



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 50 SOUTH MAIN STREET
JANUARY 15, 2008 – 7:00 P.M.**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, January 15, 2008 at 7:00 p.m.** in the Springville City Civic Center Council Chambers at 50 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 Gene Mangum presided. In addition to Mayor Mangum, the following were present: Cl. Phillip Bird, Cl. Ben Jolley, Cl. Dean Olsen, Cl. Mark Packard, Cl. J. Niel Strong, City Administrator Troy Fitzgerald, City Attorney John Penrod, and City Recorder Venla Gubler. Also present were: Community Development Director Fred Aegerter, Finance Director David Allen, Public Safety Director Scott Finlayson, Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Recreation Director Charles Keeler, Buildings and Grounds Director Alex Royslance, Public Works Director Brad Stapley, and Library Director Pam Vaughn.

CALL TO ORDER – Mayor Mangum welcomed the citizens, Council, and staff. He noted the large assemblage of young scouts. Mr. Benjamin Elder offered the invocation and Mr. Eric Lee led the Pledge of Allegiance.

CEREMONIAL MATTERS – Recognition of an award to the Springville Justice Court for 2007 Justice Court of the Year
– Proclamation for the White Ribbon Against Pornography Month

Attorney Penrod reported that this recognition is directly the result of efforts by former Judge Olsen, current Judge Fenstermaker, and the Court Clerks. He noted that this award was actually made in April of 2007, but notice did not reach the City until December. He added that this recognition comes one year after Judge Olsen was awarded Justice of the Year. He reported that Judge Olsen was a well respected judge, known for his stern but fair judgments. He commented that the Springville Justice Court is deserving of this honor. The audience applauded. Cl. Olsen commented that the clerks should receive most of the credit. He thanked them for their good work. Mayor Mangum added that humility is another of Cl. Olsen's good qualities.

Mayor Mangum reported that Cl. Strong has been approached by a group seeking city support for a Proclamation taking a stand against pornography. He read the Proclamation to the audience. He commented that it is nice to have groups that will take a stand on important issues.

APPROVAL OF THE MEETING'S AGENDA

CL. BIRD MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

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APPROVAL OF THE MINUTES

CL. STRONG MOVED TO APPROVE THE MINUTES OF NOVEMBER 20, 2008 AS WRITTEN. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Mangum commented on the room full of young men and his delight in welcoming them to this City Council meeting. He directed them to Cl. Jolley when they felt they had completed their obligations for a certificate of attendance. He asked the audience to turn off electronic devices, and asked if there was any public comment.

PUBLIC COMMENT – There was no public comment.

CONSENT AGENDA

1. **Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))**
2. **Approval of the appointment of Rodney Burt to the Power Advisory Board**
3. **Approval of a final plan for South Springs Subdivision, Phase I, located at about 1500 West Center Street in the R1-10, Single Family Residential zone**
4. **Approval of a request to set the time and date of a public hearing to reopen and adjust the 2007-2008 fiscal year budget**
5. **Approval of the Mayor's reappointment of the City Recorder, City Treasurer, City Marshal (Public Safety Director), and Justice Court Judge**

CL. STRONG MOVED TO APPROVE THE CONSENT AGENDA WITH THE FIVE ITEMS LISTED. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

PUBLIC HEARINGS:

6. **Public Hearing to consider a request to vacate and amend Cottonwood Cove Subdivision, Plat B, Lot 9, located at about 2505 East 1100 South in the R1-15, Single Family Residential zone**

Director Aegerter reported that the first item is an amendment to the Cottonwood Cove Subdivision. He presented a map and outlined the portions of two property owners' parcels to create a new lot that meets the zoning ordinances. The amendment increases the number of lots in the subdivision and so requires Council action. He reported that the new lot meets the requirements for street frontage and area. Mayor Mangum opened the public hearing. There was no public comment.

CL. PACKARD MOVED TO CLOSE THE PUBLIC HEARING. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

Cl. Olsen expressed the opinion that the action makes sense. It is a practical and sensible options that the property owners have chosen to take.

CL. BIRD MOVED TO VACATE AND AMEND COTTONWOOD COVE SUBDIVISION, PLAT B, LOT 9 AND APPROVE COTTONWOOD COVE SUBDIVISION, PLAT C LOCATED AT APPROXIMATELY 2505 EAST 1100 SOUTH IN THE R-15 SINGLE FAMILY RESIDENTIAL ZONE WITH AUTHORITY GIVEN TO THE CITY ENGINEER TO EXECUTE ALL DOCUMENTS AFTER FINAL APPROVAL BY THE CITY ATTORNEY.

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CL. STRONG SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

7. Public Hearing to consider a request to vacate and abandon the portion of 100 South Street from Main Street to the western boundary of the parcel at 73 West

Director Aegerter reported that the vacation of a street requires advertisement of a public hearing in a newspaper of general distribution a minimum of four times for the Planning Commission and four times for the Council. The purpose of the hearing is to look at how vacating the street will affect adjacent property owners. He pointed out that except for one parcel, 100 South is currently owned on both sides by the City. He informed the Council that the Planning Commission's only concern is that the final vacation should be held, pending approval of the site plan for the new facilities. This was the motion and recommendation with a unanimous vote. Mayor Mangum asked about leaving the portion of 100 West open bordering the parcel on the corner of 100 West and 100 South. He noted that the homeowner had no driveway there. Director Aegerter replied that it was better to leave that portion open for now. Mayor Mangum asked if the City had the option to close it later if needed. Director Aegerter replied yes. Administrator Fitzgerald disclosed that if the City closed this portion of 100 West, the property would have to be given to the adjacent property owner. Since the City is planning to purchase this parcel, it would have to be purchased back. It was better to leave the access for now. Mayor Mangum opened the public hearing. There was no public comment.

CL. STRONG MOVED TO CLOSE THE PUBLIC HEARING. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.

Cl. Strong asked if an adequate review of safety access had been done. He asked if there would be a change in response times because of the closed street. Administrator Fitzgerald replied that the change in response would be minimal because of the closed street. Director Aegerter pointed out that the street will eventually become part of a parking lot and access through the block will still be available. Mayor Mangum asked if there was other questions or comments from the Council. There was none.

CL. STRONG MOVED TO APPROVE ORDINANCE NO #01-2008 VACATING A PORTION OF 100 SOUTH STREET BETWEEN MAIN STREET AND 100 WEST, AS DESCRIBED IN EXHIBIT A, ALSO MOVING TO APPROVE THE PLAT AMENDMENT TO BLOCKS 21 AND 28 OF THE SPRINGVILLE CITY PLAT "A." CL. BIRD SECONDED THE MOTION. CL. OLSEN, CL. PACKARD, CL. BIRD, CL. JOLLEY, AND CL. STRONG VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

ACTION ITEMS:

8. Consideration of the purchase of 0.11 acres of commercial property located at 254 South Main Street

Attorney Penrod reported that the City has negotiated the purchase of the Villa Playhouse from Gavin and Sharilyn Grooms. The Villa has been open as either a movie or playhouse since 1927. One reason to consider the purchase is the preservation of this historic building in downtown Springville. Another reason is to help continue promotion of the arts. He noted that Administrator Fitzgerald had spoken to representatives of the Springville Playhouse, who appear open to the idea of using the Villa as an alternative location. He disclosed that the building does have issues with structural engineering that does not meet current building codes, but the

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purchase price is below the tax appraisal and appears to be reasonable and feasible enough to warrant some limited renovations.

Cl. Olsen commented that the purchase certainly harmonizes well with the City's "Art City" moniker. He suggested that some creativity on the part of the theater group and library staff would make this an excellent location for a viable arts and theater program. He expressed the opinion that it behooves the City to be involved in this purchase at this time.

Cl. Jolley observed that he feels this purchase is a great idea. He commented that it is important for Springville to keep the downtown alive and vital. This is a great opportunity for community participation in many events that otherwise do not get enough support.

Cl. Packard asked Recreation Director Keeler if there are similar programs in other cities that include the purchase or construction of a theater facility. Director Keeler replied that other cities have similar facilities used to promote a variety of programs— theater, concerts, film and Saturday matinees, overflow seating for events in other facilities, Chamber of Commerce meetings, etc. He reported that he has little concern that the City and its citizens will get good use of the facility. His only concern is the Council's expectation about revenue generation. They must decide whether its operation should bring in revenues, break even, or be used without charge for community events. He pointed to the Ogden Amphitheater as an example. Cl. Strong asked how this would compare. Director Keeler replied that the majority of the Ogden Amphitheater's use was for groups of 250, although it would accommodate 3,000. The Villa has seating for 300. It can be mostly used for local theater groups and as a place for recitals. Cl. Olsen asked if it could be operated at a break even level. Director Keeler replied yes.

Administrator Fitzgerald reported that the Council and staff have discussed facility usage policy in the past, but it does need updating. Mayor Mangum asked the Grooms if they had any comment. Mr. Grooms replied that they bought the Villa two years ago and planned to use it like the theater they own in downtown Provo. He reported that since they opened in Provo the neighboring buildings have experienced 100-percent occupancy. That was their goal here too. They were also hoping to have a manager to help bring about this goal, but it did not turn out that way. He commented that the Villa has had its ups and downs, and they have battled that perception to bring it back to its former usefulness. He suggested that the Villa is a good match for the City and the Springville Playhouse has a great reputation. He added that Springville's Recreation Director is a fine leader with a great resume. He observed that he hopes the theater is available to extend some shows from Provo to Springville. He noted that he has been contacted many times about recitals, but his budget restraints inhibited use in this way. Cl. Olsen asked if the movie projector is operational. Mr. Grooms replied that he only turned it on once, but it is there and there is a screen. He suggested that it would not take much to start showing some films. Mayor Mangum thanked him for his cooperation and support of the City.

CL. OLSEN MOVED TO APPROVE THE EXECUTION OF A PURCHASE AGREEMENT BETWEEN SPRINGVILLE CITY AND GAVIN L. AND SHARILYN GROOMS FOR THE CITY'S PURCHASE OF PROPERTY LOCATED AT 254 SOUTH MAIN STREET, SPRINGVILLE, UTAH. CL. JOLLEY SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED AYE.

Mayor Mangum commented that he hopes the message gets to the community that the Council is supportive of the arts—all arts. Cl. Strong observed that the Reynolds Buildings is being restored. The City may be able to do some restoration work on the Villa over the next few

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years. He added that the City is making “a dent” in improving the visual aesthetics of Main Street. Soon the new City facility will be added to the list of improvement.

9. Presentation of a recommendation by the Pool Ad Hoc Committee on the Community Center Concept Plans

10. Consideration of a bid award and contract for a concept design of a Community Center

Mayor Mangum introduced Director Keeler and explained to the audience that the Pool Ad Hoc Advisory Committee has been investigating possibilities for a community center. Director Keeler reported that the Committee was formed and members appointed in September of 2007 in order to find out the needs and desires of the community in regards to a pool and/or recreation center. He noted that at the time, staff was directed to develop a Request for Proposal to develop community center concept plans. The City received four qualified proposals. He listed the proposers and the bids. He reported that the Committee met and reviewed the proposals and narrowed the field to the top two, EDA and GSBS. He added that the Committee recommends offering the contract to EDA, or as an alternative, award the contract to both firms to work up plans concurrently for additional concepts. EDA Architect’s bid is \$6,000.

Cl. Olsen asked why there is such a wide spread between the bids. Director Keeler replied that EDA has not done work for Springville in the past and would like to build a relationship for additional work in the future. They have excellent references and credentials, and the examples presented were exceptional. Mayor Mangum emphasized that the RFP was issued in response to a request from a citizens group. This Committee is formed to develop and explore options for the City. If there is to be a new facility, it must be driven by the citizens of the community. This contract is just one of the steps along the way. Cl. Strong asked if EDA had been given some parameters to work with, such as looking at a phased approach and optional items. Director Keeler replied that the contract is for a base facility that can be expanded in the future. Cl. Strong asked if there is some idea of how large a parcel would be needed to accommodate a facility at full build-out size. Director Keeler replied that the estimate is six acres. Cl. Packard commented that he sits on this committee and considers it an excellent group. They are comfortable with EDA and the amount allocated for the study.

CL. JOLLEY MOVED TO APPROVE ENTERING INTO A CONTRACT IN THE AMOUNT OF \$6,000 WITH EDWARDS AND DANIELS ARCHITECTS (EDA) TO COMPLETE THE COMMUNITY CENTER CONCEPT PLAN. CL. STRONG SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED AYE.

Cl. Jolley asked Director Keeler to convey his thanks for the hard work of the Pool Committee.

11. Consideration of a Resolution authorizing the sale and issuance of up to \$11,750,000 of sewer revenue bonds, fixing certain maximum terms for the bonds; and providing for related matters

Director Allen reported that the City has finally reached the point at which they must begin the process of expanding the wastewater treatment plant and complete the extension of sewer pipelines on 1500 West. This “Paramaters” Resolution will begin the 30-day protest period. At the end of the contest period, the City can then begin the formal process of issuing bonds. The Resolution sets a maximum amount of bonds to be issued at \$11.75 million with a

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25-year bond life at an interest rate not to exceed 4.5 percent. He reported that the project is anticipated to cost \$10.2 million, but the bonding will also guarantee a 10-percent reserve. He noted that waiting has worked to the City's advantage. Bond rates have dropped, and construction costs have slowed their growth. He asked if there were questions.

Mayor Mangum asked Administrator Fitzgerald to comment on the critical nature of the expansion project. Administrator Fitzgerald reported that Springville owns and operates the second oldest functioning treatment plant in the State of Utah. It is reaching its lifespan on both the equipment and the facility. This project will modernize the plan, including options for UV filtration that will eliminate the need for chlorine, and accommodate the City's growth to 40,000 residents. He noted that the growth component of the plant will be funded from impact fees paid by new residences and businesses in Springville. Sewer rates and property taxes will not increase as a result of this project. He reported that this upgrade has been a long time coming and the amount of information available to the public is inches thick, but this is the short version.

Cl. Packard asked for a breakdown of the projected costs of the project. Administrator Fitzgerald replied that \$9.1 million is estimated for construction costs and there is another \$1 million in engineering costs. He noted that the remainder of the expenses for the project will come out of existing reserves and from Nestles' contribution for construction costs related to expected growth in their operations. Mayor Mangum commented that this is a culmination of months of detailed study and analysis. The Council has little choice but to move forward to improve, modernize, and update the sewer treatment plant. He assured the citizens present in the audience that the current rates were adequate for now to support the operation of the treatment plant. The payments on the bonds will be covered by impact fees.

CL. STRONG MOVED TO APPROVE **RESOLUTION NO #2008-01** AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$11,750,000 IN WATER AND SEWER REVENUE BONDS. CL. BIRD SECONDED THE MOTION.

Administrator Fitzgerald reported that the parameters resolution does not issue the bonds, it only allows investigation on the possibility of bonding. The action to bond will come later. Mayor Mangum commented that this is a significant step forward.

CL. PACKARD, CL. BIRD, CL. JOLLEY, CL. STRONG, AND CL. OLSEN VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Cl. Strong asked when the Council would award the contract for the construction project. Administrator Fitzgerald replied that staff wanted a written agreement with Nestle before the contract is let out. Several meetings have been held, and it is expected to come to the Council on February 5.

12. Consideration of a policy on parking in the residential/commercial transition areas

Administrator Fitzgerald reported that the Council has heard from several neighborhood groups in recent years concerning business parking infiltrating their neighborhoods. There are conflicts between schools and residential, and commercial and residential areas. He listed the areas near 400 North and Main, 400 South, near the high school, and all along Main Street as places where parking is becoming an issue. He reported that staff has discussed the issue and discovered there are many challenges. It is hard to decide the best approach to mitigate the overall impact and balance the needs and interests of residences and businesses. So far, the Council has kept the current policy in place. The other options available include timed parking, permit parking, and no parking. He reviewed the advantages and disadvantages of each option

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and asked the Council for their direction. Mayor Mangum asked if any citizen would like to comment on this issue. There was none. The Council discussed giving time to more widely advertise and notify citizens of a pending discussion on this issue.

CL. PACKARD MOVED TO CONTINUE THE DISCUSSION OF A POLICY ON PARKING IN THE RESIDENTIAL/COMMERCIAL TRANSITION AREAS TO THE REGULAR COUNCIL MEETING ON FEBRUARY 19, AND NOTIFY INTERESTED CITIZENS BY PERSONAL CONTACT, AND PRESS RELEASES IN THE SPRINGVILLE HERALD AND CITY SOURCE. CL. STRONG SECONDED THE MOTION. THE COUNCIL UNANIMOUSLY VOTED IN FAVOR.

13. Consideration of an amendment to the Agreement for GPS Services

Attorney Penrod reported that this agreement is between four cities, Springville, Spanish Fork, Salem, and Payson. This amendment will replace Salem with Santaquin. The cities jointly own and operate a crew and GPS equipment. Springville's interest is 25-percent. Cl. Strong asked what happens if other cities want to opt out of the agreement. Attorney Penrod replied that the remaining cities may opt to buy out the demurring city's share in the equipment, and have more of the crew's time, or get another city to take over that position as Santaquin is doing now. Cl. Packard asked how Springville uses this service. Attorney Penrod reported that the crew surveys and develops legal descriptions, locates infrastructure for GIS mapping, and other mapping and surveying functions. Cl. Olsen asked how Springville gets their 25-percent. Administrator Fitzgerald replied that Springville gets one day of every four days in week blocks spread over the course of a year for their \$75,000.

CL. STRONG MOVED TO APPROVE THE EXECUTION OF THE AMENDED G.P.S. INTERLOCAL AGREEMENT. CL. BIRD SECONDED THE MOTION, AND THE COUNCIL VOTED UNANIMOUSLY IN FAVOR.

14. (Continued from December 4 and December 18) Consideration of a Resolution setting forth Springville City's intention of entering into a boundary agreement with Spanish Fork City to adjust the common boundary between the cities at about 2800 South Highway 51 in Springville

Attorney Penrod presented a map and pointed out the 13-acre parcel that is the subject of this application. He explained that this parcel is split between Spanish Fork and Springville. This application has come before the Council previously—last time was a year ago. The Council voted to enter into a boundary agreement with Spanish Fork, but the Spanish Fork Council did not approve it before the 60-day time limit dictated by State Code had expired. Now the applicant would like to have the Council re-approve the boundary line adjustment and Spanish Fork is willing. He reported that the applicant is asking for the boundary line adjustment because Spanish Fork has infrastructure nearby that would facilitate development, while Springville's infrastructure is quite a distance away on SR-59. Springville's zoning is a holding zone of Agricultural, while Spanish Fork's nearby zoning is higher density residential.

Mr. Cody Roberts commented that he has been before the Springville City Council many times before, although the Council has some new faces. He suggested that this application is more of a housekeeping item. The parcel is split between Spanish Fork and Springville, and Spanish Fork can provide utilities. Cl. Strong agreed with this assessment. He wondered why the boundary divided the parcel in the first place. Mr. Roberts commented that the usual practice was

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to follow parcel lines, but not in this case. He reported that he first considered parallel development in the two cities, but the distance to bring utilities in from the Springville side is cost prohibitive. He observed that it makes sense to clean up the mistake made by splitting one parcel between two cities.

Mayor Mangum commented that he does not get a vote; the decision is up to the Council. However, Mr. Roberts is asking Springville to give up 13 acres to Spanish Fork. This does not seem like “housekeeping” to him. He also expressed concern about the “domino effect” such an action might engender. Mr. Roberts commented that he remembers this concern expressed last time, but this parcel is split by the city boundary so an adjustment is unlikely to create a precedent. There are few, if any, other parcels in a similar condition.

Cl. Packard remarked that he was opposed to the Resolution the last time, and he continues to be opposed for a number of reasons. He observed that the boundary was put there for a reason, even though that reason may not be remembered now. He also pointed out that Mr. Roberts knew the boundary was there when he purchased the property. Mr. Roberts was the applicant to Spanish Fork for annexation of the portion that was unincorporated. It was his choice. He added that he was also worried about the domino effect and this has been reinforced by inquiries from a neighboring property owner.

Cl. Bird commented that another issue affecting the Council’s thinking now is that other developers on the Springville side are moving the utilities closer to this parcel. Mr. Roberts commented that he would really like to have the Council consider his request. He has spent time, money, and energy moving in the Spanish Fork direction based on the previous vote, but it did not get done. He “implored” the Council to move forward with the same decision. He reported that he was so close to making the project complete. He acknowledged that it has been a year, and he knows that there are new factors, but any other vote will impact the money he has spent already.

Cl. Olsen observed that he was new to the Council, so he drove out there. He commented that he sees no benefit at all to Springville to grant this motion. Mr. Roberts replied that if Springville would have considered zoning the property to match Spanish Fork there could have been benefit to allowing the development, but Springville would only consider the holding zone.

Cl. Strong disagreed with the supposition of domino effect. He suggested that this particular 13-acre parcel and possibly the few acres across SR-51 are the only parcels that may be affected. He observed that the reason he entertained the approval before is because the boundary runs right through the parcel. He pointed out that there is no benefit to Springville to keep the parcel, but there is benefit to Mr. Roberts to let it go. He suggested that there is no legitimate reason for it not to occur.

Cl. Packard reiterated that there is a reason the boundary was put there in the first place; it was not done arbitrarily. The portion of the parcel on the other side of the boundary was also not in Spanish Fork until Mr. Roberts put it there. Cl. Strong admitted that he does not know what happened in the past, but it will not cost Springville anything to let it go. He pointed out that the Council already gave their vote a year ago. Mr. Roberts is just coming back to get Springville’s help to clean it up and move on.

CL. STRONG MOVED TO APPROVE **RESOLUTION NO #2008-02** SETTING FORTH SPRINGVILLE CITY’S INTENTION OF ENTERING INTO A BOUNDARY AGREEMENT WITH SPANISH FORK CITY TO ADJUST THE COMMON BOUNDARY

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BETWEEN THE TWO CITIES AT ABOUT 2800 SOUTH HIGHWAY 51 IN SPRINGVILLE. THE MOTION DIED FOR LACK OF A SECOND.

CL. PACKARD MOVED TO DISAPPROVE **RESOLUTION NO #2008-02** SETTING FORTH SPRINGVILLE CITY'S INTENTION OF ENTERING INTO A BOUNDARY AGREEMENT WITH SPANISH FORK CITY TO ADJUST THE COMMON BOUNDARY BETWEEN THE TWO CITIES AT ABOUT 2800 SOUTH HIGHWAY 51 IN SPRINGVILLE. CL. OLSEN SECONDED THE MOTION.

Cl. Strong observed that he would like to make one last comment. He disclosed that one thing has always bothered him about government; they can dictate what you can do with your property. He added that he would sure like to hear a good reason why the Council will not allow Mr. Roberts to clean up the boundary. He assured the Council that letting him do that will not cause a domino effect, and Mr. Roberts and Spanish Fork have been operating under the assumption that the boundary adjustment was approved by the Springville City Council for a year.

MAYOR MANGUM CALLED FOR A VOTE. CL. BIRD, CL. JOLLEY, CL. OLSEN, AND CL. PACKARD VOTED IN FAVOR OF THE MOTION. CL. STRONG VOTED NAY. THE MOTION CARRIED (4-1).

15. Consideration of a Memorandum of Understanding with Two Elks Generation Partners, LP for the purchase of 25 MW of facility contingent firm electrical energy from Two Elk's waste coal and coal-fired power generation facility in Campbell County, Wyoming

Director Fredrickson commented that this item is the continuation of the Work Meeting held earlier. He asked the Council for a motion to approve the Memorandum of Understanding with a date 90 days from today. Attorney Penrod suggested wording of "up to 25 megawatts" in case the Council decides on something less in the next 90 days.

CL. BIRD MOVED TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH TWO ELKS GENERATION PARTNERS, LIMITED PARTNERSHIP AND AGREE TO CONDUCT NEGOTIATIONS WITH TWO ELKS IN GOOD FAITH TO COMPLETE DEFINITIVE AGREEMENTS FOR UP TO 25 MEGAWATTS BY 90 DAYS FROM TODAY. CL. JOLLEY SECONDED THE MOTION. THE COUNCIL UNANIMOUSLY VOTED IN FAVOR OF THE MOTION.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

There were no reports.

CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

There was no closed session.

ADJOURNMENT

CL. JOLLEY MOVED TO ADJOURN THE MEETING AT 8:39 P.M. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED IN FAVOR.

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