald, City Administrator**

52 Chief Finlayson provided information to the Council regarding the current setup for the bicycle
compound and what they would like to see for a future bicycle compound. Currently lost or stolen
54 bicycles are held at the 400 South City compound. The area is not covered and is out in the weather
year round; also some bicycles have been stolen out of the compound. Having the bicycle compound
56 closer to the Police Department will allow officers to assist citizens without having to travel back and
forth.

58 Two different options were presented. The first option was described as a built covered area
next to the police covered parking in the west parking lot. The cost is approximately \$35,000 with a
gate, currently \$15,000 is budgeted for the project. Chief Finlayson stated they would like a permanent
60 structure to house the bicycles.

62 Fitzgerald explained when the building was designed the west parking was setup to eventually
be a secured police parking area.

64 The second option would be next to the park and playground area in an unused area covered in
bark and adjacent to the police employee entrance. It would require a covered area built with fencing.

66 Fitzgerald explained the approval process and funding requirements; he noted there have been
some concerns with the location and wanted council input.

68 Council was in consensus for the option 2 location, next to the park and playground.

70 b) **Referendum Map - Troy Fitzgerald, City Administrator**

72 Administrator Fitzgerald reported on a new law regarding referenda and how a person can
initiate a referendum in an effort to challenge a ruling by the City Council. Springville City is a city of a
74 third class and is required to take action by January 01, 2020. The law requires the city to be divided
into four contiguous and compact voter participation areas equal in population. The required signatures
would be from three of the four areas for a referendum.

76 Fitzgerald explained he was not in favor of the change and the Mayor was not in favor, only that
the issue should be discussed. The law also allows for council districts that are not at large. He asked if
78 the council was in favor to have some of the seats not at large, but coming from different areas of the
city. He explained larger cities have districts, where smaller cities do not. Council asked Fitzgerald to
put together a resolution and bring it back to the council for review.

82 c) **Expressive Activities - John Penrod, Assistant City Administrator/City Attorney**

84 Attorney Penrod reported on a new act regarding expressive activities that will go into effect this
month. He explained what was considered an expressive activity and types of public forums. Content
neutral and content based was discussed. An ordinance would be needed to limit expressive activities.

86 MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

88 Mayor Child asked for any other comments.

Fitzgerald gave information on employee incentive rewards and the policy process. He asked if
staff could make adjustments so it would not take as much time. Council was in consensus.

90 Councilmember Snelson reported he was asked about installation of a cross walk at 400 East
700 North. He asked about the status of a sign ordinance committee. Director Goins was preparing
92 information to bring to council.

94 Councilmember Miller said using golf carts during the parade was more preferred than riding in
a wagon. Mayor Child asked Golf Pro Norman how it would affect the golf course, with the Council
using the carts. He said there have been times when people have been waiting for carts.
96 Councilmember Snelson said he would talk to the Art City Days Committee about changing it to carts.

98 Councilmember Miller commented on semi-trucks lining the 1750 West corridor. He expressed
the road is being used more frequently and asked if it could be posted. Chief Finlayson said an area out
by Walmart and across the freeway was being used for parking and signs going North on Main Street
100 from Center Street are missing signage for parking. Director Stapley reported working with Flying J may
be an option for more semi parking.

102 Mayor Child has received comments on family passes for the CRC and ages of children.
Fitzgerald commented there was a written policy and staff could respond to the questions.

104 Penrod reported the Camp Jeramiah Johnson lease would need a six month's notice to cancel.
He would be sending a cancellation notice tomorrow, and can continue to negotiate. He reported the
106 County Attorney is no longer prosecuting Class A misdemeanors. He would like to send a letter to the
County Attorney about them taking all of the Class A's; the City is not required to take the cases and it
108 would be burdensome to the Justice Court.

110 Councilmember Snelson thanked the staff for all their work on hiring the new police chief. He
expressed it was top notch, and thorough.

112 **4) CLOSED SESSION**

114 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
116 property, as provided by Utah Code Annotated Section 52-4-205

118 There was none.

ADJOURNMENT

120 COUNCILMEMBER CREER MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE
SPRINGVILLE CITY COUNCIL AT 6:40 P.M

122 COUNCILMEMBER SNELSON SECONDED THE MOTION, ALL VOTED AYE.

124

126 *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday,
May 07, 2019.*

128 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of
Utah County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record
130 of this meeting held on Tuesday, May 07, 2019.*

132

134

Kim Crane, CMC
City Recorder

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, MAY 07, 2019, 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 Jason Miller,
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 Crane.

Also, present were: Public Safety Director Scott Finlayson, Public Works Director Brad Stapley,
Building and Grounds Director Bradley Neel, Power Department Director Leon Fredrickson, Library
Director Dan Mickelson, Community Development Director Glen Goins, Recreation Director Corey
Merideth and Museum of Art Director Rita Wright. Excused from the meeting Councilmember Brett
Nelson.

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER SNELSON MOVED TO APPROVE THE MEETING'S AGENDA AS
WRITTEN. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL PRESENT 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 of the Mayor's Awards - Shannon Acor, CTC Coordinator

Coordinator Acor and Councilmember Miller presented Ben Douglas with this month's Mayors
Award.

2. Presentation to CRC personnel and Emergency Responders.

Attorney Penrod recognized CRC employees, emergency personnel and citizens who helped a
patron with a medical condition on March 06, 2019 at the Clyde Recreation Center.

PUBLIC COMMENT

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

APPOINTMENT

46 **3. Appointment of the new Springville Police Chief/Public Safety Director**

48 Administrator Fitzgerald thanked Chief Finlayson for his years of service to Springville City and
wished him well on his upcoming retirement. He introduced Craig Martinez a Captain with the Orem
Public Safety as the new Public Safety Director/Chief of Police elect.

50
52 COUNCILMEMBER SNELSON MOVED TO APPROVE THE MAYORS APPOINTMENT OF
CRAIG MARTINEZ AS THE NEXT DIRECTOR OF PUBLIC SAFETY AND POLICE CHIEF FOR
SPRINGVILLE CITY TO BE EFFECTIVE ON JUNE 03, 2019.

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

56 **CONSENT AGENDA**

- 58 4. Approval of the minutes for the April 09, 2019, Budget meeting, April 16, 2019 Work Study meeting, and April 16, 2019 Regular meeting.
- 60 5. Approval of a Class A Beer License to Singhkaur, Inc located at 171 North Main, Springville - Heather Bakker, Business Licensing Official
- 62 6. Approval of an application for the 2019 Utah County Recreation Grant in the amount of \$16,620.77 - Corey Merideth, Recreation Director
- 64 7. Approval of a Plat for the Springville Storage Condominiums, an office/warehouse development located at 2052 West 700 South in the HC-Highway Commercial Zone - Glen Goins, Community Development Director
- 66 8. Approval of a Resolution and amended Interlocal Agreement regarding the Sharp/Tintic Railroad Connection Project - Brad Stapley, Public Works Director
- 68 9. Approval of an Agricultural Lease Agreement between Springville City and Ashley Mortensen for animal grazing on City property - Brad Stapley, Public Works Director

72 COUNCILMEMBER CREER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN
AND APPROVING **RESOLUTION #2019-18** THE SECOND INTERLOCAL AGREEMENT
74 REGARDING THE SHARP/TINTIC RAILROAD CONNECTION PROJECT.

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

78 COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
80 COUNCILMEMBER NELSON	ABSENT
COUNCILMEMBER SNELSON	AYE

82 **RESOLUTION #2019-18 APPROVED**

84 **REGULAR AGENDA**

86 **10. Consideration of a Resolution approving a Statewide Utility License Agreement with UDOT - Brad Stapley, Public Works Director**

88 Director Stapley reported Springville City currently has a Statewide Utility License Agreement with the Utah Department of Transportation, issued in February 2002. On April 10, 2019, the State of Utah Department of Transportation gave Springville City a written Notice of Termination and Replacement for the Statewide Utility License Agreement. The current license agreement terminates on
90 May 10, 2019. The execution of the attached Statewide Utility License Agreement Non-Interstate will

92 allow Springville City to continue with approved encroachments into State rights-of-way for utility
94 maintenance and new utility projects.

COUNCILMEMBER JENSEN MOVED TO APPROVE **RESOLUTION #2019-19** ENTERING
96 INTO A STATEWIDE UTILITY LICENSE AGREEMENT WITH THE UTAH DEPARTMENT OF
TRANSPORTATION.

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

100	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER JENSEN	AYE
102	COUNCILMEMBER MILLER	AYE
	COUNCILMEMBER NELSON	ABSENT
104	COUNCILMEMBER SNELSON	AYE

RESOLUTION #2019-19 APPROVED

106
11. Consideration of a **Resolution** regarding the tentative Fiscal Year 2019/2020 Springville City
108 **Budget, and a request to schedule a Public Hearing date and time for formal adoption of the
Final Budget - Bruce Riddle, Assistant City Administrator/Finance Director**

110 Director Riddle reported on the tentative fiscal year 2019/2020 budget. Revenues were up 5.3%
112 over FY 2019, and CRC revenue was up. Wage and benefits premiums and merit increases have been
funded.

114 Fitzgerald reported some very recent changes were made adding budget dollars for in-house
116 mental health benefit. Recently there has been an increase in mental health issues for part-time and
full-time employees and felt it was a critical need, as well as a nominal fee. A letter has been sent to
Utah County regarding the city's intent on a RAP tax, there has been no response as of this meeting,
while they do have 30 days to respond.

118
COUNCILMEMBER JENSEN MOVED TO APPROVE **RESOLUTION #2019-20** AND ADOPT
120 THE CITY OF SPRINGVILLE TENTATIVE BUDGET FOR FISCAL YEAR 2019-2020 AND SET A
PUBLIC HEARING FOR ADOPTION OF THE FINAL BUDGET ON JUNE 18, 2019, AT 7:00 P.M.

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

124	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER JENSEN	AYE
126	COUNCILMEMBER MILLER	AYE
	COUNCILMEMBER NELSON	ABSENT
128	COUNCILMEMBER SNELSON	AYE

RESOLUTION #2019-20 APPROVED

130
12. Consideration of approving an agreement for the Wood Hollow Subdivision - John Penrod,
132 **Assistant City Administrator/City Attorney**

134 Attorney Penrod reported the developer of the Wood Hollow Subdivision is in the process of
designing a five-lot subdivision at the approximate location of 1550 South on Highway 89. The
136 developer has requested the City to allow the subdivision to go forward without constructing sidewalk,
curb and gutter along Highway 89 because there currently is no sidewalk, curb or gutter on Highway 89
from Main Street to the location of the Wood Hollow Subdivision; UDOT has asked that no sidewalk be
138 installed as it could cause safety issues given the vehicle speeds on Highway 89. The proposed
agreement would allow the developer to postpone installing the infrastructure along Highway 89.

140 Council had questions about the access to the development. Councilmember Creer asked if
142 sidewalk was required in the future and the developer is gone how it would be covered. Penrod stated
the agreement runs with the property.

144 COUNCILMEMBER SNELSON MOVED TO APPROVE AN AGREEMENT BETWEEN
146 SPRINGVILLE CITY AND THE DEVELOPER OF THE WOOD HOLLOW SUBDIVISION THAT WOULD
ALLOW THE DEVELOPER TO POSTPONE INSTALLING IMPROVEMENTS ALONG HIGHWAY 89.
148 COUNCILMEMBER MILLER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

150 **13. Consideration of a Resolution to enter into a contract for the purchase of approximately eight
152 acres of land located on South Utah Valley Solid Waste District property in Springville, Utah -
Troy Fitzgerald, City Administrator**

154 Administrator Fitzgerald reported the South Utah Valley Solid Waste District (SUVSWD) has
recently determined to move their operations to Spanish Fork. Part of the strategy to make this move
156 cost effective is to liquidate the District's property in Springville, Utah. SUVSWD has indicated a
willingness to sell their property without actively marketing the property. He received a call from a
158 broker with the Solid Waste District; in addition, he was called by Spanish Fork Councilman requesting
a resolution. Prior to tonight's Council meeting the resolution was edited by the other party. Fitzgerald
provided the council with the edited resolution and a redlined copy showing the changes, he went on to
160 explain the resolution.

162 COUNCILMEMBER JENSEN MOVED TO APPROVE **RESOLUTION #2019-21** AUTHORIZING
THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT WITH SUVSWD IN
164 ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH THEREIN IN THE RESOLUTION
THIS EVENING.

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

168 COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
170 COUNCILMEMBER NELSON	ABSENT
COUNCILMEMBER SNELSON	AYE

172 **RESOLUTION #2019-21 APPROVED**

174 **MAYOR, COUNCIL REPORTS**

176 Mayor Child asked if there were any comments. There was none.

178 **14. CLOSED SESSION**

*The Springville City Council may temporarily recess the regular meeting and convene in a
180 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
182 property, as provided by Utah Code Annotated Section 52-4-205.*

184 COUNCILMEMBER MILLER MOVED TO ADJOURN THE REGULAR MEETING AT 8:11 P.M.
AND CONVENE IN A CLOSED SESSION REGARDING PERSONNEL.

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

COUNCILMEMBER CREER	AYE
---------------------	-----

188 COUNCILMEMBER JENSEN AYE
COUNCILMEMBER MILLER AYE
190 COUNCILMEMBER NELSON ABSENT
COUNCILMEMBER SNELSON AYE

192

Council returned to the regular session at 8:47 p.m.

194

ADJOURNMENT

196 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:47
P.M. COUNCILMEMBER SNELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

198

200

202 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, May 07, 2019.*
204 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County,*
206 *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, May 07, 2019.

208

Kim Crane, CMC
City Recorder

210



STAFF REPORT

DATE: May 21, 2019
TO: Honorable Mayor and City Council
FROM: Shawn Black, Power Generation Superintendent
SUBJECT: 3 YEAR SUMMER GAS HEDGE FOR NEBO POWERPLANT

RECOMMENDED MOTION

The Electric Department recommends a motion approving a hedge natural gas, supplying the Nebo Powerplant for September of 2023 and also for the summer months of 2024-2026 at a price within the band of \$2.65-\$2.80 per MMBtu.

SUMMARY OF ISSUES/FOCUS OF ACTION

Staff has pursued the goal of removing volatility out of future energy prices and maintaining a predictable budget. Springville City has previously hedged about 2/3rds of the natural gas needed to fulfill Springville's ownership allocation at the Nebo Powerplant during the summer months of 2019-2023. An identical allocation was extended through the years of 2024-2026. The recommended motion would solidify the price of power that the City pays for the remaining allocation available to use during the summers of 2024-2026.

BACKGROUND

In February of 2014 Springville City hedged natural gas for \$4.76 per MMBtu. This tranche represented about 1/3 of the fuel needed for Nebo summer allocations from 2016-2018, but did not supply fuel for the off-season needs in the same time period. Another transaction was modeled to later supply the majority needed for Nebo during the off-season months of 2019-2023. The same hedge fulfilled about 2/3rds of fuel needed to supply Nebo during the summers. UAMPS is currently entering into a prepay agreement that extends these identical monthly allocations through the end of 2026. We have been trying to complete the gas hedge previously approved on March 19, 2019 by the Council. The price has bounced on the \$2.75 level at three times since March, but has not gone below it. Staff feels that its better to complete this deal around the \$2.75 level than chance having the market get more expensive.

DISCUSSION

The Electric Department has been assessing the natural gas markets for the last year with the intentions of completing the hedge portfolio needed to assure power pricing at Nebo. In the fall of 2018 UAMPS started to explore a prepay agreement, with the intention to blend and extend all Nebo participants hedges for the years covering 2019-2026.

The structure was first proposed as an index priced deal. Springville's staff protested and then explored alternative ways to create protection from market driven pricing. Other members started to realize what they had voted for and the prepay is now changed into a fixed priced product structure. The prepay will be consummated in a few weeks.

The prepay will put the majority of our fuel for Nebo at approximately \$2.90 per MMBtu for the period of 2024-2026. The additional summer allotment for Nebo that we are currently recommending will be priced at about \$2.61 per MMBtu.

The financial liability for this transaction is \$271,440 per summer with the overall cost of \$858,690.

CITY COUNCIL AGENDA

Meeting Date - May 21, 2019

ALTERNATIVES

Waiting longer, hoping that we can lock the previous target of \$2.65. The City could also wait to supply the fuel needed to fulfill Springville's Nebo needs with market available fuel as the time arrives.

FISCAL IMPACT

Approving the motion to hedge the remaining fuel needed to supply the Nebo Powerplant during the summer months of 2024-2026 will lower the costs from previous years, remaining under budget.



STAFF REPORT

DATE: May 17, 2019

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF AMENDING THE FUTURE LAND USE MAP ELEMENT OF THE GENERAL PLAN FROM AGRICULTURAL TO INDUSTRIAL MANUFACTURING AND AMEND THE OFFICIAL ZONE MAP FROM A-1 AGRICULTURE TO L-IM LIGHT INDUSTRIAL MANUFACTURING ON TWO PARCELS LOCATED IN THE AREA OF 2255 SOUTH 600 WEST.

RECOMMENDATION

General Plan Land Use Map Amendment

Motion to approve Ordinance No. _____ to amend the Future Land Use Map element of the General Plan from Agricultural to Industrial Manufacturing on two parcels (26:055:0066 and 26:055:0084) totaling 9.82 acres in size located in the area of 2255 South 600 West.

Zone Map Amendment

Motion to approve Ordinance No. _____ to amend the Official Zone Map Map from A-1 Agriculture to L-IM Light Industrial Manufacturing on two parcels (26:055:0066 and 26:055:0084) totaling 9.82 acres in size located in the area of 2255 South 600 West.

SUMMARY OF ISSUES/FOCUS OF ACTION

Skip Dunn is seeking to amend the Future Land Use Map element of the General Plan from Agricultural to Industrial Manufacturing and amend the Official Zone Map from A-1 Agriculture to L-IM Light Industrial Manufacturing on two parcels (26:055:0066 and 26:055:0084) totaling 9.82 acres in size located in the area of 2255 South 600 West.

The intent is to allow for future uses in the L-IM zone to be developed, with appurtenant infrastructure.

Planning Commission is recommending the General and Zoning Map revisions. Four Commissioners were present in the meeting (Michael Clay, Michael Farrer, Genevieve Baker and Karen Ellingson) and voted 4-0 to recommend.

BACKGROUND

The subject property is located at 2255 South 600 West, is 9.82 acres in size, is in the agriculture zone, and is near a number of industrial uses (see the below maps). The property is accessed via a dirt road on the west side of State Highway 51, at approximately 2300 South. The dirt lane maintains a functional width of approximately 25 feet. The intent of this lane is to be dedicated and improved as a Commercial Local road, with eventual connections to 1600 South at 950 West and approximately 400 West. The subject property is surrounded by varying uses in the L-IM zone as well as mostly vacant land in the A-1 zone.

General Plan

The General Plan designates this property as Agricultural. Although this land use category recognizes the continuation of agricultural uses, no agricultural uses exist on the subject property or surrounding properties. The agricultural land use designation has largely become a “holding zone” for properties expected to transition to more urbanized uses, such as residential, office, commercial or industrial.

The Springville City General Plan, in its study of land uses, categorized agricultural uses as “vacant” land. This was done because “...the assumption is that the vast majority of this land will ultimately be developed with urban uses.”

Given the property’s adjacency to existing light industrial uses to the east, as well as a recent amendment to the Master Transportation Plan designating this area as having two future local commercial roads, as well as existing light industrial zoning immediately adjacent to the south, the General Plan Land Use Plan Map can be amended to the proposed category of Industrial Manufacturing and continue to maintain the intent of the plan without compromising future area land uses.

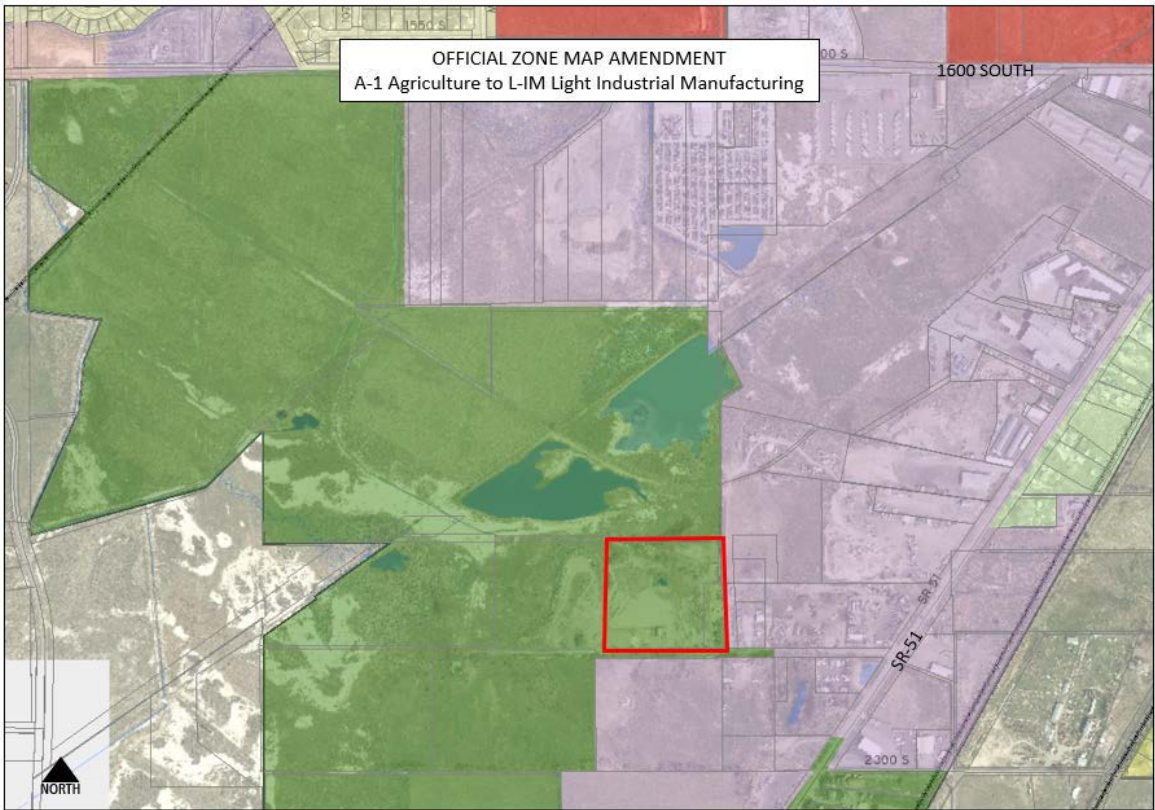
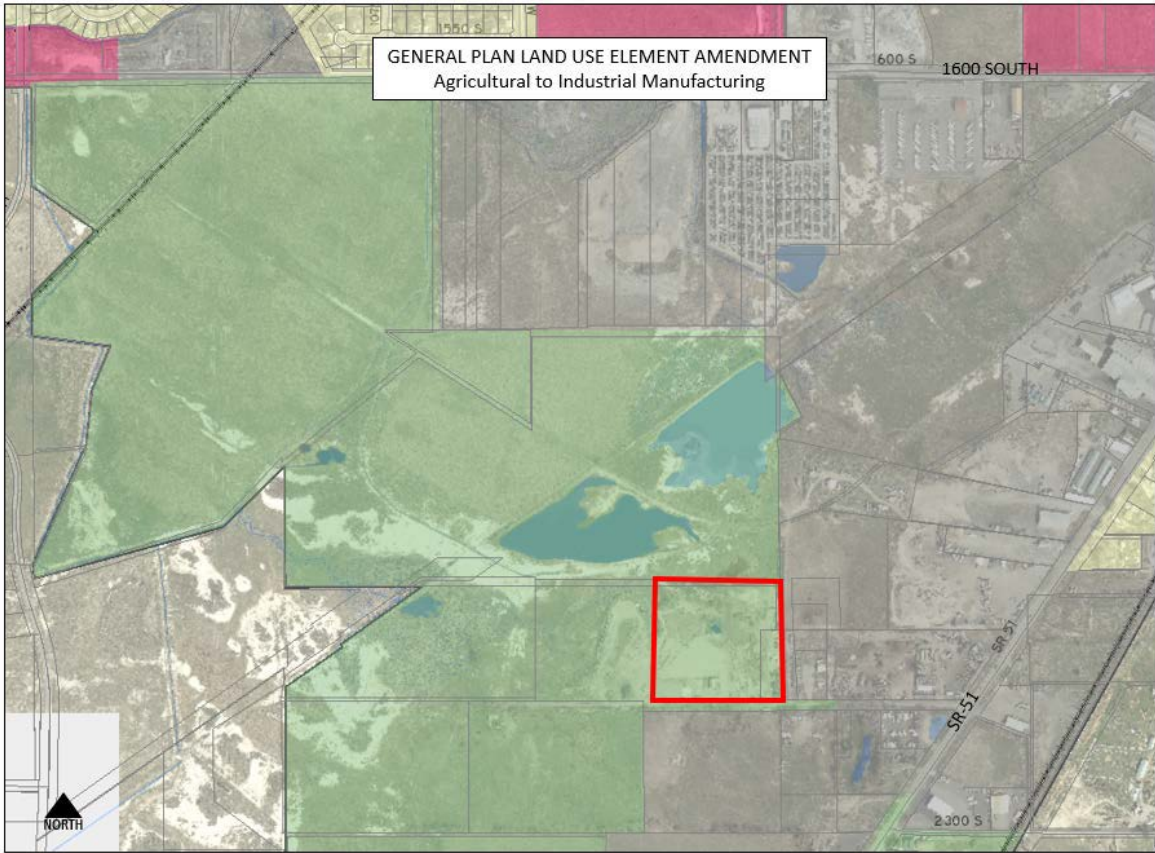
Zoning

The zoning of the surrounding properties are as follows:

North & West: A-1
South & East: L-IM

Planning Staff Recommendation

Staff recommends approval of the proposal based on the considerations listed above. The subject property is not likely to be developed with uses allowed in the current zone. The impact of the proposed zone will not significantly impact existing utilities or infrastructure, or the ability for those systems to be up-sized to accommodate any future development. The land use boundaries in place, such as the future adjacent roads, proximity and access to major roadways, and similar zoning immediately to the south, render the proposed land use category and zone compatible with the area.





STAFF REPORT

DATE: May 17, 2019
TO: Honorable Mayor and City Council
FROM: John Penrod, City Attorney
SUBJECT: CONSIDERATION OF AMENDING SPRINGVILLE CITY CODE SECTION 11-4-301, LAND USE MATRIX.

RECOMMENDATION

Motion to approve Ordinance No. _____ to amend Section 11-4-301, Land Use Matrix to include Light Industrial Manufacturing Processes and Storage - Outdoor.

SUMMARY OF ISSUES/FOCUS OF ACTION

Section 11-4-301 "Land Use Matrix" of the Springville City Code governs those land uses which may occur within the various zoning designations in the City. From time to time it becomes necessary to re-examine specific uses to ensure that the purposes of the General Plan are being fulfilled by the development of uses allowed. This amendment seeks to include Light Industrial Manufacturing Processes and Storage - Outdoor within the HC zone.

Planning Commission is recommending the proposed zoning ordinance amendment. Four Commissioners were present in the meeting (Carl Clyde, Michael Farrer, Brad Mertz and Karen Ellingson) and voted 4-0 to recommend.

BACKGROUND

Light Industrial Manufacturing Processes

Recently, the zoning ordinance was amended to remove Light Industry - Manufacturing Processes in the HC zone. After removing that use from the HC zone, staff has been called by several land owners in the zone who have built office-warehouse facilities and were planning on the use within their facilities. Light Industry Manufacturing Processes is defined as:

Light Industry – Manufacturing Processes – Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services are within an enclosed building. Uses in this classification involve manufacturing processes that do not emit detectable dust, fumes, glare, or noise beyond the boundary of the property.

The definition requires that all manufacturing has to be enclosed in a building and as part of the process no detectable dust, fumes, glare or noise may emit beyond the boundary of the property. Given the definition, staff felt comfortable recommending the use to be reinstated in the HC zone as a conditional use. The Planning Commission also recommends the use.

Storage - Outdoor

At the Planning Commission meeting, a property owner also asked that the use of "Storage - Outdoor" be added back into the HC zone. This use was recently removed as well. The Planning Commission recommended this use be added as well.

Even though the property owner would like to see the outdoor storage use added, staff is not recommending this use be added at this time because of the definition of outdoor storage and the notice did not include this as part of the item to be discussed by the Planning Commission.

The definition of outdoor storage is:

Storage – Outdoor – The keeping, in an unroofed area, of any goods, junk, inoperable vehicles, material or other merchandise.

One of the reasons why staff originally started the process to remove uses in the HC zone was to clean up the zone uses to be better compatible with retail uses and uses more commonly associated with Highway Commercial uses. Allowing the storage of junk and inoperable vehicles does not appear to meet the desired uses in the zone.

Staff recommends that the Council continue its consideration of including the "Storage - Outdoor" use in the HC zone and allow staff to revisit the definition, properly post the notice and allow the Planning Commission to reconsider it.



STAFF REPORT

DATE: May 17, 2019
TO: Honorable Mayor and City Council
FROM: John Penrod, City Attorney
SUBJECT: CONSIDERATION OF AMENDING SECTION 11-4-404 CONFIGURATION REQUIREMENTS, OF SPRINGVILLE CITY CODE, AMENDING THE MINIMUM REAR YARD SETBACK AMOUNT.

RECOMMENDATION

Motion to approve Ordinance No. _____ to amend Section 11-4-404 "Configuration Requirements," of the Springville City Code, amending the minimum rear yard setback amount from 30 feet to 25 feet in the R1-10, R1-8, R1-5 and R2 zones.

SUMMARY OF ISSUES/FOCUS OF ACTION

David Simpson is seeking to amend Section 11-4-404 "Configuration Requirements," of the zoning ordinance that would change the minimum rear yard setback amount from 30 feet to 25 feet in the R1-10, R1-8, R1-5 and R2 zones.

- Does the proposed request meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to this Title?
- Does it maintain the intent of the General Plan?

Planning Commission is recommending the proposed zoning ordinance amendment. Four Commissioners were present in the meeting (Carl Clyde, Michael Farrer, Brad Mertz and Karen Ellingson) and voted 4-0 to recommend.

BACKGROUND

Currently, the zoning ordinance requires a 30-foot rear yard setback for all residential zones. Developers have, for some time, raised the issue of reducing the rear setbacks in Springville. The basis for that consideration mostly had to do with what other cities required for setbacks. Most cities in the area have a rear yard setback of 25 feet or less. Here's a list of rear yard setbacks in the R1-10 zone for surrounding cities:

Santaquin	25 feet
Payson	25 feet
Salem	15 feet
Spanish Fork	25 feet
Provo	10 feet
Orem	25 feet

The applicant is requesting a reduction to the rear setbacks in the R1-10, R1-8, R1-5 and R2 zones. The remaining residential zones, R1-15, A-1, RMF-1 and RMF-2, would not be affected and would maintain the 30-foot rear yard requirement. The stated reason for the request is to

accommodate a larger and/or more flexible building footprint on the lot. The applicant's narrative (see attached) explains the applicant's reasoning of how the additional 5 feet added to the building area opens a larger set of building options to foster "final" home choices and reduce residential transiency by encouraging owners to remain and expand housing needs in their existing neighborhoods by offering larger housing choices. The application points out that lot widths, lot size minimums and side and front setbacks all remain the same. Density is also unaffected by the request.

An example of a subdivision with 25-foot minimum rear yard setbacks is the Klauck Subdivision located in the north east part of the City. In the early 2000s, the minimum rear yard setback was amended from 25 feet to 30 feet.

General Plan

The general plan addresses housing types for certain areas, but makes no specific recommendation for yards. The request is considered to be consistent with the goals and policies of the General Plan.

Zoning

The zoning code does not address specifically the issue of yard sizes. That is, and has been, a decision of the City in establishing an identity and a subsidy to homeowners to have private open space. The proposed change will however, affect the collective effect of larger back yards. The proposed change will effectively transfer between 300 and 400 square feet of area, depending on the lot width from the rear yard area to the building area.

Planning Commission Discussion

The commissioners present in the meeting discussed the issue of many people wanting more house and less yards and providing greater flexibility in building footprint is a good thing. However, Commissioner Ellingson made it clear that she was not opposed to the recommendation as long as the rear yard setback does not continue to shrink with further amendments. The 25 feet is okay, but that is the limit of reduction.

Planning Staff Recommendation

Staff recommended denial of the Dave Simpson's request to reduce the minimum rear yard setback amount from 30 feet to 25 feet in the R1-10, R1-8, R1-5 and R2 zones.

The established identity of the City is in large part defined by the amount of private open space established on all residential lots as a means of preserving quality of life for homeowners as housing sizes increased over time. Staff finds no compelling reason for amending the code in this instance, and that homes are and can continue to be built on residential lots of all sizes under the current code.

Dave Simpson's Reasons for Amendment

Dave Simpson requests the city of Springville amend their community development code specifically Sec 11-4-404. The section related to rear yard setbacks in residential areas.

The increases county wide in population, , including the City of Springville, is making it important for cities, developers and home builders alike to re-evaluate best and efficient uses of available residential property. We face several factors locally: a shortage of developable land and the increased costs of infrastructure, building materials, and entitlement costs that have raised the cost of developed lots from \$40,000 to \$50,000 15 years ago, to an average of \$125,000 today for an 8000 square foot lot. These factors have raised the cost of an entry level "single family home" to the mid \$300,000's.

Home affordability, in Springville, is important to maintain a vibrant community. Home prices need to be available in all ranges to accommodate a wide diversity of ages and family sizes. Other factors are also important in this request; increased need to limit outside water use, use of modern home plans, and costs of lot maintenance.

Enclosed in this application is information provided by the sister cities of Springville located within Utah County. In the past ten years almost all cities in the area have adjusted their rear yard setbacks from 30 feet to an average of 25 feet and in some cases as low as 15 feet.

The proposal would allow for more efficient use of the properties affected, allow for greater flexibility in locating the home, and better range of options in home design.



STAFF REPORT

DATE: May 13, 2019
TO: Mayor and City Council
FROM: Juan Garrido, Storm Water/Waste Water Superintendent
SUBJECT: 2018 MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT

RECOMMENDED MOTION

Move to adopt resolution _____, which approves Springville City's Municipal Wastewater Planning Report for 2018.

GOALS, OBJECTIVES AND STRATEGIES AT ISSUE

The Springville City General Plan Section 7 Community Services and Facilities describe the following goal. *"To provide functionally effective community facilities and services to support a safe, healthy, and vibrant community life."*

OBJECTIVE 7

"Provide a wastewater collection and treatment system that protects the health and safety of the City, is economical, and is designed to meet the needs of Springville City now and in the future."

STRATEGY

7B *"Adopt and carry out a system maintenance program (e.g., viewing the lines to identify problems, cleaning out lines to ensure capacity is maintained and the chance for back-up reduced)."*

7C *"Continue working to ensure compliance with State and Federal laws."*

SUMMARY OF ISSUES/FOCUS OF ACTION

This resolution verifies that the City's wastewater collections system is being inspected, cleaned and repaired; and the wastewater reclamation facility is in compliance with federal and state permit requirements.

BACKGROUND

The Utah Department of Environmental Quality Division of Water Quality requires POTW's (Public Owned Treatment Works) to fill out the Municipal Wastewater Planning Program survey to assist owner of municipal sewerage systems and wastewater treatment works in evaluating and summarizing the technical, operational, and financial conditions of and requirements for these facilities.

At the end of each year, the Division of Water Quality distributes the MWPP survey to over 200 municipalities and districts. These utilities compile the necessary financial, operations, performance, and compliance information requested and report their completed surveys to their governing council or board and the Division.

The Division uses the results from the MWPP in its permitting and assistance programs, including:

- Utah Sewer Management Program Annual Report
- Utah Wastewater Operator Certification Program
- Wastewater Financial Assistance Program

Participation in the MWPP survey is mandatory for all Utilities that own or operate a sanitary sewerage system.

DISCUSSION

The purpose of the MWPP is to help communities understand these business operations better and to help identify and resolve potential problem areas before they become serious and costly.

The report (Exhibit A) is a self-assessment report developed by the Department of Environmental Quality. It includes, but is not limited to the following sections and subsections:

- **Financial Evaluation**
 - I. Operation and Maintenance
 - II. Capital Improvements
 - III. General Questions
 - IV. Fiscal Sustainability Review
 - V. Project Needs

- **Collection system**
 - I. System Age
 - II. Discharges
 - III. New Development
 - IV. Operator Certification
 - V. Facility Maintenance
 - VI. SSMP Evaluation

- VII. Narrative Evaluation
- **Mechanical Plant (Wastewater Treatment Plant)**
 - I. Influent Information
 - II. Effluent Information
 - III. Facility Age
 - IV. Discharges
 - V. Bio-Solids Handling
 - VI. New Development
 - VII. Operator Certification
 - VIII. Facility Maintenance

BUDGET/FISCAL IMPACT

No expenditures, however the possibility of grant and loan assistance is increased by participating in this program.

EXHIBIT A

Municipal Wastewater Planning Program (MWPP)
Annual Report
for the year ending 2018
SPRINGVILLE CITY

Thank you for filling out the requested information. Please let DWQ know when it is approved by the Council.

Below is a summary of your responses

[Download PDF](#)

SUBMIT BY MAY 31, 2019

Are you the person responsible for completing this report for your organization?

Yes

No

This is the current information recorded for your facility:

Facility Name:	SPRINGVILLE CITY
Contact - First Name:	Juan
Contact - Last Name:	Garrido
Contact - Title	Sewer/Stormwater Supt.
Contact - Phone:	801-489-2745
Contact - Email:	jgarrido@springville.org

Is this information above complete and correct?

Yes

No

Your wastewater system is described as Collection, Mechanical Treatment & Financial:

Classification: COLLECTION

Grade: III

(if applicable)

Classification: TREATMENT

Grade: III

Is this correct?

WARNING: If you select 'no', you will no longer have access to this form upon clicking Save & Continue. DWQ will update the information and contact you again.

Yes

No

Click on a link below to view examples of sections in the survey:
(Your wastewater system is described as Collection, Mechanical Treatment & Financial)

[MWPP Collection System.pdf](#)

[MWPP Discharging Lagoon.pdf](#)

[MWPP Financial Evaluation.pdf](#)

[MWPP Mechanical Plant.pdf](#)

[MWPP Non-Discharging Lagoon.pdf](#)

Will multiple people be required to fill out this form?

Yes

No

Financial Evaluation Section

Form completed by:

Juan Garrido

What was the User Charge¹⁶ for 2018?

28.65

Part 1: OPERATION AND MAINTENANCE

	Yes	No
Are property taxes or other assessments applied to the sewer systems ¹⁵ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are sewer revenues ¹⁴ sufficient to cover operations & maintenance costs ⁹ , and repair & replacement costs ¹² (OM&R) at this time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are projected sewer revenues sufficient to cover OM&R costs for the next five years ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the sewer system have sufficient staff to provide proper OM&R?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has a repair and replacement sinking fund ¹³ been established for the sewer system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the repair & replacement sinking fund sufficient to meet anticipated needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part II: CAPITAL IMPROVEMENTS

Yes

No

Are sewer revenues sufficient to cover all costs of current capital improvements³ projects?

Has a Capital Improvements Reserve Fund⁴ been established to provide for anticipated capital improvement projects?

Are projected Capital Improvements Reserve Funds sufficient for the *next five years*?

Are projected Capital Improvements Reserve Funds sufficient for the *next ten years*?

Are projected Capital Improvements Reserve Funds sufficient for the *next twenty years*?

Part III: GENERAL QUESTIONS

Yes

No

Are sewer revenues maintained in a dedicated purpose enterprise/district account?

Are you collecting 95% or more of your anticipated sewer revenue?

Are Debt Service Reserve Fund⁶ requirements being met?

Part IV: FISCAL SUSTAINABILITY REVIEW

Yes

No

Have you completed a Rate Study¹¹ within the last five years?

Do you charge Impact fees⁸?

Have you completed an Impact Fee Study in accordance with UCA 11-36a-3 within the last five years?

Do you maintain a Plan of Operations¹⁰?

Have you updated your Capital Facility Plan² within the last five years?

Do you use an Asset Management¹ system for your sewer systems?

Do you know the total replacement cost of your sewer system capital assets?

Do you fund sewer system capital improvements annually with sewer revenues at 2% or more of the total replacement cost?

Part IV: PROJECTED NEEDS

Cost of projected capital improvements

Please enter a valid numerical value.

2019	1,198,500
2020	1,674,500
2021	1,590,000
2022	1,670,000
2023	1,721,000
2024	1,770,000

This is the end of the Financial questions

To the best of my knowledge, the Financial section is completed and accurate.

Yes

Collection System Section

Form completed by:

May Receive Continuing Education /units (CEUs)

Juan Garrido

Part I: SYSTEM AGE

What year was your collection system first constructed (approximately)?

1935

What year was the the oldest part of your collection system constructed, replaced, or renewed?

2016

PART II: DISCHARGES

How many days last year was there a sewage bypass, overflow or basement flooding in the system due to rain or snowmelt?

0

How many days last year was there a sewage bypass, overflow or basement flooding due to equipment failure (except plugged laterals)?

1

The Utah Sewer Management Program defines two classes of sanitary sewer overflows (SSOs):

Class 1- a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

- (a) affects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the state.

Class 2 - a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Below include the number of SSOs that occurred in year: 2018

Number

Number of Class 1 SSOs in Calendar year

0

Number of Class 2 SSOs in Calendar year

0

Please indicate what caused the SSO(s) in the previous question.

N/A

Please specify whether the SSOs were caused by contract or tributary community, etc.

N/A

Part III: NEW DEVELOPMENT

Did an industry or other development enter the community or expand production in the past two years, such that flow or wastewater loadings to the sewerage system increased by 10% or more?

Yes

No

Are new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years that will increase flow or BOD5 loadings to the sewerage system by 25% or more?

Yes

No

Number of new commercial/industrial connections in the last year

6

Number of new residential sewer connections added in the last year

188

Equivalent residential connections⁷ served

10,787

Part IV: OPERATOR CERTIFICATION

How many collection system operators do you employ?

6

Approximate population served

34,000

State of Utah Administrative Rules requires all public system operators considered to be in Direct-Responsible-Charge (DRC) to be appropriately certified at lease at the Facility's Grade.

List the designated Chief Operator/DRC for the Collection System below:

	Name First and Last Name	Grade	Email Please enter full email address
Chief Operator/DRC	Alan H Robinson	III	alrobinson@springville.org

List all other Collection System operators with DRC responsibilities in the field, by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Collection Grade I:	
Collection Grade II:	
Collection Grade III:	
Collection Grade IV:	Juan Garrido

List all other Collection System operators by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Collection Grade I:	Tyler Pritchett, Brad Jacobson
Collection Grade II:	
Collection Grade III:	
Collection Grade IV:	Todd Whiting

Is/are your collection DRC operator(s) currently certified at the appropriate grade for this facility?

Yes

No

Part V: FACILITY MAINTENANCE

Yes

No

Have you implemented a preventative maintenance program for your collection system?

Have you updated the collection system operations and maintenance manual within the past 5 years?

Do you have a written emergency response plan for sewer systems?

Do you have a written safety plan for sewer systems?

Part VI: SSMP EVALUATION

Yes

No

Has your system completed a Sewer System Management Plan (SSMP)?

Has the SSMP been adopted by the permittee's governing body at a public meeting?

Has the completed SSMP been public noticed?

During the annual assessment of the SSMP, were any adjustments needed based on the performance of the plan?

During 2018, was any part of the SSMP audited as part of the five year audit?

Yes

No

Have you completed a System Evaluation and Capacity Assurance Plan (SECAP) as defined by the Utah Sewer Management Program?

Yes

No

Part VII: NARRATIVE EVALUATION

This section should be completed with the system operators.

Describe the physical condition of the sewerage system: (lift stations, etc. included)

Lift Stations- good condition, constantly maintaining, cleaning and upgrading equipment. Collection System- Good condition, identified problem areas receive constant cleaning and inspections, permanent repairs get completed as budgeted projects get approved.

What sewerage system capital improvements³ does the utility need to implement in the next 10 years?

Lift Stations- new lift station to be built in late 2019, looking at expanding wet well in one location. Collections- doing trench less rehabilitation for the next 5 years WRF- doing plant condition assessment and exploring regional plant option, meet nutrient removal by 2021

What sewerage system problems, other than plugging, have you had over the last year?

None

Is your utility currently preparing or updating its capital facility plan²?

Yes

No

Does the municipality/district pay for the continuing education expenses of operators?

100% Covered

Partially cover

Does not pay

Is there a written policy regarding continuing education and training for wastewater operators?

Yes

No

Any additional comments?

No

This is the end of the Collection System questions

To the best of my knowledge, the Collection System section is completed and accurate.

Yes

Mechanical Plant Section

Form completed by:

May Receive Continuing Education /units (CEUs)

Juan Garrido

Part I: INFLUENT INFORMATION

Please provide the average influent flow rate and average influent BOD₅ and TSS loading rates listed below for your facility.

	Average Daily Flow (MGD)	Average Daily BOD ₅ Load (lb/day)	Average Daily TSS Load (lb/day)
Design Basis or Rated Capacity	6.79	20,140	10,293
2018 Average	3.60	11,425	5,364

Part II: EFFLUENT INFORMATION

How many Notices of Violation (NOVs) did you receive for this facility in the review year?

0

Part III: FACILITY AGE

In what year were the following process units constructed, upgraded or renewed?

Note: If a unit process does not apply to your system enter the Evaluation Year under Construction or Upgrade Year.

	Evaluation Year	Construction or Upgrade Year	Age
Headworks	2018	1999	19
Primary Treatment	2018	1997	21
Secondary Treatment	2018	2009	9
Tertiary Treatment	2018	1985	21
Solids Handling	2018	2009	9
Disinfection	2018	2019	0

PART IV: DISCHARGES

How many days in the past year was there a bypass or overflow of wastewater at the facility due to high flows?

How many days in the last year was there a bypass or overflow of wastewater at the facility due to equipment failure?

PART V: BIOSOLIDS HANDLING

Biosolids Disposal (check all that apply)

Yes

No

Landfill

Land Application

Give Away/Other Distribution

Part VI: NEW DEVELOPMENT

Number of new commercial/industrial connections in the last year

6

Number of new residential sewer connections added in the last year

188

Equivalent residential connections⁷ served

10787

Part VII: OPERATOR CERTIFICATION

How many treatment system operators do you employ?

5

State of Utah Administrative Rules requires all public system operators considered to be in Direct-Responsible-Charge (DRC) to be appropriately certified at least at the Facility's Grade.

List the designated Chief Operator/DRC for the Wastewater Treatment System below:

	Name First and Last Name	Grade	Email Please enter full email address
Chief Operator/DRC	Gene Smith	V	

List all other Wastewater Treatment System operators with DRC responsibilities in the field, by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Treatment Grade I:	
Treatment Grade II:	
Treatment Grade III:	
Treatment Grade IV:	Juan Garrido

List all other Wastewater Treatment System operators by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Treatment Grade I:	Steve Bjarnson, Warren Gavin
Treatment Grade II:	Thad Monsen
Treatment Grade III:	
Treatment Grade IV:	

Is/are your DRC operator(s) currently certified at the appropriate grade for this facility?

- Yes
- No

Part VIII: FACILITY MAINTENANCE

Yes

No

Have you implemented a written preventative maintenance program for your treatment system?

Have you updated the treatment system operations and maintenance manual within the past 5 years?

Identify the types of treatment equipment and processes installed at your facility.

	Yes	No
Screens	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grit Removal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Primary Clarifiers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Imhoff Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fixed Film Reactor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activated Sludge	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aerobic Suspend Growth Variations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anaerobic Suspended Growth variations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Physical-chemical systems for organic removal w/o secondary treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Physical-chemical systems for organic removal following secondary treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Membrane Filtration	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suspended-growth Nitrification and Denitrification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Stripping	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phosphorus Removal - Chemical	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phosphorus Removal - Biological	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ion Exchange	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reverse Osmosis	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Media Filtration	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dissolved Air Flotation	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Micro Screens

Chlorine Disinfection

UV Disinfection

This is the end of the Mechanical Plant questions

To the best of my knowledge, the Mechanical Plant section is completed and accurate.

Yes

I have reviewed this report and to the best of my knowledge the information provided in this report is correct.

× Juan Sanchez clear

Has this been adopted by the council? If no, what date will it be presented to the council?

Yes

No

What date will it be presented to the council?

Date format ex. mm/dd/yyyy

05/21/2019

Please log in.

Email

jgarrido@springville.org

PIN

....



NOTE: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of that assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance, please send an email to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our [Frequently Asked Questions](#) page.

RESOLUTION #2019-xx

A RESOLUTION BY THE CITY COUNCIL OF SPRINGVILLE CITY, UTAH, TO INFORM THE STATE OF UTAH WATER QUALITY BOARD OF ACTIONS TAKEN CONCERNING THE MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR 2018

WHEREAS, the Municipal Wastewater Planning Program is a program established by the State of Utah Department of Environmental Quality to assist cities in evaluating their wastewater and treatment facilities, their financial planning for current and future needs, and to assess their preparedness for future development potential; and

WHEREAS, the purpose of the Municipal Wastewater Planning Annual Report is to allow Springville City to identify and solve potential problems in the Wastewater Collections System and the Wastewater Treatment Plant before they become serious and costly; and

WHEREAS, there are benefits for Springville City that may be accrued by completion of the Self-Assessment Report, to wit: Springville City will receive additional points on the Utah Wastewater Project Priority List/System, which is used to allocate funds under the waster grant and loan programs; the results of the report are used to focus the State's operational continuing education units (CEU's) for completing the report.

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

1. The City Council acknowledges to the State of Utah Water Quality Board that they have reviewed the attached Municipal Wastewater Planning Program Report for 2018, and
2. The City Council has implemented all appropriate actions necessary to maintain the effluent requirements contained in the Utah Pollutant Discharge Elimination System (UPDES) Permit.

Passed this 21st day of May, 2019

Richard J. Child, Mayor

Attest:

Kim Crane, City Recorder



STAFF REPORT

DATE: Wednesday, May 15, 2019

TO: The Honorable Mayor and City Council

FROM: Jason Riding, Streets Department Superintendent
Cari Thomsen, Paralegal

**SUBJECT: REPEAL OF CITY ORDINANCE SECTION 12-7-131
Disposal at South Utah Valley Solid Waste District**

RECOMMENDATION

To repeal Springville City Code Section 12-7-131 (Disposal at South Utah Valley Solid Waste District) due to Utah Code Section 19-6-507 Flow Control for Solid Waste Prohibited.

SUMMARY OF ISSUES/FOCUS OF ACTION:

The City established Section 12-7-131 in order to direct the disposal location of commercial solid waste in our jurisdiction. The legislature passed and then amended the Solid Waste Management Act disallowing flow control for solid waste so long as the waste is not municipal and so long as more than one landfill exists within 125 miles. Many landfills exist within 125 miles of Springville. Therefore, in order to be in line with state law, the above listed section needs repealed.

Attachments: City Ordinance Section 12-7-131 (Repealed)
Utah Code: Solid Waste Management Act Section 19-6-507

ORDINANCE #xx-2019

AN ORDINANCE REPEALING DISPOSAL AT THE SOUTH UTAH VALLEY DISPOSAL DISTRICT, SECTION 12-7-131 OF THE SPRINGVILLE CITY CODE.

WHEREAS, the City has an existing ordinance directing the flow of commercial solid waste removed from the City; and

WHEREAS, the State Code now disallows flow control for solid waste when more than one landfill exists in the area; and

WHEREAS, the City Council desires to remove this section of the ordinance to be in unison with State Code, and

WHEREAS, the City Council has determined that repealing this section from the ordinance is in the best interest of the citizens of Springville and an appropriate exercise of the City Council's legislative power.

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

SECTION 1: Section 12-7-131 of Springville City Code is hereby repealed as follows:

~~12-7-131 Disposal at South Utah Valley Solid Waste District.~~

~~All solid waste/recycling generated within the boundaries of Springville City shall be disposed of at facilities owned and controlled by South Utah Valley Solid Waste District, subject to three (3) exceptions:~~

~~(1) Material which will not be accepted by South Utah Valley Solid Waste District shall be disposed of at another site approved by the Superintendent or by the Utah Division of Solid and Hazardous Waste.~~

~~(2) Tree trimmings, grass clippings, yard waste and similar matter may be disposed of at an alternate site approved by the Superintendent.~~

~~(3) Recyclable materials picked up by the City or City approved solid waste contractor may be disposed of at another site approved by the Superintendent or by the Utah Division of Solid and Hazardous Waste.~~

~~(Adopted by Ordinance No. 15-94, amended by Ord No 6-06; Ord. No. 10-2014, 04/15/2014)~~

SECTION 2: This ordinance will become effective one day after publication hereof in the manner required by law.

SECTION 3: The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this 21st day of May, 2019.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder

UTAH STATE CODE

19-6-507 Flow control for solid waste prohibited -- Exceptions.

(1) Except as provided in Subsection (2), a public entity may not require solid waste discarded or rejected within the public entity's jurisdiction to be stored, recovered, or disposed of at a solid waste management facility owned or operated by a public entity.

(2) A public entity may require solid waste discarded or rejected within the public entity's jurisdiction to be stored, recovered, or disposed of at a solid waste management facility owned or operated by a public entity if:

- (a) the solid waste is municipal residential waste;
- (b) no more than one landfill that may take the solid waste exists within:
 - (i) the public entity's jurisdiction; and
 - (ii) 125 miles outside the public entity's jurisdiction, as measured from the landfill's primary entrance by following the shortest route of ordinary travel by motor vehicle; or
- (c) the solid waste management facility owned or operated by the public entity receives less than 75 tons of solid waste per day.

(3) A requirement described in Subsection (1) that is:

- (a) in effect on January 1, 2008 is void as of January 1, 2013; and
- (b) adopted on or after January 2, 2008 and in effect on May 4, 2008 is void as of May 5, 2008.

(4) A person engaged in solid waste management that is aggrieved by a violation of this section may seek judicial review of the violation in a court of competent jurisdiction.

Enacted by Chapter 89, 2008 General Session



STAFF REPORT

DATE: May 21, 2019
TO: Honorable Mayor and City Council
FROM: Shawn Black, Power Generation Superintendent
SUBJECT: 10 YEAR BASELOAD RESOURCE PURCHASE

RECOMMENDED MOTION

The Electric Department recommends a motion approving the purchase of a 3MW baseload contract, supplying the City with electricity from June 2019-June 2029 at a price between \$38-\$42 per MWh.

SUMMARY OF ISSUES/FOCUS OF ACTION

The current market price of gas and power creates a favorable environment for entering into low cost contracts. The dissolution of the City's obligation to Blue Mountain allows the City to enter into a new agreement, which will solidify lower costs for the next ten years.

BACKGROUND

The City entered into a 12-year contract to purchase electricity produced at the Blue Mountain Biogas Powerplant from 2012-2024. This contract was written with a provision that the City would only pay for electricity received. There was also a clause written that protected the City's upside risk. Blue Mountain has underproduced engineered projections. Underproduction has led to a shortfall in revenue for Blue Mountain. Last year Blue Mountain entered into receivership and the plant was sold to Phibro. Over the last 6 months, Phibro has forfeited the rights to the Collateral Assignment Agreement which came with the purchase of Blue Mountains assets. This forfeiture frees the City to enter into a more favorable contract.

DISCUSSION

In 2012 Blue Mountain Biogas entered into a contract to supply Springville City with 3MW of baseload electricity.

Colder weather, pig mortality, and equipment failures plagued the operation. From the years 2012-2018 Blue Mountain produced between 35-50% of the electricity promised to Springville City when the plant was in production. Frequently the plant was down and they could not produce. The contract contained the provision that the City would only pay for actual power received. Our price was fixed, while our amount received was fluid. Another provision in the contract, enabled the City to charge Blue Mountain for the positive difference between the market price and agreed upon price in the contract. This provision was very helpful during HLH in the summer months.

Because of the contract structure, failures to deliver power by Blue Mountain were actually beneficial to Springville. Staff was able to fill the shortfalls from Blue Mountain with market power. As natural gas and power prices softened from 2010-2011 until as of late, Springville benefited.

Staff believes that replacing the 3MW baseload contract supplied by Blue Mountain with a new contract would be beneficial to the City. The Blue Mountain contract had Springville pay \$60 per

CITY COUNCIL AGENDA

Meeting Date - May 21, 2019

MW with a 2% escalator each year. We can replace this power for under \$40 per MW at this time. Failures of Blue Mountain during the last 7 years have allowed us to pay similar prices as this proposed 10-year replacement for the last few years. The advantage will be that we solidify the savings going forward.

ALTERNATIVES

Waiting to purchase at a different time, or supplying the electricity needed to fulfill Springville's needs with market available electricity as the time arrives.

FISCAL IMPACT

Approving the motion to purchase 3MW of baseload electricity will solidify slightly lower costs than what we have been paying over the last 7 years.