



**WORK/STUDY AGENDA
SPRINGVILLE CITY COUNCIL MEETING
JANUARY 21, 2020 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

- Jan 28 - Budget Meeting 4:00 p.m. - 9:00 p.m.
- Jan 29 - ULCT 2020 Local Officials Day at the Legislature
- Feb 04 - Work/Study Meeting 5:30 p.m., City Council Meeting 7:00 p.m.
- Feb 05 - Budget Meeting 4:00 p.m. - 9:00 p.m.
- Feb 11 - Work/Study Meeting 5:30 p.m.

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

- a) Invocation - Councilmember Snelson
- b) Pledge of Allegiance - Councilmember Packard
- c) Consent Agenda
 2. Approval of minutes for the December 17, 2019 and January 07, 2020 Work/Study and Regular Meeting.
 3. Approval of the Mayors re-appointments to the Water Advisory Board; Nile Hatch, Rollin Hotchkiss, Bryan Boshell and John Clemons
 4. Approval of the Mayors appointments to the Board of Adjustments; Brett Nelson and David Pritcher
 5. Approval of an Ordinance amending Springville City Code Title 11 Chapter 6 Section 132 Medical Cannabis Pharmacies and Production Establishments - John Penrod, Assistant City Administrator/City Attorney

3. DISCUSSIONS/PRESENTATIONS

- a) Survey Results - Troy Fitzgerald, City Administrator
- b) Clyde Recreation Center Presentation

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 01/17/2020

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





REGULAR AGENDA
SPRINGVILLE CITY COUNCIL MEETING
JANUARY 21, 2020 AT 7:00 P.M.
City Council Chambers
110 South Main Street
Springville, Utah 84663

CALL TO ORDER
INVOCATION
PLEDGE
APPROVAL OF THE MEETING'S AGENDA
MAYOR'S COMMENTS

CEREMONIAL

1. Presentation of the Mayor's Awards - Shannon Acor, Shannon Acor, Prevention Coordinator/Youth Court Director

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.

2. Approval of minutes for the December 17, 2019 and January 07, 2020 Work/Study and Regular Meetings.
3. Approval of the Mayors re-appointments to the Water Advisory Board; Nile Hatch, Rollin Hotchkiss, Bryan Boshell and John Clemons
4. Approval of the Mayors appointments to the Board of Adjustments; Brett Nelson and David Pritcher
5. Approval of an Ordinance amending Springville City Code Title 11 Chapter 6 Section 132 Medical Cannabis Pharmacies and Production Establishments - John Penrod, Assistant City Administrator/City Attorney

PUBLIC HEARING

6. Public Hearing for consideration of a Resolution and Budget Amendment to the FY 2019/2020 Springville City Budget - Bruce Riddle, Assistant City Administrator/Finance Director

REGULAR AGENDA

7. Consideration of a Resolution and Agreement with Banjo Surveillance Resource Services - John Penrod, Assistant City Administrator/City Attorney

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

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 UCA 52-4-205.*

ADJOURNMENT

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MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY, DECEMBER 17, 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 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 Crane.

Also, present were: Public Safety Director Craig Martinez, Power Department Director Leon Fredrickson, Golf Pro Craig Norman, Joel Grose, Assistant Golf Pro, Public Works Director Brad Stapley, Streets Superintendent Jason Riding, Building and Grounds Director Bradley Neel, Community Development Director Josh Yost, Operations Manager Rod Oldroyd, Museum of Art Director Rita Wright, Recreation Director Corey Merideth, and Library Director Dan Mickelson.

CALL TO ORDER

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

COUNCIL BUSINESS

1) Calendar

- Dec 25 - Christmas Holiday Observed (City Offices Closed Wednesday)
- Jan 01 - New Year's Holiday Observed (City Offices Closed Wednesday)
- Jan 07 - Newly Elected Council Members Swearing in Ceremony 5:30 p.m.
- Jan 07 - Work/Study Meeting 6:00 p.m., Regular Meeting 7:00 p.m.

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

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

- a) Invocation - Councilmember Miller
- b) Pledge of Allegiance - Councilmember Nelson
- c) Consent Agenda
 2. Approval of minutes for the Work/Sessions held on November 11 and December 03, 2019
 3. Approval of a Resolution adopting the 2020 Annual Meeting Schedule - Kim Crane, City Recorder
 4. Approval of a Public Roadway Easement purchase from Rocky Mountain Power at a roadway crossing approximately 250 North 1200 West, Springville, Utah - Brad Stapley, Public Works Director
 5. Consideration of an Interlocal Cooperation Agreement with Utah County for funding a portion of the 1200 West corridor - Brad Stapley, Public Works Director

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

DISCUSSIONS/PRESENTATIONS

a) Easement regarding the Bowman Property - John Penrod, Assistant City Administrator/City Attorney

Attorney Penrod explained a request from the Bowman's. The Bowman's are building a home on Pebble Creek Drive and own property on both sides of the creek. There is a trail easement next to their property, they would like to do away with and build a foot bridge over the creek. Penrod reported on two other private foot bridges located in Springville. He explained the General Plan for trails and the history of trails along the Creek corridor. He stated questions were raised about trails being too close to homes. In his research many other cities have trails close to homes. Staff recommends not giving up the easement at this time, in order to have the trail proceed across the creek. He explained the process for vacating the easement if the Council chooses and a public hearing would be required.

Penrod reported on the ordinance regarding protection of corridors for creeks, requiring a 50-foot setback along Hobble Creek. Suggestions for changing the ordinance was outlined. Staff recommends an additional easement, should the council allow the Bowman's bridge.

Councilmember Nelson commented on the possibilities for a complete trail system in the area and suggested keeping the easement.

Councilmember Creer asked if there was any trail on the easement. Penrod explained there was not a trail.

Councilmember Snelson would like to keep the easement and complete the trail system. He expressed the City should have done some forward looking and taken advantage of the creek access.

Councilmember Creer conveyed he has seen over the years a desire from others to remove the easement and was told the trail would be completed, at this point it's going to be a struggle.

Councilmember Nelson commented we need to see what is feasible and will be completed.

Councilmember Snelson asked if this would set a precedent where anyone could put a bridge over the creek. Penrod replied it could and the ordinance would need to be amended.

Matt Bowman, resident; stated they were not requesting to vacate the easement. City Code allows the City Council to approve a bridge over the easement. He reviewed the trail and said some of the easement goes into the creek. They received approval of the bridge from the Army Corp. of Engineers, the State of Utah and Mapleton City. They have designed it for potential flood or debris issues.

Administrator Fitzgerald clarified the Council directive. Staff would continue to work with the Bowman's on ordinance changes and potential easement adjustments, and work with the newly approved Active Transportation Ad Hoc Committee.

b) Agreement with Dee Bradford - John Penrod, Assistant City Administrator/City Attorney

Penrod reported the Bradford's have property southwest of Bartholomew Park and are looking to develop their property, as part of the development the City has discussed with them the possibility of a trail through a portion of their property, in turn completing the trail on the North side of Hobble Creek. The Bradford's own property across the creek in Mapleton, the City would assist the Bradford's in getting an easement to the Mapleton property so they could get a line to their property for irrigation. The City would get the pipe for the water line and in turn the Bradford's would deed a portion of property to the City on the North side of Hobble Creek. Penrod would like the Council's feedback on moving forward.

4) CLOSED SESSION

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

COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK SESSION MEETING AT 6:14 P.M. AND CONVENE IN A CLOSED SESSION REGARDING LITIGATION AND PROPERTY.

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

COUNCILMEMBER CREER	AYE
COUNCILMEMBER JENSEN	AYE
COUNCILMEMBER MILLER	AYE
COUNCILMEMBER NELSON	AYE
COUNCILMEMBER SNELSON	AYE

Council returned to the work session at 6:29 p.m.

c) Transportation Master Plan IFFP and IFA - Jeff Anderson, City Engineer

Jeff Anderson, City Engineer presented and introduced Jeff Mortimer with Horrocks Engineering and Jason Riding, Streets Superintendent.

Engineer Anderson reported on the Impact Fee Facilities Plan (IFFP), he explained the IFFP was needed before the Impact Fee Analysis (IFA) could be done and impact fees charged.

A draft of the IFFP and IFA was given to the Council for review. The level of service was discussed, regarding traffic flow for arterial and collector roads by using an "A" through "F" rating system. He explained level "D" threshold as approximately 30,500 vehicles in an arterial road. Currently portions of 400 South are on the cusp of level "D". A model shows a 1600 south interchange to Highway 89 would alleviate most of the problem. East of Main Street on 400 South was restriped and allowed for four lanes, helping with congestion.

Councilmember Jensen asked about increasing the lanes on 400 South from 400 East going East. Council was interested in looking at the option.

Engineer Anderson reported collectors to arterials and larger roads will be needed even with the 1600 South interchange.

Councilmember Snelson asked how do we accomplish the bigger roads and what would it take to get back into the red zone and roads are filled up again. Engineer Anderson with the grid network, those roads should keep a service level of D with a 2040 build out. Springville could be a choke point in the future. Roundabouts may be an option through-out the City for traffic movement. Engineer Anderson stated he was pro roundabout, Chief Martinez said he was not.

Engineer Anderson explained available capital funds were limited, funding will be needed to proceed with the current level of street maintenance.

Council would like a review of fees and projects before an 8 to 10-year wall and re-prioritize. Staff will make adjustments in regards to the Transportation Master Plan and at time of adoption the Council can also make changes.

d) Clyde Recreation Center - Corey Merideth, Recreation Director

Item postponed.

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments.

ADJOURNMENT

COUNCILMEMBER SNELSON MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:58 P.M.

COUNCILMEMBER CREER SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, December 17, 2019.

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 of this meeting held on Tuesday, December 17, 2019.

Kim Crane, CMC
City Recorder

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY,
2 DECEMBER 17, 2019, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,
3 SPRINGVILLE, UTAH.

4
5 Mayor Richard J. Child presided. In addition to Mayor Child, the following were present:
6 Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller,
7 Councilmember Brett Nelson, Councilmember Michael Snelson, City Administrator Troy Fitzgerald,
8 Assistant City Administrator/City Attorney John Penrod, and City Recorder Kim Crane.

9 Also, present were: Public Safety Director Craig Martinez, Building and Grounds Director Bradley
10 Neel, Recreation Director Corey Merideth, Community Development Director Josh Yost, Public Works
11 Director Brad Stapley, Library Director Dan Mickelson, Golf Pro Craig Norman, Assistant Golf Pro Joel
12 Grose, and Museum Director Rita Wright. Excused from the meeting Assistant City Administrator/Finance
13 Director Bruce Riddle

14
15 **CALL TO ORDER**

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

17
18 **INVOCATION AND PLEDGE**

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

21
22 **APPROVAL OF THE MEETING'S AGENDA**

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

25
26 **MAYOR'S COMMENTS**

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

29
30 **CEREMONIAL**

31
32 **1. Presentation of the Mayor's Awards - Shannon Acor, Shannon Acor, Prevention
Coordinator/Youth Court Director**

33 Prevention Coordinator Acor and Councilmember Creer presented this month's Mayor's Awards
34 to; Mapleton Junior High student Brynley Levin, Springville High School student Monte Taylor, Mapleton
35 Junior High student Spencer Keeler, Mapleton Junior High Student Yuki Inouye, Merit Prep Academy
36 student Anissa Edman, and Mapleton Junior High student Lydia Templeman.

37
38 **2. Recognition of Camille Hafen for her service to the Library Board - Dan Mickelson, Library Director**

39 Director Mickelson recognized Camille Hafen and presented her with a plaque for her service and
40 involvement on the Springville City Library Board over the past four years.

3. **Presentation to outgoing Council Members Chris Creer, Jason Miller and Brett Nelson**

46 Mayor Child expressed appreciation to the outgoing Councilmembers; Chris Creer, Jason Miller
and Brett Nelson.

48 Administrator Fitzgerald gave a presentation and highlighted the many accomplishments and
changes throughout the City over the last eight years. Many projects were completed; the 400 south water
50 well recently came online and is one of the City’s largest wells. The Bartholomew Park and Pond was
completed. The completion of the Creer Youth Camp up Hobble Creek Canyon was named after longtime
52 resident Doc Creer a previous Mayor and Councilmember who is also the grandfather of Councilmember
Chris Creer. The Recreation Field House and the club house at Hobble Creek Golf Course was
54 remodeled. Some difficult decisions were made, one involving Springville no longer participating in the
Airport. The Clyde Recreation Center opened, plus many accolades were received; Readers Digest
56 named Springville as one of the nicest places in Utah and one of the fifty nicest places in the U.S.; Wallet
Hub listed Springville as one of the best places to start a business; Best of Utah Valley, Best of State and
58 many others. Administrator Fitzgerald thanked them for their service and making Springville a better
place.

60

PUBLIC COMMENT

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

64 Clark King, resident; thanked the outgoing councilmembers for their service and presented each
Councilmember with one of his drawings

66 Logan Millsap, resident; commented on the impact fee presentation, he objected that congestion
can be out-built. It will fill up again, when will we say our roadways are big enough. He wants his children
68 to live in a great city like Springville. By providing and encouraging other modes of transportation.

Administrator Fitzgerald provided more information regarding the buildout size of the community
70 and the Active Transportation Plan as part of the General Plan. There has been debate about smaller
road cross sections, as Springville has one of the smallest road cross sections in the county and the state.
72 He expressed appreciation for Mr. Millsaps comments, staff and council will continue to discuss options
in the near future.

74

CONSENT AGENDA

- 76 4. Approval of minutes for the Work/Sessions held on November 11 and December 03, 2019
- 78 5. Approval of a Resolution adopting the 2020 Annual Meeting Schedule - Kim Crane, City Recorder
- 80 6. Approval of a Public Roadway Easement purchase from Rocky Mountain Power at a roadway
crossing approximately 250 North 1200 West, Springville, Utah - Brad Stapley, Public Works
Director
- 82 7. Consideration of an Interlocal Cooperation Agreement with Utah County for funding a portion of
the 1200 West corridor - Brad Stapley, Public Works Director

84 COUNCILMEMBER JENSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN
AND CONTINUE ITEM #6 WITHOUT DATE AND APPROVE **RESOLUTION #2019-42** ADOPTING THE
86 ANNUAL MEETING SCHEDULE.

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

90	COUNCILMEMBER CREER	AYE
	COUNCILMEMBER JENSEN	AYE
	COUNCILMEMBER MILLER	AYE
92	COUNCILMEMBER NELSON	AYE

94 **RESOLUTION #2019-42 APPROVED**96 **REGULAR AGENDA**98 **8. Consideration of a Grindstone Subdivision Access Road Agreement - Troy Fitzgerald, City Administrator**

100 Administrator Fitzgerald reported during 1960, Utah County approved the Grindstone Planned Dwelling Group development in the mouth of Grindstone Canyon. The entrance to the development is next to the Hobble Creek Golf Course maintenance sheds, in 1960, the golf course did not exist.

102 When the development was approved, the developer indicated that the area would include “a right of way across an area of land for purposes of a roadway from the existing county road to the boundary line of the planned Dwelling Group Area.” Further, the developer promised to “maintain the roads.”

106 In the late 1960s, Springville City was in the process of building the Hobble Creek Golf Course. On September 12, 1968, Springville City received a warranty deed for some property of the Grindstone Planned Dwelling Group developers, for the purpose of expanding the golf course and building the club house.

110 On the same day, a document entitled Covenant to Provide Right of Way and Access Road was recorded. This Covenant was signed by Mayor F. Calvin Packard and the wording of this covenant has become the crux of the discussions between the parties relating to maintenance of the roadway through the golf course.

114 The Grindstone Subdivision Access Road Agreement is a joint attempt by the parties to resolve the concerns related to maintenance of the road. The recommended maintenance and fees for the road is part of the agreement.

118 COUNCILMEMBER NELSON MOVED TO APPROVE THE GRINDSTONE SUBDISIVION ACCESS ROAD AGREEMENT.

120 COUNCILMEMBER CREER SECONDED THE MOTION. ALL THOSE PRESENT VOTED AYE.

122 **9. Consideration of a Resolution and Development Agreement with Suburban Land Reserve (SLR) - John Penrod, Assistant City Administrator/City Attorney**

124 Attorney Penrod asked to cancel the item because there was no agreement at this time.

126 **10. Consideration of the Springville City Audit Report - Bruce Riddle, Assistant City Administrator/Finance Director**

128 Administrator Fitzgerald introduced Rob Wood with Hansen, Bradshaw, Malmrose & Erickson PC (HBME).

130 Mr. Wood reported on the City FY 2019 Auditors Report conducted by HBME, the audit resulted in no findings of internal control deficiencies or of non-compliance with State requirements.

132 Fitzgerald asked about the actuals on net transfers. Mr. Wood explained how the reporting was calculated.

134 Fitzgerald reported all income from the City business units after expenses, made money this year, that includes, water, sewer, electric, storm water, solid waste and golf course.

136 Councilmember Snelson asked for recommendations on what could be done better. Mr. Wood provided a letter with 18 adjustments, regarding journal entries. Councilmember Snelson asked how Springville looks compared to other similar cities. Mr. Wood stated they do other cities similar to Springville, and recommendations are done verbally, if no compliance a formal written letter is provided.

142 COUNCILMEMBER MILLER MOVED TO APPROVE (1) ACCEPTING THE SPRINGVILLE CITY
143 FY-2019 INDEPENDENT AUDITOR'S REPORT AS PRESENTED; (2) AUTHORIZE THE CITY
144 RECORDER TO ADVERTISE AND MAKE AVAILABLE FOR PUBLIC INSPECTION THE
145 INDEPENDENT AUDITOR'S REPORT; AND (3) AUTHORIZE THE FINANCE DIRECTOR TO SUBMIT
146 THE INDEPENDENT AUDITOR'S REPORT TO THE STATE AUDITOR AS REQUIRED BY LAW.

147 COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.
148

149 **11. Consideration of granting the Jackson Group Springville Land Company, LLC an extension of**
150 **time for sidewalk improvements to be installed on Lot 4 of the Spring Pointe Retail Center**
151 **Subdivision, Plat G - John Penrod, Assistant City Administrator/City Attorney**

152 Attorney Penrod reported around July 25, 2018, the Spring Pointe Retail Center Subdivision, Plat
153 G was recorded, giving the developer one-year to install the required subdivision improvements. The
154 developer provided a cash improvement completion assurance to assure the installation of the
155 subdivision improvements. As of August 2019, all of the improvements except for sidewalk improvements
156 on Lot 4 of the Subdivision were completed.

157 The original developer sold the property to Jackson Group Springville Land Company LLC, which
158 is an affiliated land holding company of Jackson Group Peterbilt ("Jackson Group"). As part of the
159 transaction between the original developer and Jackson Group, Jackson Group is required to install the
160 remaining sidewalk improvements.

161 Councilmember Snelson asked if there was any disadvantage. Penrod replied with a cash bond
162 there is no disadvantage.

163 Councilmember Jensen asked if it went before the Planning Commission. Penrod replied, yes it
164 did.

165 COUNCILMEMBER SNELSON MOVED TO APPROVE GRANTING THE DEVELOPER AN
166 EXTENSION OF TIME TO JUNE 1, 2020, TO INSTALL THE SIDEWALK AND ANY OTHER
167 OUTSTANDING IMPROVEMENTS ON LOT 4 OF THE SPRING POINTE RETAIL CENTER
168 SUBDIVISION, PLAT G CONDITIONED ON THE DEVELOPER PROVIDING AN IMPROVEMENT
169 COMPLETION ASSURANCE APPROVED BY THE CITY ADMINISTRATOR OR HIS DESIGNEE.

170 COUNCILMEMBER JENSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.
171
172

173 **12. Consideration of an Ordinance to amend Title 7, Chapter 3, Beer and Liquor Sales - John Penrod,**
174 **Assistant City Administrator/City Attorney**

175 Penrod, reported over the years, Utah has amended its Alcoholic Beverage Control Act in a
176 number of different ways. Springville's current Beer and Liquor Sales Ordinance is still in line with State
177 law but is outdated with respect to definitions and other changes made to the Utah Code. The proposed
178 ordinance was to update Springville City's ordinance.

179 COUNCILMEMBER JENSEN MOVED TO APPROVE **ORDINANCE #25-2019** AMENDING
180 SPRINGVILLE'S BEER AND LIQUOR SALES ORDINANCE TO COME IN LINE WITH AMENDMENTS
181 TO UTAH'S ALCOHOLIC BEVERAGE CONTROL ACT.

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

184	COUNCILMEMBER CREER	AYE
185	COUNCILMEMBER JENSEN	AYE
186	COUNCILMEMBER MILLER	AYE
187	COUNCILMEMBER NELSON	AYE

190 **ORDINANCE #25-2019 APPROVED**

192 **13. Consideration of approving construction of a Dog Park - Bradley Neel, Building and Grounds Director**

194 Director Neel reported a few months ago, the City Council directed staff to determine the best location and cost for building a dog park. Since the City Council directed staff to start the process, the
196 Grounds Division has reviewed possible locations and costs for constructing a dog park. The Parks and Recreation Board reviewed the proposal and voted unanimously in favor. Several locations were
198 considered and Kelvin Grove Park at 1500 South 1400 West was determined to be the best location. Because of park utilization and parking, near residential and trail system.

200 Director Neel provided information on the budget requirements for fencing the dog park. Council suggested providing information to the community.

202
204 COUNCILMEMBER CREER MOVED TO APPROVE THE BUILDINGS AND GROUNDS DEPARTMENT CONSTRUCTING A DOG PARK IN THE KELVIN GROVE PARK USING \$47,798.00 OF FY-2020 CARRY FORWARD FUNDS.

206 COUNCILMEMBER MILLER SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

208 **14. Consideration of a Resolution and amendment to the Fee Schedule regarding Golf Fees - Craig Norman, Golf Pro**

210 Hobble Creek Golf Pro, Craig Norman reported the cost of doing business as a golf course has been increasing and being fiscally responsible has been a priority. The golf course rates to play on a daily
212 basis have not increased since 2015 and revenue does not reflect an increase that correlates to the economic costs of doing business.

214 The golf course needs a new irrigation system to replace the current system that has served the course for over 50 years on the back nine and 23 years on the front nine. Fee increases will not cover the
216 costs of replacing these worn and daily used systems, they will help offset the rising costs of maintenance and labor while helping to increase revenue.

218 He explained a new option was to rent the course for a day. They have seen interest from outside parties wanting to rent the course for a day. Corporate passes have been recommended.

220 Norman asked for a response from the Council regarding Corporate events. Previous councils have requested only one a month. Council suggested increasing a few and see how it goes.

222
224 COUNCILMEMBER CREER MOVED TO APPROVE **RESOLUTION #2019-43** AMENDING THE FEE STRUCTURE TO REFLECT NEW RATE FOR THE 2020 GOLF SEASON.

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

- | | | |
|-----|-----------------------|-----|
| 228 | COUNCILMEMBER CREER | AYE |
| | COUNCILMEMBER JENSEN | AYE |
| | COUNCILMEMBER MILLER | AYE |
| 230 | COUNCILMEMBER NELSON | AYE |
| | COUNCILMEMBER SNELSON | AYE |

232 **RESOLUTION #2019-43 APPROVED**

234 **MAYOR, COUNCIL REPORTS**

236 Mayor Child asked if there were any comments. There were none.

238 **15. CLOSED SESSION**

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

248 There was none.

244

ADJOURNMENT

246 COUNCILMEMBER CREER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:49
248 P.M. COUNCILMEMBER JENSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

248

250

252 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, December 17, 2019.*
254 *I, Kim Crane, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Springville City, of Utah County,*
256 *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,*
258 *December 17, 2019.*

256

258

260

262

Kim Crane, CMC
City Recorder

CEREMONIAL:

2 OATH OF OFFICE - New Council Members; Matt Packard, Liz Crandall and Patrick Monney.
MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
4 TUESDAY, JANUARY 07, 2020 AT 6:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,
SPRINGVILLE, UTAH.

6

Presiding and Conducting: Mayor Richard J. Child

8

Elected Officials in Attendance: Liz Crandall
Craig Jensen
Patrick Monney
Matt Packard
Mike Snelson

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City Staff in Attendance: City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, City Recorder Kim Crane, Public Safety Director Craig Martinez, Building and Grounds Director Bradley Neel, Golf Pro Craig Norman, Recreation Director Corey Merideth, Community Development Director Josh Yost, Public Works Director Brad Stapley, Library Director Dan Mickelson, and Museum of Art Director Rita Wright.

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20

Excused:

22

CALL TO ORDER

24

Mayor Child welcomed everyone and called the Work/Study meeting to order at 6:00 PM.

COUNCIL BUSINESS

26

1) Calendar

28

- Jan 14 - Work/Study Meeting 5:30 p.m.
- Jan 20 - Martin Luther King Day Observed (Monday - City Offices Closed)
- Jan 21 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Jan 28 - Budget Meeting 3:00 p.m. - 9:00 p.m.
- Jan 29 - ULCT 2020 Local Officials Day at the Legislature

30

32

34

Mayor Child asked if there were any questions or additions to the calendar. Administrator Fitzgerald noted the Budget Meeting would start at 4:00 p.m.

36

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

38

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

40

1. Approval of minutes for the December 10, 2019 Regular Meeting.

- 42 2. Approval of an Off-Premise Beer Retailer License to Extra Mile #194/Jacksons Food Stores
44 Inc., 1456 N. Main Street, Springville, Utah - Heidi Westerman, Business Licensing
46 3. Approval of Surplus Property - Jason Riding, Streets Department Superintendent
46 4. Approval of a Resolution regarding an Interlocal Cooperation Agreement with Utah County for
funding a portion of the 1200 West corridor - Brad Stapley, Public Works Director

48 Mayor Child asked if there was any discussion on tonight's Consent Agenda.
Chief Martinez requested Item #7 on the Regular Agenda regarding the OICI Agreement with Utah
50 County be moved to the Consent Agenda. Mayor Child recommended this change be done during the
Regular Meeting. Chief Martinez gave a brief explanation of the OICI Agreement.

52

DISCUSSIONS/PRESENTATIONS

54 a) **Discussion regarding Banjo Surveillance Resource Services - John Penrod, Assistant City
Administrator/City Attorney**

56 Attorney Penrod introduced Brian Smith with Banjo Surveillance. Penrod explained the State of
Utah has contracted with Banjo for its services and the City would be able to join under the State contract,
58 currently at no charge. Administrator Fitzgerald commented staff wanted the Council to be aware of
privacy issues that may come up.

60 Mr. Smith presented information on Banjo software as a data ingestion of live public signals, with
data siloed off, they use traffic cameras, weather, public social media, etc., it delivers live alerts to public
62 safety to proactively alert of possible issues. Personally, identifiable information is stripped from the data
and is web based and mobile.

64 Fitzgerald explained City information would be shared with Banjo, such as 911 and some
cameras.

66 Smith explained the software was able to use UDOT cameras and others to provide information
to public safety. The severity of the event would determine how long it stays in the system. At the end of
68 an event it would be eliminated, camera footage is only 24 hours.

70 b) **Discussion regarding a Tax Increment Financing Policy - Troy Fitzgerald, City Administrator**

Administrator Fitzgerald reported on economic development incentives. Around the state
72 economic development is largely based on jobs. He reviewed some of the City's Redevelopment
Agencies and CDA's, some with previous incentive packages. He explained there were limited tools
74 available to the City in order to use any economic development incentives. Tax rebates only 15% of
property tax is available to the City; the City receives only 5% of sales tax, and cautioned incentives are
76 not always helpful.

Policy direction was discussed advising the current policy was very broad. Staff would like to better
78 understand the overall direction of the majority of the Council, in order to better interact with Developers.
Staff would recommend they be performance based, open book, and leave sufficient income to provide
80 for services. A work session was recommended to establish goals of economic development.

Discussion would continue at the end of the evenings Regular meeting.

82

84 c) **Open and Public Meetings Training - John Penrod, Assistant City Administrator/City Attorney**

Item was postponed.

86 MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

Mayor Child asked for any other comments. There were none.

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4) CLOSED SESSION

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

There was none.

ADJOURNMENT

COUNCILMEMBER SNELSON MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL AT 6:57 P.M.

COUNCILMEMBER PACKARD SECONDED THE MOTION, ALL VOTED AYE.

This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, January 07, 2020. 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 of this meeting held on Tuesday, January 07, 2020.

DATE APPROVED: _____

Kim Crane, CMC
City Recorder

MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY,
2 JANUARY 07, 2020 AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE,
4 UTAH.

6 **Presiding and Conducting:** Mayor Richard J. Child

8 **Elected Officials in Attendance:** Liz Crandall
Craig Jensen
10 Patrick Monney
Mike Snelson

12 **City Staff in Attendance:** City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney
14 John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, City Recorder Kim Crane,
Public Safety Director Craig Martinez, Building and Grounds Director Bradley Neel, Recreation Director
16 Corey Merideth, Community Development Director Josh Yost, Public Works Director Brad Stapley,
Library Director Dan Mickelson, and Museum of Art Director Rita Wright.

18 **Excused:**

20 **CALL TO ORDER**

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

24 **INVOCATION AND PLEDGE**

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

28 **APPROVAL OF THE MEETING'S AGENDA**

30 COUNCILMEMBER JENSEN MOVED TO APPROVE THE MEETING'S AGENDA MOVING
ITEM 7 TO THE CONSENT AGENDA. COUNCILMEMBER MONNEY SECONDED THE MOTION, AND
32 ALL PRESENT VOTED AYE.

34 **MAYOR'S COMMENTS**

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

38 **PUBLIC COMMENT**

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

42 Logan Milsap, resident; spoke regarding the Hobble Creek Trail easement. He would like to
preserve the trail and easement along the gaps, believes it would benefit the community.

44 Rebecca Von Dorp, explained she started a business over a year ago, Heritage Gardens
Assisted Living. The location has been an assisted living facility for some time prior to her and she would
like some reinstatements of grandfather clauses that have gone awry. She is new to the community, and

46 is enjoying growing the business, and being on the premises. Her grandfathered clause to reside in the
47 business has expired. She would like the Council to reconsider, and allow her to be an owner occupant
48 in the facility. The original part of the house had a two-bedroom apartment and she would like to expand.
49 They purchased the lot next to the property and the grandfather clause has also expired, and would like
50 to discuss it further with the Council.

52 **CONSENT AGENDA**

- 53 1. Approval of minutes for the December 10, 2019 Regular Meeting.
- 54 2. Approval of an Off-Premise Beer Retailer License to Extra Mile #194/Jacksons Food Stores Inc.,
1456 N. Main Street, Springville, Utah - Heidi Westerman, Business Licensing
- 56 3. Approval of Surplus Property - Jason Riding, Streets Department Superintendent
- 57 4. Approval of a Resolution regarding an Interlocal Cooperation Agreement with Utah County for
58 funding a portion of the 1200 West corridor - Brad Stapley, Public Works Director
- 59 7. Consideration of a Resolution and approval of the Utah County OICI Agreement between
60 Springville City and Utah County - Craig Martinez, Public Safety Director - Moved from regular
61 agenda. (Moved from the Regular Agenda)

62
63 COUNCILMEMBER JENSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN
64 AND **RESOLUTION #2020-01** APPROVING AN INTERLOCAL AGREEMENT WITH UTAH COUNTY
65 FOR FUNDING A PORTION OF THE 1200 WEST COORIDOR; AND **RESOLUTION #2020-03**
66 APPROVING THE UTAH COUNTY OFFICER INVOLVED CRITICAL INCIDENT AGREEMENT
67 BETWEEN SPRINGVILLE CITY AND UTAH COUNTY.

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

70	COUNCILMEMBER CRANDALL	AYE
	COUNCILMEMBER JENSEN	AYE
72	COUNCILMEMBER MONNEY	AYE
	COUNCILMEMBER PACKARD	AYE
74	COUNCILMEMBER SNELSON	AYE

75 **RESOLUTION #2020-01 AND RESOLUTION #2020-03 APPROVED**

76 **REGULAR AGENDA**

- 77 5. Consideration of an Ordinance establishing Title 9 Chapter 2, Section 111 of the Springville City
78 Municipal Code, Administrative Civil Infractions - Craig Martinez, Public Safety Director

79 Chief Martinez reported Springville City has been enforcing parking issues criminally as allowed
80 by the Utah Criminal/Traffic Code. The proposed ordinance would decriminalize enforcement and allow
81 the Department to better serve the community by way of an administrative hearing for alleged violations.
82 This would also free up some time utilized by the Legal Department and Springville Justice Court. Fees
83 would be collected through payment or collections; a Hearing Officer would handle any disputed citations.

84 Councilmember Jensen asked about an early pay, discount.

85 Councilmember Monney asked for more information on the Hearing Officer and the leeway they
86 would have. Chief Martinez explained discussions with the City Attorney and Administration will come up
87 when implementing the policy.

88
89 COUNCILMEMBER SNELSON MOVED TO APPROVE **ORDINANCE #01-2020** ESTABLISHING
90 TITLE 9 CHAPTER 2, SECTION 111 OF THE SPRINGVILLE CITY MUNICIPAL CODE,
91 ADMINISTRATIVE CIVIL INFRACTIONS.

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

96	COUNCILMEMBER CRANDALL	AYE
	COUNCILMEMBER JENSEN	AYE
98	COUNCILMEMBER MONNEY	AYE
	COUNCILMEMBER PACKARD	AYE
100	COUNCILMEMBER SNELSON	AYE

ORDINANCE #01-2020 APPROVED

102
103 **6. Consideration of a Resolution establishing Administrative Civil Infraction Fees and amending the**
104 **Springville City Comprehensive Fee Schedule - Craig Martinez, Public Safety Director**

105 Chief Martinez reported the proposed Resolution would establish Administrative Civil Infraction
106 Fees and authorize the Finance Director to amend the Comprehensive Fee Schedule for the City of
Springville.

107 Penrod stated there would need to be information in the Resolution on reducing of fees. Martinez
108 stated it could be from 0 to 100 % in fees.

109 Fitzgerald commented the ease of the process and freeing up the court will be positive. Nuisance
110 Enforcement will also be up for discussion soon.

111
112 COUNCILMEMBER PACKARD MOVED TO APPROVE **RESOLUTION #2020-02**
113 **ESTABLISHING ADMINISTRATIVE CIVIL INFRACTION FEES AND AMENDING THE SPRINGVILLE**
114 **CITY COMPREHENSIVE FEE SCHEDULE, PLUS THE AMENDED PORTION.**

115 COUNCILMEMBER MONNEY SECONDED THE MOTION. THE VOTE IS RECORDED AS
FOLLOWS:

118	COUNCILMEMBER CRANDALL	AYE
	COUNCILMEMBER JENSEN	AYE
120	COUNCILMEMBER MONNEY	AYE
	COUNCILMEMBER PACKARD	AYE
122	COUNCILMEMBER SNELSON	AYE

RESOLUTION #2020-02 APPROVED

123
124 **7. Consideration of a Resolution and approval of the Utah County OICI Agreement between**
125 **Springville City and Utah County - Craig Martinez, Public Safety Director**
126 **MOVED TO CONSENT AGENDA**

127
128 **MAYOR, COUNCIL REPORTS**

129 Mayor Child reported UAMPS has invited elected officials to a workshop to learn more about
130 power, on January 22, 2020 at 4:00 p.m. in Lehi. Council should let staff know if they are interested in
131 attending.

132 Mayor Child gave out assignments to the Council for Boards and Commissions.

133
134 Fitzgerald completed his discussion from the Work Study meeting on incentives

135 Councilmember Snelson stated he would like a short-term ROI (RETURN OF INVESTMENT) and
136 up-front analysis.

137 Mayor Child suggested looking at it on a case by case basis with caution on tax incentives.

138 Councilmember Packard expressed he would like to be able to explain to citizens how and why
139 the City is giving incentives.
140

142 Councilmember Snelson asked for explanation on what the taxing entity does. Fitzgerald
explained to the Council the taxing entity requirements.

144 Councilmember Monney confirmed it could be given incrementally, not all at once. Penrod agreed.
146 Councilmember Packard stated it would need to be good for the community and will need to be a
benefit.

146 Councilmember Jensen would like information and examples from staff when possible.
Administrator Fitzgerald stated the policy will be refined and the Council will be notified.

148

8. CLOSED SESSION

150 *The Springville City Council may temporarily recess the regular meeting and convene in a closed*
152 *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
154 *provided by Utah Code Annotated Section 52-4-205.*

156 COUNCILMEMBER SNELSON MOVED TO ADJOURN THE REGULAR MEETING AT 7:47 P.M.
AND CONVENE IN A CLOSED SESSION REGARDING LITIGATION.

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

160	COUNCILMEMBER CRANDALL	AYE
160	COUNCILMEMBER JENSEN	AYE
162	COUNCILMEMBER MONNEY	AYE
162	COUNCILMEMBER PACKARD	AYE
164	COUNCILMEMBER SNELSON	AYE

164

Council returned to the Regular Meeting at 8:14 p.m.

166

ADJOURNMENT

168 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:15
P.M. COUNCILMEMBER PACKARD SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

170

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174

176 *This document constitutes the official minutes for the Springville City Council Regular meeting held on Tuesday, January 07, 2020*
178 *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 of this meeting held on Tuesday,
180 *January 07, 2020.*

180

182

DATE APPROVED: _____

184

Kim Crane, CMC
City Recorder

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188

WATER ADVISORY BOARD

5-12-101 Board Established.

There is hereby established a Water Advisory Board which shall have five (5) to nine (9) members of the general public appointed by the Mayor, with the approval of the City Council. Members of the Board shall serve without compensation, except that the City may make provision for payment of necessary expenses incurred by them in carrying out the duties specified in this Chapter.

One (1) member of the City Council to be designated by the Mayor and one (1) alternate member selected from the City Council shall be assigned to attend the Water Advisory Board meetings. City Council members shall serve as non-voting members of the Board. In addition, selected staff members shall attend board meetings.

(Adopted by Ordinance No. 3-02; amended by Ordinance No 26-06)

5-12-102 Term of Office.

Each member of the Water Advisory Board, except the City Council members who serve on the Board, shall serve for a term of four (4) years and until his successor is appointed; provided, that the members first appointed shall be appointed for such terms that the term of the members shall be staggered to expire every two (2) years. The term of the City Council members who sit on the Water Advisory Board shall be for two (2) year segments concurrent with the term on the Council. The term of office of each member shall commence on the first day of April in the year in which such member is appointed. Water Advisory Board members serve at the pleasure of the City Council. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

(Adopted by Ordinance No. 3-02; amended by Ordinance No 26-06)

5-12-103 Qualifications.

All members of the Board shall be residents of the City of Springville or shall be a representative of a business which owns real property in the City of Springville. However, one member may be appointed from any service area Springville maintains outside of the City of Springville.

(Adopted by Ordinance No. 3-02; amended by Ordinance No 26-06)

5-12-104 Organization.

The Water Advisory Board shall elect its own chairman and secretary from its membership and shall appoint all other officers necessary, for terms of one (1) year, and may adopt rules and regulations for the conduct of its business consistent with the City Code. The Water Advisory Board should meet as often as necessary to conduct necessary business. Written minutes shall be kept of each meeting and the minutes shall be forwarded to the City Council for their review.

(Adopted by Ordinance No. 3-02; amended by Ordinance No 26-06)

5-12-105 Powers and Duties.

The Water Advisory Board shall be an advisory board only. Duties of the Water Advisory Board shall include the following:

- (1) Advise the City Council on long range planning and policy matters related to the Water system and acquisition and development of Water resources;
- (2) Advise the City Council on long range planning and policy matters related to the waste water system and acquisition and development of waste water resources;
- (3) Advise the City Council on long range planning and policy matters related to the secondary water system and acquisition and development of secondary water resources;
- (4) Advise and make recommendation to the City Council concerning water, secondary water and waste water rates; and
- (3) Perform any other duties deemed appropriate and assigned by the Mayor.

(Adopted by Ordinance No. 3-02; amended by Ordinance No 26-06)

5-12-106 Subcommittees Authorized.

Upon a majority vote of the members of the Water Advisory Board, subcommittees may be established to oversee specific areas of concern to the Board. In authorizing a subcommittee, the Board should establish rules and procedures for members, terms and duties of the subcommittee. All subcommittee members shall be members of the Board.

(Adopted by Ordinance No. 3-02; amended by Ordinance No 26-06)

City Staff: Brad Stapley, Public Works Director; Shawn Barker, Water Superintendent; Jeff Anderson, City Engineer; Marcie Clark, Secretary

Members:	Address	Phone	Date Appointed	Term End
Alton Beck			May 21, 2002 (reappointed 5/6/14)	Mar 31, 2022 (reappointed 4/3/18)
Calvin Crandall			May 21, 2002 (reappointed 5/6/14)	Mar 31, 2022 (reappointed 4/3/18)
Rod Andrew			Feb 01, 2014	Mar 31, 2022 (reappointed 4/3/18)
Nile Hatch			Feb 17, 2004 (reappointed 6/21/16)	Mar 31, 2020
Rollin H. Hotchkiss			Jan 16, 2007 (reappointed 6/21/16)	Mar 31, 2020
Bryan Boshell			June 21, 2016	Mar 31, 2020
John Clemons			June 21, 2016	Mar 31, 2020
Craig Jensen, Council Representative			Jan 16, 2018	Dec 31, 2022 (Reappointed 01/07/20)
Patrick Monney, Council Representative (Alt)			Jan 07, 2020	Dec 31, 2022

BOARD OF ADJUSTMENT

11-2-301 Establishment of Board of Adjustment.

- (1) Board Created. There is hereby created a Board of Adjustment of five (5) members to be appointed by the Mayor with the advice and consent of the City Council. It is the intent of this establishment to appoint persons who will not personally benefit from decisions associated with the interpretation of the ordinances of Springville City.
- (2) Alternate Member Appointments. Three (3) alternate members shall be appointed by the Mayor, with the advice and consent of the City Council. Alternate members shall sit as members of the Board on a rotating basis at the call of the chairman of the Board of Adjustment in the temporary absence of a regular member. No more than two (2) alternate members may sit at any meeting of the Board of Adjustment.
- (3) Term of Office. Each member and alternate member shall serve for a term of five (5) years; provided, that the term of members of the first Board shall be such that the term of one (1) member shall expire each year. The term of office of each member shall commence the first day of February in the year in which the member is appointed. Any vacancy occurring on said Board by reason of death, resignation, removal or disqualification shall be filled in the same manner as an original appointment for the unexpired term. **No person shall serve more than two (2) consecutive terms on or as a member of the Board of Adjustment.** Partial terms shall not be considered in determining whether a person has served two (2) consecutive terms.
- (4) Removal for Cause. The Mayor may remove any member of the Board of Adjustment for cause if written charges against the member are filed with the Mayor and after public hearing, if such hearing is requested by the Board member.
- (5) Residency Requirement. All members of the Board shall be residents of the City.
(1979 Code 11-2-301; amended by Ordinance No. 21-92; amended by Ordinance No. 27-02; Ord. No. 08-2011, 05/03/2011)

11-2-302 Organization and Procedure.

- (1) The Board of Adjustment shall organize and elect a Chairperson and adopt rules for its activities in accordance with this Title. Meetings of the Board shall be held at the call of the Chairperson and at such times as the Board may determine. The Chairperson, or in Chairperson's absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall comply with the requirements of the Utah Open and Public Meetings Act.
- (2) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Board, which is the Department of Community Development, and shall be public record.
- (3) The concurring vote of three (3) members of the Board of Adjustment is necessary to reverse any order, requirement, decision, or determination of the Planning Commission or any administrative official or agency or to decide in favor of the appellant.
- (4) Decisions of the Board of Adjustment become effective at the meeting in which the decision is made, unless the Board specifies otherwise.
(Ord. No. 06-2012, 07/17/2012)

11-2-303 Duties and Powers.

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged that there was an error in any order, requirement, decision or determination made by a land use authority, the Planning Commission and/or the Community Development Director's administration, interpretation or enforcement of the zoning ordinance.
- (2) To hear and decide appeals from Planning Commission decisions regarding conditional use permits.
- (3) To hear and decide special exceptions to the terms of the zoning ordinance, but only when specifically authorized to do so under the terms of the zoning ordinance.
- (4) To hear and decide all matters concerning nonconforming uses, buildings and lots.
- (5) To hear and decide variances from the terms of the zoning ordinance.
- (6) Upon appeal, authorize the construction of a residential dwelling having the lowest floor below the base flood level in the FPO(A1-30) subzone or lower than one foot (1') above the crown of the nearest street in the FPO(AO) subzone; provided:
 - (a) That the structure is permitted with that portion of the FPO zone in which it is proposed to be placed.
 - (b) That the portion of the structure subject to flooding will be adequately flood-proofed.
 - (c) That, in the opinion of the Board of Adjustment, the applicant has made a showing of good and sufficient cause that failure to authorize construction will result in exceptional and unnecessary hardship to the applicant, that construction of the dwelling will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances, and that the requirements and conditions attached to the approval are the minimum necessary, considering the flood hazard, to afford relief to the applicant.

City Staff: Josh Yost, Community Development Director Heather Bakker, Secretary

Members:	Address	Phone	Date Appointed	Term End
Jose' Inclan			Feb 07, 2012	Apr 01, 2022 (Reappointed 02/06/18)
Annette Sorensen			Feb 06, 2018	Apr 01, 2023
Michael Barker			Apr 03, 2012	Apr 01, 2022 (Reappointed 02/06/18)
Matthew Stewart			Apr 17, 2012	Feb 01, 2019 ^{2nd term} (Reappointed from Alt 07/01/14)
Alternate:				
Karen Ellingson			Feb 07, 2012	Feb 01, 2023 ^{2nd term} (Reappointed as Alt 02/20/18)
Matt Packard, Council Representative			Jan 07, 2020	Dec 31, 2022
Mike Snelson, Council Representative (Alt)			Jan 16, 2018	Dec 31, 2022 (Reappointed as Alt 01/07/20)



STAFF REPORT

DATE: January 17, 2020

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney
Cari Thomsen, Paralegal

SUBJECT: CONSIDERATION OF AN ORDINANCE THAT AMENDS AND CORRECTS SECTION 11-6-132 OF THE SPRINGVILLE CITY CODE.

RECOMMENDED MOTIONS

Motion to approve Ordinance No. ____ that amends and corrects Section 11-6-132 of the Springville City Code.

BACKGROUND

Following a public hearing in front of the planning commission, the planning commission recommended 6-0 that an ordinance should be passed that would require a medical cannabis pharmacy to follow state law and the City's business licensing regulations for medical cannabis pharmacies. In the drafting process of the ordinance, staff missed a typo that stated that medical cannabis pharmacies must follow state law and business licensing requirements for cannabis production facilities, not medical cannabis pharmacies.

The proposed ordinance simply corrects the above described typo to state that medical cannabis pharmacies must follow state law and business licensing regulations for medical cannabis pharmacies. Even without City ordinance, medical cannabis pharmacies would have to follow state law and any pertinent business licensing requirements for medical cannabis requirements.

FISCAL IMPACT

None.

Attachments: Proposed Ordinance

ORDINANCE #XX-2020

AN ORDINANCE AMENDING AND CORRECTING SECTION 11-6-132 OF THE SPRINGVILLE CITY CODE GOVERNING MEDICAL CANNABIS PHARMACIES.

WHEREAS, pursuant to Section 10-9a-502 of the Utah State Code, on November 12, 2019, the Springville Planning Commission held a public hearing regarding Section 11-6-132 of the Springville City Code; and

WHEREAS, as part of the Planning Commission's recommendation, the Planning Commission recommended 6-0 that the medical cannabis pharmacy ordinance should require medical cannabis pharmacies to follow state law and the City's business licensing regulations for medical cannabis pharmacies; and

WHEREAS, on November 19, 2019, the Springville City Council considered and passed Ordinance No. 24-2019; and

WHEREAS, the staff report for Ordinance No. 24-2019 and the information presented to the Springville City Council was that Ordinance No. 24-2019 required medical cannabis pharmacies to follow state law and the City's business licensing regulations for medical cannabis pharmacies; and

WHEREAS, in drafting Ordinance No. 24-2019, staff missed a typo in the Ordinance No. 24-2019 that this ordinance amends and corrects, which typo is to correct that medical cannabis pharmacies must follow state law and business licensing requirements for medical cannabis pharmacies and not for cannabis production establishments; and

WHEREAS, in accordance with Section 10-9a-502 of the Utah State Code, this ordinance is passed after holding a public hearing on the proposed land use regulation before the Planning Commission, which hearing was held November 12, 2019; and

WHEREAS, on January 21, 2020, in a public meeting, the Springville City Council found that this ordinance is in the interest of the health and welfare of its citizens and is appropriate and necessary to implement to govern the operations of medical cannabis pharmacies.

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

SECTION 1. SECTION ADOPTED: Section 11-6-132 of the Springville City Municipal Code is hereby adopted to read and provide as follows:

11-6-132 Medical Cannabis Pharmacies and Production Establishments

(1) Definitions:

(a) “Primarily Residential” zone for the purposes of this section and any applicable state law in determining the location of any medical cannabis pharmacy or medical cannabis production establishment means the following zoning districts:

1. Residential Zoning Districts A-1, R1-15, R1-10, R1-8, R1-5, R2, RMHP, RMF-1, RMF-2 and all other residential zoning districts;
2. Any property zoned with a Westfields, Mixed-use or Lakeside Overlay or any other overlay that allows residential dwellings;
3. Village Center Zoning District; and
4. Town Center Zoning District.

(b) The definitions in Utah Code Title 26, Chapter 61a, Utah Medical Cannabis Act, and Utah Code Title 4 Chapter 41a, Cannabis Production Establishments are hereby adopted by this section.

(2) Standards

(a) The following standards apply to all cannabis production establishments:

1. There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where growing, processing or testing of cannabis occurs.
2. Cannabis production establishments shall meet the land use requirements for the zone in which it is located.
3. All State law requirements shall be met for a cannabis production establishment.
4. Cannabis production establishments shall not be located in or within 600 feet of a district that is zoned as primarily residential or within 1,000 feet of a community location.
5. Each cannabis production establishment shall obtain a City business license before conducting business within the City and shall be subject to all business license requirements, including, without limitation, those that are and may be hereafter adopted that are specific to cannabis production establishments.

(b) The following standards apply to all medical cannabis pharmacies:

1. No cannabis products shall be visible from outside a medical cannabis pharmacy.
2. Medical cannabis pharmacies shall meet the land use requirements for the zone in which it is located.
3. Medical cannabis pharmacies shall not be located in or within 600 feet of a district that is zoned primarily residential or within 200 feet of a community location.
4. Medical cannabis pharmacies shall not operate between the hours of 8:00 pm to 8:00 am.

5. All State law requirements shall be met for a ~~cannabis production establishment~~ medical cannabis pharmacy.
6. Each medical cannabis pharmacy shall obtain a City business license before conducting business within the City and shall be subject to all business license requirements, including, without limitation, those that are and may be hereafter adopted that are specific to ~~cannabis production establishments~~ medical cannabis pharmacy.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon first publication.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Springville City, Utah this 21st day of January, 2020.

MAYOR RICHARD J. CHILD

ATTEST:

KIM CRANE, CITY RECORDER



STAFF REPORT

DATE: January 14, 2020
TO: Honorable Mayor and City Council
FROM: Bruce Riddle, Finance Director
SUBJECT: FY 2020 BUDGET AMENDMENT

RECOMMENDED MOTION

The Finance Department recommends adopting Resolution _____ to open and amend the General Fund, General CIP Fund, Special Revenue Fund, Vehicle & Equipment Fund, Electric Fund and Storm Water Fund budgets for operating and capital expenses applying to the Fiscal Year ending June 30, 2020 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:

- *General Fund*
 - Police
 - Appropriate \$10,000 from the Alcohol & Drug Fee Committee (ADF) for reimbursement of body or in-car camera equipment
 - Appropriate \$3,310 from the sale of firearms for equipment consistent with state code. The proceeds of the sale were received

late last fiscal year and are being appropriated from general fund reserves.

- Appropriate \$8,000 from a JAG grant for office equipment
- *General CIP Fund*
 - Police - appropriate \$30,000 from CIP reserves for purchase of new code enforcement officer vehicle. This purchase was necessitated after hiring the additional building inspector position that was filled, but a vehicle was not budgeted.
 - Streets - appropriate \$105,000 from UDOT Safe Sidewalks grant for sidewalk improvements on 1200 E near the high school.
- *Special Revenue Fund*
 - Street Impact Fee Projects - appropriate \$30,000 from street impact fee reserves for the purchase of property on 1200 West.
- *Vehicle & Equipment Fund*
 - Police - appropriate \$50,000 from public safety vehicle reserves to replace a vehicle that was totaled in an accident slightly ahead of its scheduled replacement.
- *Electric Fund*
 - Appropriate higher-than-budgeted line extension fee revenue to the new development equipment projects to cover system expansion resulting from new development
- *Storm Water Fund*
 - Appropriate \$20,000 from Storm Water reserves for property acquisition for future detention pond at 500 S 1200 W.
 - Reduce the budget for the 1150 N 150 E storm drain project, which is complete and under budget by \$90,000 and appropriate those funds to the 1700 E storm drain project, which has an engineer's estimate higher than the current budgeted amount.

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, 2020

<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									
	10	3300	361	Police Grants	\$5,000	\$18,000		\$23,000	ADF grant; JAG grant
	45	3600	360	Grants	\$0	\$105,000		\$105,000	UDOT Safe Sidewalk grant
	53	3700	773	Electric Extension Fees	\$660,000	\$385,000		\$1,045,000	New Development
	Utilize Reserves					\$133,310			
	Total Revenue Amendments					\$641,310			
Expenditures									
	10	4210	342	General Grants	\$5,000	\$18,000		\$23,000	ADF grant; JAG grant
	10	4210	245	Operation Supplies - firearms	\$17,500	\$3,310		\$20,810	Expend proceeds of firearms sales (firearm sales)
	45	4210	605	New Vehicles	\$88,000	\$30,000		\$118,000	Code Enforcement vehicle (CIP Reserves)
	45	4410	650	Sidewalks-Curb & Gutter	\$63,760	\$105,000		\$168,760	1200E Sidewalk improvements (UDOT grant)
	46	9000	400	Streets Impact Fee Projects	\$30,000	\$30,000		\$60,000	1200 W Property Acquisition (Impact fee reserves)
	48	4210	021	Patrol Vehicles	\$315,000	\$50,000		\$365,000	Replace totaled vehicle (dept. reserves)
	53	6050	001	New Dev. Equip. & Materials	\$290,000	\$260,000		\$550,000	New Development (Dev. Fees)
	53	6050	002	New Dev. Transformers	\$175,000	\$125,000		\$300,000	New Development (Dev. Fees)
	55	6800	009	IFMP DBW14	\$200,000	\$20,000		\$220,000	Property acquisition (reserves)
	55	6050	021	1700 E Storm Drain	\$215,000	\$90,000		\$305,000	
	55	6050	026	MP PE42 1150 N 150 E	\$190,170		\$90,000	\$100,170	
	Total Expenditure Amendments				\$1,589,430	\$731,310	(\$90,000)	\$2,230,740	

RESOLUTION #2020-XX

A RESOLUTION OPENING AND AMENDING THE GENERAL FUND, GENERAL CAPITAL IMPROVEMENT FUND, SPECIAL REVENUE FUND, VEHICLE & EQUIPMENT FUND, ELECTRIC FUND AND STORM WATER FUND BUDGETS FOR OPERATING AND CAPITAL EXPENSES APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2020 AS OUTLINED IN EXHIBIT A.

WHEREAS, the City Council has received a recommendation from the Administration that the Springville City General Fund, General CIP Fund, Special Revenue Fund, Vehicle & Equipment Fund, Electric Fund and Storm Water Fund budgets be opened and amended for operating and capital expenses; and,

WHEREAS, on January 21, 2020 the City Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, all persons for and against the proposed appropriation were given an opportunity to be heard; 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 General Fund, General CIP Fund, Special Revenue Fund, Vehicle & Equipment Fund, Electric Fund and Storm Water Fund for operating and capital expenses as outlined in Exhibit A.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PASSED AND APPROVED this 21st day of January 2020.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder

Exhibit A
City of Springville
Budget Amendment Form

Fiscal Year Ending June 30, 2020

<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									
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	53	3700	773	Electric Extension Fees	\$660,000	\$385,000		\$1,045,000	New Development
	Utilize Reserves					\$133,310			
	Total Revenue Amendments					\$641,310			
Expenditures									
	10	4210	342	General Grants	\$5,000	\$18,000		\$23,000	ADF grant; JAG grant
	10	4210	245	Operation Supplies - firearms	\$17,500	\$3,310		\$20,810	Expend proceeds of firearms sales (firearm sales)
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	53	6050	002	New Dev. Transformers	\$175,000	\$125,000		\$300,000	New Development (Dev. Fees)
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	55	6050	021	1700 E Storm Drain	\$215,000	\$90,000		\$305,000	
	55	6050	026	MP PE42 1150 N 150 E	\$190,170		\$90,000	\$100,170	
	Total Expenditure Amendments				\$1,589,430	\$731,310	(\$90,000)	\$2,230,740	



STAFF REPORT

DATE: January 16, 2020

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney
Cari Thomsen, Paralegal

SUBJECT: CONSIDERATION OF A RESOLUTION TO APPROVE ENTERING INTO TWO AGREEMENTS WITH BANJO INC.: THE DATA SHARING ADDENDUM TO MASTER SERVICES AGREEMENT AND ELIGIBLE USER ADDENDUM TO MASTER SERVICES AGREEMENT.

RECOMMENDED MOTIONS

Motion to approve Resolution No. ____ that approves the Data Sharing Addendum to Master Serves Agreement and Eligible User Addendum to Master Services Agreement between Springville City and Banjo, Inc.

BACKGROUND

Banjo, Inc. develops and maintains an internet and mobile software platform for the real time display of live, shared events. Banjo's product is able to grab public information live, such as 911 calls, traffic cameras, social media, weather data, and synthesize it all together. As part of this process, Banjo strips personal information from the information that it gathers to use. Banjo then uses artificial intelligence to understand what and where events are occurring. This helps to alert and direct emergency services during an emergency event.

In July 2019, the State of Utah entered into a cooperative contract wherein the State agreed to provide data to Banjo and pay for Banjo's artificial intelligent services. As part of the State's contract, cities are able to sign eligible user agreements and data share agreements that allows cities to also obtain Banjo's services under the State's contract for no additional fee.

On January 7, 2020, a Banjo representative presented how Banjo's services work and could benefit the City. The proposed Eligible User Addendum to Master Services Agreement adds Springville City as an eligible user under the State's contracts, and the Data Sharing Addendum to Master Services Agreement provides that Springville will share certain data with Banjo as an eligible user under the State's contracts.

Here are some items of possible interest to the Council:

- Other Entities. According to Banjo, approximately 70 other cities and counties have either signed up or are in the process of signing up as eligible users under the State's contract. Local cities include Lehi, Saratoga Springs, Spanish Fork, Payson and Santaquin.
- Pricing. Under the platform that is being offered to Springville City via the State's contract, Springville City will not pay for the services at this time. If Springville decides to add a specific component of Banjo's services that is not covered under the State contract, Springville would have to pay for that service. Banjo's pricing is based on logins, geographic information, population, signal density, and the analysis component of each project.
- Future Costs. In the event that the State does cancel its contract with Banjo, Springville would have to pay for continued services.
- Logins. Under the State's contract, logins are currently free for Springville City. However, Banjo likes to limit logins to administrative accounts for better control within the recipient's organization. Banjo foresees Springville having 5 to 10 logins.
- Termination. There is a 90-day out provision that allows Springville to terminate the contract for any or no reason.
- Data Sharing. Springville City would share 911 CAD calls (No personally identifiable information), automatic vehicle location and City/Public Safety cameras with Banjo. The data being shared is stored by Banjo for 24 hours, unless the City notifies Banjo that they may need to access the data beyond the 24-hour storage period. All requirements to share data with Banjo goes away if Springville decides to terminate the contract. Banjo may only use Springville's data to perform the services of the contract and must keep the data confidential.

At this point, Springville City is not fully aware of the extent to which Banjo's services will help the City. However, Banjo is providing additional services that could greatly improve the response speed of our public safety personal during an emergency event. If nothing else, this is an opportunity to determine how beneficial the services are to public safety.

FISCAL IMPACT

None at this time. In the event that the State's contract is terminated or Springville decides to add additional services beyond what the State has contracted to receive, Springville would incur additional costs.

Attachments: Proposed Resolution with Agreements

RESOLUTION #2020-XX

A RESOLUTION APPROVING TWO AGREEMENTS BETWEEN SPRINGVILLE CITY AND BANJO, INC.: ELIGIBLE USER ADDENDUM TO MASTER SERVICES AGREEMENT AND DATA SHARING ADDENDUM TO MASTER SERVICES AGREEMENT.

WHEREAS, Banjo, Inc. provides artificial intelligence services that gathers public information, strips all personal information from public information, and synthesizes the public information in a way that timely helps alert and direct emergency services during emergency events; and

WHEREAS, in July 2019, the State of Utah and Banjo entered into a contract wherein the State agreed to pay Banjo and provide Banjo with public data in return for Banjo providing its artificial intelligence services for emergency events to the State and other eligible users; and

WHEREAS, the attached Eligible User Addendum to Master Services Agreement adds Springville City to the State's contract as an eligible user to receive the same services the State receives from Banjo at no cost to the City; and

WHEREAS, the attached Data Sharing Addendum to Master Services Agreement provides Banjo with Springville's CAD 911 calls and public cameras, which will both help Banjo provide services to Springville and better Banjo's product; and

WHEREAS, on January 7, 2020, the City Council in its scheduled work session heard a presentation on and discussed Banjo's services; and

WHEREAS, on January 21, 2020, the City Council in its regularly scheduled meeting considered the Eligible User Addendum to Master Services Agreement and Data Sharing Addendum to Master Services Agreement; and

WHEREAS, after considering the facts, comments and recommendations presented to the City Council, the Council finds the Agreements attached to this Resolution will 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 Mayor is authorized to sign the Eligible User Addendum to Master Services Agreement and Data Sharing Addendum to Master Services Agreement, attached as Exhibit A.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PASSED AND APPROVED this 21st day of January 2020.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder

**ELIGIBLE USER ADDENDUM to
MASTER SERVICES AGREEMENT**

This Eligible User Addendum to Master Services Agreement (this “**Addendum**”) is entered into as of **January 21, 2020** by and between the undersigned entity identified below as “Eligible User Customer” (“**Customer**”) and Banjo, Inc. (“**Banjo**,” and together with the Customer, collectively, the “**Parties**”). The Agreement (as defined below) is incorporated herein by reference, and unless otherwise defined in this Addendum, all capitalized terms shall have the meanings ascribed to them in the Agreement. If the terms and conditions of this Addendum conflict with the Agreement, then this Addendum shall control.

WHEREAS, the State of Utah Division of Purchasing (“**Initial Customer**”) has entered into that certain Master Services Agreement (the “**MSA**”) as attached to that certain STATE OF UTAH COOPERATIVE CONTRACT– Contract Number #AR3205, dated July 16, 2019, between Initial Customer and Banjo (the “**Cooperative Contract**” and together with the MSA, the “**Agreement**”);

WHEREAS, Customer is an Eligible User under the Cooperative Contract and desires to join the Agreement as an Eligible User pursuant to the Agreement;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Addendum and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties, intending to be legally bound, hereby agree as follows:

1. Eligible User.
 - a. Customer hereby represents and warrants that it is an Eligible User as defined in the Agreement.
 - b. Pursuant to Section 2.4 of the MSA, by signing this Addendum, Customer hereby becomes a party to the Agreement directly with Banjo effecting a separate set of rights and obligations for such parties under the Agreement independent of the Initial Customer.
 - c. By signing this Addendum, Initial Customer hereby acknowledges and agrees that, notwithstanding Section 2.4 of the Agreement, the payment obligations of Customer under the Agreement shall be the sole responsibility of Initial Customer.
2. Term and Termination. The term of this Addendum will commence on the date of last signature of this Addendum and continue until the earlier of the (i) termination of the Agreement; (ii) termination of this Addendum pursuant to the grounds for termination set forth in Section 5.2 of the Agreement; or (iii) termination of this Addendum by either party providing the other party with a ninety (90) notice of termination for any reason or no reason.
3. Miscellaneous. Except as specifically amended hereby, the Agreement shall continue in full force and effect as originally constituted and amended from time to time. This Addendum may be executed in two or more counterparts, including by facsimile or electronic signature transmission, with the same force and effect as if each of the signatories had executed the same instrument.

[signatures to follow]

IN WITNESS WHEREOF, the duly authorized representatives of each of the Parties have executed this Addendum as of the date first written above.

Eligible User Customer

SPRINGVILLE CITY

BANJO, INC.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

DATA SHARING ADDENDUM to MASTER SERVICES AGREEMENT

This Data Sharing Addendum (this “**Addendum**”) is entered into and made effective as of **January 21, 2020** by and between Banjo, Inc. (“**Banjo**”) and the undersigned customer or Eligible User (“**Customer**,” and together with Banjo, collectively, the “**Parties**”), and supplements and amends the Agreement (defined below) entered into by the Parties. Unless otherwise defined in this Addendum, all capitalized terms shall have the meanings ascribed to them in the Agreement. If the terms and conditions of this Addendum conflict with the Agreement, this Addendum shall control.

WHEREAS, the State of Utah Division of Purchasing (“**Initial Customer**”) has entered into that certain Master Services Agreement (the “**MSA**”) as attached to that certain STATE OF UTAH COOPERATIVE CONTRACT–Contract Number #AR3205, dated July 16, 2019, between Initial Customer and Banjo (the “**Cooperative Contract**”, and together with the MSA, the “**Agreement**”);

WHEREAS, Banjo and Customer entered into that certain Eligible User Addendum to join Customer to the Agreement;

WHEREAS, the Parties desire to enter into this addendum to supplement and amend the Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Addendum and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties, intending to be legally bound, hereby agree as follows:

1. Definitions. The following additional terms when used in the Agreement will have the following meanings:
 - a. “**Access Term**” means the same duration that Customer will receive the Services as set forth in each applicable Sales Order.
 - b. “**Customer Data Sources**” means those data sources made available by Customer to Banjo from time to time, including those set forth in Appendix A attached hereto. Customer may add additional data sources by amendment signed by both parties.
 - c. “**Recipients**” means Customer and its Authorized Users, Related Agencies, Eligible Users and other Customer-specified local, state, federal government and public agencies (including law enforcement, public safety and first responder agencies, schools, and hospitals and medical centers).
2. Customer Data.
 - (a) During the Access Term, Customer shall permit Banjo to access, use, and disclose Customer Data Sources and Customer Data and to make Customer Data available to one or more of the Recipients. Customer hereby grants Banjo a worldwide, non-exclusive, transferable, sub-licensable, and royalty-free license to access and use, copy, prepare derivative works of, distribute, publicly perform (including by means of a digital and audio transmission, if applicable), and publicly display Customer Data as reasonably necessary for Banjo to provide and ensure proper operation of the Services in accordance with the Agreement and to make such data available to the Recipients. Banjo may permit Banjo’s third-party consultants, contractors or agents, to access, use

and disclose Customer Data Sources and Customer Data subject to confidentiality and use obligations at least as restrictive as those set forth in the Agreement.

- (b) Customer shall be responsible for the accuracy, quality and legality of Customer Data, the means by which Customer acquires Customer Data, Customer's use of Customer Data, and access to such data by Banjo and third parties as contemplated in the Agreement, including this Addendum. Without limiting the foregoing, Customer shall not provide Banjo any personal data (including personal health information). Customer hereby represents and warrants that the data are (i) public information outside the scope of privacy protections, (ii) authorized for dissemination by the Customer or other relevant governmental authority, or (iii) the Customer has obtained the consent of the data subject which the Customer warrants is sufficiently broad to authorize the activities contemplated in the Agreement. BANJO SHALL HAVE NO LIABILITY IN CONNECTION WITH ITS USE OF CUSTOMER DATA SOURCES AND CUSTOMER DATA except in the event of (i) a breach of confidentiality obligations under the Agreement by Banjo or an employee of Banjo; or (iii) gross negligence or willful misconduct by Banjo or an employee of Banjo.

IN WITNESS WHEREOF, the duly authorized representatives of each of the Parties have executed this Addendum.

Customer:

SPRINGVILLE CITY

BANJO, INC.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Appendix A

List of Customer/Related Agency Data Sources

Data Signals:

- Primary Signals
 - Police / Fire / EMS
 - Computer Aided Dispatch (CAD) (including incident mapping/ translation) (No personally identifiable information)
 - Automatic Vehicle Location (AVL)
 - City / Public Safety Cameras