



**MINUTES OF THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
JANUARY 7, 2014 – 5:15 P.M.**

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, January 7, 2014 at 5:15 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Councilmember Richard Child, Councilmember Christopher Creer, Councilmember Craig Conover, Councilmember Dean Olsen, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/Finance Director Bruce Riddle, Assistant City Administrator/City Attorney John Penrod, and City Recorder Venla Gubler. Also present were: Executive Secretary Hilary Barksdale, Golf Pro Raymond (Sonny) Braun, Recreation Superintendent Todd Fairbourne, Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Storm/Wastewater Superintendent Juan Garrido, Administrative Assistant Jennifer Grigg, Museum of Art Assistant Director Dr. Virgil Jacobsen, Administrative Assistant Jackie Nostrom, Administrative Services Manager Rod Oldroyd, Utilities Clerk Connie Park, Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley, Library Director Pam Vaughn, Treasurer Doris Weight, and Museum of Art Director Dr. Rita Wright.

OATH OF OFFICE CEREMONY – 5:15 P.M.

Judge Sherlynn Fenstermaker will administer the Oath of Office for the newly-elected officials: Wilford W. Clyde, Craig Conover, and Chris Sorensen. There will be a reception for families, friends, and interested persons directly after the ceremony.

Mayor Clyde welcomed everyone. He explained that the Oath of Office Ceremony is usually held at 12 noon on the first Monday of January, but it was felt that family and friends could come easier if the ceremony was held after work. He commented that it just happens that the Council has no business to attend to at a 7:00 meeting, so the schedule would be to have the swearing in now, adjourn for cookies and punch, and then reconvene at 5:45 p.m. for the Work/Study Meeting. He asked if new Councilmembers Sorensen and Conover had any comments to make. They had none. He introduced Judge Sherlynn Fenstermaker to administer the Oath of Office. The newly elected officials were sworn in. Applause was offered by the audience. The assemblage was adjourned temporarily.

CALL TO ORDER- 5:45 P.M.

Mayor Clyde called the meeting to order at 5:45 p.m. He noted guests from the Boys Scouts of America program and turned the time over to Administrator Fitzgerald.

1) DISCUSSIONS/PRESENTATIONS

- a) **Discussion regarding a request for a Lease Agreement by the Boy Scouts of America for Camp Jeremiah Johnson in Hobble Creek Canyon** – Troy Fitzgerald, City Administrator

Administrator Fitzgerald reported that the City and the Boy Scouts of America have been negotiating an extension of the lease of City property adjacent to the Camp Jeremiah Johnson in the Left Hand Fork of Hobble Creek Canyon. He noted that the Boy Scouts of America have speakers and a short PowerPoint to present. First, however, he wanted to give the Council some background. He reported that the City has leased property between the hydro facility, Rotary Park, and the Camp for decades. The Camp is primarily used for day camps, but there are occasional overnight excursions. The Camp served about 13,000 youth last year, and it is the goal of the Council to make substantial improvements to the facility.

Administrator Fitzgerald disclosed that the two parties were close to agreement, but there are still two outstanding questions so it was decided to come directly to the Council to explain positions. The two major remaining questions are the length of the lease and the acquiring of additional property under the lease for overflow parking. He explained that the Scouts would like to have a 40-year lease. Their intent is to make major capital improvements to the property and they would like to insure a full return on their investment. The Council is now offering a 20-year lease; however, the scouts may get up to 40-years in 5-year automatic extension. If the City decides to cancel the lease, there is a buy-back provision on the remaining life of the capital improvements. The second issue of overflow parking area has raised questions by staff regarding the protection of City infrastructure in the vicinity. He displayed an aerial of the area and pointed out locations of City infrastructure within the requested lease area.

Mr. Ron Fehlberg commented that he is the Utah National Parks Council President. The Utah National Parks Council (UNPC) is the local Boy Scout of America Council, and is the largest Council in America. He reported that Boy Scouts in this area have limited access to facilities, and that the Camp Jeremiah Johnson is the best. He observed that the UNPC has a wonderful relationship with Springville City. Camp Jeremiah Johnson is often the first camping experience for cub scouts. He expressed appreciation for the partnership with Springville that created this experience for young scouters. There are not many places this close to an urban area that is still removed from town and provides camping experiences. He introduced Mr. Myrle Astrope to present the facility improvements they would like to make to Camp Jeremiah Johnson. He added that the reason the UNPC wants to have a long term lease is because the planned improvements will be built with donated dollars. It does not make sense to implement the plans if those donations do not result in an adequate return on the investment. He reported that he would like to suggest a rolling lease similar to one negotiated between BYU and Riverside Golf Course. He admitted that any lease more than 20-years is tantamount to ownership. In order for the UNPC to get at least a 20-year return, he suggested that each year the

lease is renewed it starts another 20 year lease term. If the City finds another use for the property and decides to terminate, it starts the final 20-year lease period. He also admitted that the City has other nonprofits that will want similar treatment, but he submitted to the Council that the boy scouts are unlike other nonprofits. He suggested that the value of Eagle Scout projects alone gives value to the public. He reported that Eagle Scouts donated over 1 million hours, or about \$22 million to local economies. He suggested that the Boy Scouts are special, and he would like to see the partnership with Springville continue.

Mr. Astrope presented slides showing amenities already installed at Camp Jeremiah Johnson, and pictures of scouts enjoying their experience. He reported that the Camp served 13,125 youth last year. He offered a list of activities. He listed the upgrades the UNPC would like to construct—including more camping pavilions, bathrooms, food preparation areas, classrooms, play areas, and parking. He explained that the current parking layout does not allow easy escape for patrons if there was ever a fire.

Councilmember Sorensen questions the realistic nature of meeting every year in order to renew the lease. Mr. Fehlberg replied that the lease would renew automatically every year until terminated. Upon termination, the final lease period would be 20-years. He reported that the UNPC has great hopes to acquire other properties to try and meet the needs of local scouts. They are going to try to have enough facilities to replace Camp Jeremiah Johnson if the City decides to terminate the lease in the future.

Councilmember Conover asked if the hydro facility is fenced. Director Fredrickson replied yes. Director Stapley replied that the concern with the request for additional parking is the facilities that are not fenced, such as air vents in the penstock, pressure reducing valves, and the bypass around the hydro. All of these facilities are in the parking area being requested. Councilmember Conover asked if these can be fenced. Director Stapley replied that a large portion of the area being requested would then be fenced off. There was a discussion of the access to Camp Jeremiah Johnson. Mr. Fehlberg acknowledged the City's legitimate concerns regarding security for their facilities and the logistics of allowing parking in this area. He noted that the UNPC's concern is the safety of their patrons with the limited access in the case of a fire. Councilmember Conover asked if the UNPC has talked with the City's neighbors about additional access and parking space. Mr. Fehlberg replied that UNPC plans to approach neighboring owners after their negotiations with the City are completed.

Councilmember Olsen asked what impact for potential damage is possible around the hydro facility. Director Fredrickson replied that there is no potential for damage to the hydro facility. He added that patrons of the Camp have been respectful of the fencing and the caretaker home in the past. There have been no incidents. Mr. Fehlberg agreed that the experience in the past, but he would like to see proper fencing and coordination between the entities. Director Fredrickson reported that the high voltage power lines are underground, but there may need to be some management to access certain components for maintenance and repair.

Councilmember Olsen asked what could be damaged on the penstock and its components. Director Stapley replied that his issue would be with possible parking on top of the valves. He suggested marking certain areas for "no parking." Mr. Fehlberg observed that patrons

to the Camp are just parking there now without permission. He has been pleasantly surprised at the courtesy shown, but it would make a better situation if the area is made a formal parking lot.

Mayor Clyde observed that he is required to look at the lease request as a representative of the citizens of Springville. He acknowledged that the UNPC has used the parcel for a long time, but the City most likely will have need for the property for another use in the near future. There may be a need for another hydro, or if more homes are built in the canyon, another fire station. There are 30,000 people in Springville now, and the community is expected to double in population over the next 15 years. It may not be needed immediately, but this is a natural area to expand facilities for the City and it may be needed in the next 20-years. He expressed concern about the proposed “rolling” lease. He commented that he would be inclined to renew the lease for 20-years, and then give immediate notice of termination so that the City had access to the property at the end of 20-years on a rolling lease. He suggested renewing the lease for 20-years and then having automatic 5-year renewals unless terminated. He commented that it was just hard for him to even commit to 20-years at this time. Mr. Fehlberg agreed that it is the Council’s responsibility to balance issues and concerns for the citizens. However, he feels that either choice would be good for the City. He suggested that the boy scouts are an unusual case and a good cause. The City and the UNPC have a historical partnership, and the boy scouts bring a direct benefit to the City. He suggested that the City and UNPC share use of the Camp, and give citizens more access during times the Camp is not being used by the scouts.

Councilmember Conover asked if the Camp is used on weekends in the summer. Mr. Fehlberg replied that the new pavilions would allow more use during cold weather, primarily during the “shoulder” months in spring and fall. Councilmember Olsen asked about the buy-out provisions in the lease. He suggested that it is highly unlikely that the UNPC would move elsewhere, but if this happened, would the City have to purchase the improvements. Mr. Fehlberg replied no. He explained that if the City asks UNPC to vacate the property, the buy-out provision would take effect. Councilmember Olsen asked what UNPC considers significant improvements. Mr. Fehlberg replied that septic tanks, pavilions, showers, and all weather parking are considered significant improvements.

Mayor Clyde observed that Mr. Fehlberg used BYU and Riverside Golf Course as an example of the rolling lease. He asked how long it would be before BYU can use the property. Mr. Fehlberg replied that notice was just given, so the 20-year clock has started. Mayor Clyde commented that BYU is expanding the Missionary Training Center and needs more space. Since this development was unanticipated, now they must wait 20-years. They cannot meet their needs. This is a prime example of why the City should make the same mistake. He could not recommend a rolling lease to Springville. Mr. Fehlberg acknowledged the Mayor’s concerns, and suggested that this was part of the give and take of negotiations. He commented that UNPC’s concern is to allow the amortization of improvements. The City will have to decide the balance between long range planning and the need to use the property.

Mayor Clyde suggested that UNPC may get 50-years of lease in 5-year extensions with an initial 20-year lease. He commented that the City does not need the property now, and he is inclined to offer the 20-year lease because of the long-term relationship and the good things the boy scouts do for the community. However, he cannot in good conscience agree to a “rolling”

20-year lease. He cannot predict what will happen in 20-years now. Mr. Fehlberg observed that he is not sure that the LDS Church/BYU would agree to the same terms at Riverside if they could have seen just a few more years into the future. He is just trying to give the UNPC what they need and allow flexibility. Mayor Clyde suggested that the five-year extensions of the lease start with the inception of the lease. If after the first five years, the City decides to terminate the lease, the lease will continue for 15-years. The UNPC will have a minimum of 20-years lease. Councilmember Conover expressed favor to this proposal. Administrator Fitzgerald asked if it is the intent of the Council to have another discussion and then present a final proposal to UNPC. This was confirmed. The representatives of UNPC thanked the Council.

b) **Discussion on the schedule for the Budget Retreat** – Troy Fitzgerald, City Administrator

It was noted that the Council needed to go back and review the minutes and the calendar. Mayor Clyde asked about the Budget Retreat. Administrator Fitzgerald reported that the scheduled meeting usually is held in late January or early February. The meeting starts in the afternoon and extends into the evening. He asked the Council to review their calendars and find a time in the next 30 to 45 days. Councilmember Child commented that he liked how the staff talked to each of the Council beforehand. Mayor Clyde asked if Administrator Fitzgerald had suggested date. Administrator Fitzgerald replied that the meeting has been held on the fourth Tuesday of January. Councilmember Sorensen replied that he was teaching an evening class on the second and fourth Tuesdays of the month. Councilmember Conover expressed his favor to a Friday meeting. Mayor Clyde suggested Wednesday, January 29th. After discussion, the Council reached consensus to schedule the Budget Retreat for January 29 starting at about 2 PM, depending on the agenda items to be discussed. It was noted that Local Official's Day at the Legislature was also on that day, so if the Council wanted to attend that event, the schedule for the Budget Retreat would be adjusted.

COUNCIL BUSINESS

2) **Minutes** – *December 17, 2013 Work/Study Meeting*

COUNCILMEMBER CHILD MOVED TO APPROVE THE MINUTES OF THE DECEMBER 17, 2013 WORK/STUDY MEETING. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

3) **Calendar**

- a) January 11 – ULCT Newly Elected Officials Training, Provo City Hall, 8:00 a.m. – 1:30 p.m.
 - b) January 14 – Work/Study Meeting 5:15 p.m.
 - c) January 20 – Martin Luther King Day, City Offices Closed
 - d) January 21 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
 - e) January 29 – ULCT Local Officials Day at the Legislature
 - f) February 4 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.
- There was no further discussion on the calendar.

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

a) **Art City Substance Abuse Prevention (ASAP) Committee** – Councilmember Dean Olsen

b) **Utah Lake Commission** – Councilmember Dean Olsen

Councilmember Olsen commented that he appreciates the progress made on improving the quality of Utah Lake and what has been accomplished in ASAP. He handed out his reports to the Council and expressed the hope that the Council would find the narrative informational. (The reports are attached to the minutes for reference.) He reported that ASAP helped with the quarterly check of beer licensees in Springville for the “Eliminate Alcohol Sales to Youth” (EASY) program. Fourteen establishments were checked and three sales clerks did not check ID’s and sold to underage, undercover buyers. He commented the Coordinator, Shannon Acor, for the efforts taken by her group to educate and inform the community on substance abuse. Administrator Fitzgerald added that this was the highest failure rate in the Springville EASY program since 1999, and hopefully does not indicate a trend. He noted that the City made several changes to the Municipal Code over the years to address penalties for failure to check ID’s. Attorney Penrod reported that Ms. Acor was so apprehensive about the EASY check that she contacted the businesses in advance to warn them of the impending test.

Councilmember Child drew attention to the handout he had placed in front of each Councilmember regarding a planned event with the South Utah Valley Municipal Water Association (SUVMWA) membership. He asked the Council if they were planning to attend a presentation and dinner that SUVMWA leadership plans to use to inform the membership about their “recharge” study. The date and time were disclosed. The Council indicated their willingness to attend; Mayor Clyde was engaged elsewhere. Director Stapley commented that he had read the study and can see benefits and injury that could happen to Springville’s water supply if certain conditions exist. Councilmember Child agreed, and commented that Springville does not benefit greatly from this proposal. The greatest benefit would be for the southern part of Utah County. However, Springville City is a member of this association and needs to know where their contribution money is being spent. He explained that the trouble with the study is the unknown factors dealing with aquifers and how they interact. Another question is where the water will come from to use in the recharging. Director Stapley reported that the consultant could not guarantee that recharging the aquifer would not push contaminated water into Springville’s wells and springs.

Mayor Clyde asked why Springville City was part of this project if it will not work for the City. He asked how much Springville City is paying to SUVMWA. The purpose of SUVMWA was discussed. Councilmember Child reported that SUVMWA is an Interlocal Association of cities working to protect water rights. He added that the Association has purchased property near Utah Lake intended for a large, centralized sewer system as well. Mayor Clyde asked why Springville would participate in a sewer project. Administrator Fitzgerald reported that former Councilmember Strong encouraged Springville’s participation in the centralized sewer project, partly as a speculation on the price of the property. However, the funds used to pay the City’s portion of this bond are hampering Springville’s ability to meet sewer

project needs within its boundaries. Mayor Clyde asked for an evaluation of each interlocal association the City is involved in. He asked if Springville is getting what they need and what the cost is. Administrator Fitzgerald disclosed that SUVMWA was established to manage water rights in the south county area. He agreed that the sewer project and now the recharge project are outside of the original mission of the Association. He commented that a review is warranted. Councilmember Child observed that when he first started attending these meetings at the request of the City, he had asked SUVMWA's purpose and mission. He reported that no one had been able to tell him the answer.

Mayor Clyde observed that Springville's Winter Recreation Program had received great coverage recently as one of the top five tubing facilities in the State of Utah. However, the facility has not opened this year because of lack of snow. He suggested that some announcement should be made to residents about the facility not being open, or that efforts be taken to haul snow or make snow in order to open the facility. He added that residents are entering the closed facility and using the tubing hill anyway. Councilmember Conover asked if the purchase of a snow-making machine had been researched. Administrator Fitzgerald replied that the purchase had been explored after the facility could not be opened last year. There was a discussion on the viability of making or moving snow. Administrator Fitzgerald reported that he wants a review of this facility's operations based on the history of the last few years. He noted that most times the facility cannot open until after the holiday break, which impacts revenues disadvantageously. Mayor Clyde suggested allowing potential patrons to turn around in the parking lot instead of locking the gate and making them try to turn around on the Canyon Road. He asked if there were other reports or discussions.

Director Fredrickson asked to be allowed to give an update on the transformer issue. He reported that the transformer finally arrived at GE in Colorado and was examined. The core was found to be sound, but repairs were needed in the blocking. He also asked how pricing on a tune-up that would add useful life to the transformer. He reported that the transformer was purchased in 1977 and has operated well since its purchase. He recommended funding the upgrade. Since the purchase order would be for the amount of \$155,000, the Council would have to consider it as an action item. He would like to ask to place the item on the next meeting as an action item; that would be on January 14. He reported that the transformer would require an 8 to 10-week process to return it to the City. Upon arrival, it would have to be installed, tested, and energized. The City needs to have it installed and ready to go before summer loading starts. He reported that the City has submitted a claim to the crane service's insurance company in the amount of \$87,000 because of the transformer being dropped. The total project cost is \$194,000. He displayed a video of the transformer being dropped and damaged. The Council indicated their willingness to have the item placed on next week's agenda as an action item. Mayor Clyde asked if there were any other reports. There was none.

5) **CLOSED SESSION**

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

There was no closed session.

ADJOURNMENT

COUNCILMEMBER CONOVER MOVED TO ADJOURN THE WORK/STUDY MEETING AT 7:00 P.M. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE.