



**MINUTES FOR THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 50 SOUTH MAIN STREET
FEBRUARY 5, 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, **February 5, 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 R. Mangum presided. In addition to Mayor Mangum, the following were present: Cl. Phillip Bird, Cl. Benjamin 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, Power Distribution Superintendent Tony Fieldsted, Power Director Leon Fredrickson, Lieutenant Dell Gordon, Recreation Director Chuck Keeler, GIS Specialist Michael Philp, Wastewater Superintendent Rick Roberts, Buildings and Grounds Director Alex Roylance, Public Works Director Brad Stapley, and Library Director Pam Vaughn.

CALL TO ORDER

Mayor Mangum called the meeting to order at 7:03 p.m. He noted that the full Council was in attendance. He indicated a special welcome to the young men and young women in the audience. He asked anyone wishing to speak to the Council to obtain and complete a "request to speak" form that would help the Council and staff keep track of the request and the follow-up. Mr. Fred Aegerter offered the invocation.

CEREMONIAL MATTERS – Flag Ceremony by Springville West Stake Scout Troop

Mayor Mangum commented that there was a special treat in order this evening. The combined scout troops of the Springville West Stake under the direction of Mr. Ben Elder would be presenting the flag tonight. He commented that the troop would be led by Mr. Mark Reber. The scouts presented the colors of our nation and state, and led the Pledge of Allegiance. Mayor Mangum complimented them on the fine performance.

APPROVAL OF THE MEETING'S AGENDA

CL. STRONG MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. CL. JOLLEY SECONDED THE MOTION, AND THE COUNCIL UNANIMOUSLY VOTED IN FAVOR OF THE MOTION.

APPROVAL OF THE MINUTES

CL. OLSEN MOVED TO APPROVE THE CITY COUNCIL MEETING MINUTES FOR DECEMBER 5, 2006 AND DECEMBER 19, 2006 AS WRITTEN. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.

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MAYOR'S COMMENTS

Mayor Mangum commented that the Council looks forward to hearing from members of the community. He asked for the request forms. He added that State Law prevents the Council from taking formal action on any item not listed on the agenda, but they were willing to hear and give an informal response. He noted that he had three requests.

PUBLIC COMMENT:

Mr. Daniel Simmons reported that he was present before the Council as the co-captain of the Springville High School Swim Team, and they had just achieved their first state championship. He thanked the Council for their support of the swim team, for keeping the pool open, for fixing the boiler in a timely manner, and asked that the Council continue to do what they can to maintain the pool and keep it open. He commented that, if not for the efforts of the Council in these areas, their season could have been ruined. The Springville City Pool has been a great blessing to the team. Mayor Mangum replied that the City is very proud of their dedication and talents. He congratulated them for their achievement. The audience also gave the team applause. Cl. Jolley commented that the Council was supported by a great city staff. They had given extraordinary effort to fix the boiler and keep the pool open. He gave the pool and facilities staff the credit for the fix. Director Keeler pointed out that Buildings and Grounds Director Alex Roylance and Facilities Manager Shawn Orton went above and beyond the ordinary to return the pool to normal operation. The audience again applauded.

Ms. Amyee Hargett offered thanks to the Council for the quick action to repair the pool as the Head Coach. She reported that these young people put a lot of time and effort into their competitions, and the loss of any practice time would have affected the outcome. She asked the Council to continue to keep this facility open until another one is built. She commented that the swim team requires great dedication and affects their lives in a positive manner. This is a great sport and a great activity, and it should be maintained in Springville. Cl. Bird asked if the team can keep up the winning streak next year, since they would be losing the seniors. Ms. Hargett replied that there are great competitors in the junior and sophomore classes. She predicted that the team would continue to be great. Mayor Mangum commented that the Council's intent is to do everything they can to keep the pool alive until something better can replace it. The audience applauded.

Mr. Ryan Johnston reported that he had two things he would like to ask the Council. The first is an ordinance change. He informed the Council that the City requires one water share per acre for development. He understands the City's need for water to serve new development, but asked if a formula based on the development's usage of water would be better. He pointed out water shares are expensive and getting hard to find. He added that his family is building a new facility on 1600 South that will not use a share of water, but something less. Attorney Penrod reported that Springville City used to have a policy along these lines for commercial properties. The City looked at landscaping needs and the equivalent residential units of the facility. Mayor Mangum asked if Mr. Johnston has visited with staff about his request. Attorney Penrod replied that they had visited at length. He explained that the formula may be fairer to those that use less water, but would require more water shares for developments that use significantly more. There would also be more work required by staff to do the calculations.

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Administrator Fitzgerald reported that he was an employee of the City when this policy was in effect. He noted that it was only used for a short period of time and there were significant challenges encountered with the formula. He added that most property owners have at least one share per acre in Springville. Not requiring that share per acre now may allow property owners to sell their extra shares so they are not available later when the property is developed. He noted that the master plan has determined that the requirement for a share per acre will meet the City's needs eventually, and will equal what is used on that property when it is fully developed. This simple formula does not require staff to do calculations and then keep track of changing uses that require the submittal of more water shares. There is some merit to simplicity.

Mayor Mangum asked if the Council wanted staff to research and present a study on a future agenda. Cl. Olsen replied that he would appreciate information on how the system may be improved. Cl. Packard asked if the water bottling facility had tendered one share. Administrator Fitzgerald replied that this facility is bottling their own well water, but a car wash gives one share and an insurance office gives one share. Director Aegerter commented that a storage shed facility gives only one share even if their water use is nonexistent, but one recently changed to a car wash. Cl. Bird commented that he was not opposed to Mr. Johnston's request, but the City has limited manpower to spend on this project. He noted that employees are stressed now, and he would hate to ask them for additional work at this time.

Administrator Fitzgerald observed that the City has a procedure to change ordinances with a fee attached. The fee is a funding source to pay for staff time, or even additional staff if needed. Mr. Johnston acknowledged that this is a possible scenario, but his problem is that he cannot find water shares to buy and tender. He observed that the selling price for water shares is "out of control." He suggested that the City consider allowing him to tender cash in lieu of water shares like Spanish Fork does. Administrator Fitzgerald reported that staff's concern on this approach is that the City must take the cash in lieu and find the water shares to buy. It will have the effect of increasing this type of request, and allow property owners to sell their shares and create more volatility in the share market. He reported that the City keeps a list of shares for sale for developers to contact. Mr. Johnston commented that people trying to develop are asked to pay whatever is needed to get the shares to submit to the City.

Cl. Olsen asked how much time is required for an ordinance change. Director Aegerter replied that the fee established for this procedure is \$700 to \$800. Administrator Fitzgerald reported that this includes 20-40 staff hours, publication of notices, and hearings. Cl. Olsen commented that the formula could be for or against developers depending on the type of development. Administrator Fitzgerald agreed and noted that if Stouffers came now under this type of formula, they would be required to submit hundreds of shares. Cl. Olsen asked if there was any fairness in having a formula rather than the current procedure. Mr. Johnston commented that fairness is the reason water is required by the City, but the amount of shares required should be equivalent to what is being used. Administrator Fitzgerald observed that once a waterline is connected to a parcel, the City has to supply whatever use is there. If the use changes to one that uses more water, the property owner will have to supply more shares. That may pose difficulties if the water shares historically used on the property have been sold. He equated the search for water shares to the need for more parking spaces when a property changes use. It is hard to find and expensive. Mayor Mangum asked how long the present procedure has been in force. Administrator Fitzgerald replied since the 1970's with the brief experiment in calculating water use in the 1990's. Cl. Jolley observed that a change of use can occur within a year or two years

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of the first approval. He expressed a preference to keep the current procedure. Attorney Penrod pointed out that in order to change that use, the developer would have to come back to the City and change the amount of water shares.

Mayor Mangum observed that he was not hearing a majority of the Council leaning in any one way. He directed Mr. Johnston to work with staff on a formal agenda request if he is interested in pursuit of this amendment. He asked the second item on Mr. Johnston's list. Mr. Johnston reported that he has talked to Mr. Doug Bassett at UDOT about a safety issue in his neighborhood. The intersection at US89 and 400 East is not a 90-degree turn. Motorists entering from the south are speeding through the neighborhood even though the speed limit is 30 and there is a school bus stop there. He was told by UDOT that they have other high profile concerns, but they would participate if the City would head the construction of a solution. Mayor Mangum replied that the City has a number of meetings scheduled with UDOT. He asked Director Stapley to raise the concern with the UDOT representatives. Cl. Strong agreed that this intersection poses a great safety risk and added that it may move up on the schedule if the City takes the initiative. Administrator Fitzgerald replied that City staff would raise the issue with UDOT and explore the options. Mr. Johnston expressed thanks and suggested that the City can choose to "build a fence at the top of a cliff or park ambulances at the bottom." He hopes that the City will choose to build a fence.

Mayor Mangum asked if there was other public comment. There was none.

CONSENT AGENDA

- 1. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))**
- 2. Approval of appointments to the Art City Days Committee – Charles Keeler, Recreation Director**
- 3. Approval of a revision of Planning Commissioners' terms – Fred Aegerter, Community Development Director and John Penrod, City Attorney**

CL. PACKARD MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.
CL. BIRD SECONDED THE MOTION. THE COUNCIL UNANIMOUSLY VOTED AYE.

PUBLIC HEARINGS:

- 4. Public Hearing to consider an Ordinance amending zoning from R1-15, Single Family Residential, to R1-10, Single Family Residential, for the Stewart Subdivision, a minor subdivision, located at about 820 South 2100 East – Fred Aegerter, Community Development Director**

Mayor Mangum explained the procedure for a public hearing. He turned the time over to Director Aegerter for his presentation. Director Aegerter displayed an aerial photo of the neighborhood. He pointed out 2080 East and 2100 East Streets. He explained that the proposal is to rezone a portion of a parcel from R1-15 to R1-10. He reported that the Planning Commission reviewed the application and recommends approval because it meets the General Plan. There were concerns about the depth of the new lot, but the developer has recognized the setback limitation to a home on this lot. Administrator Fitzgerald asked if the street will be improved to the full road standard. Director Aegerter replied yes. Mayor Mangum asked if 775 South will

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continue to the east. Director Aegerter replied that this is unlikely. He pointed out an existing home that would affect the alignment of the street, although the future density allowed in this area will determine the extension of streets. He noted that the street extension of 775 South is not anticipated in the General Plan. Cl. Packard asked if there is a possibility of all the homes between 2080 East and 2100 East eventually being rezoned from R1-15 to R1-10 like this one. Director Aegerter replied that it is a good possibility.

Mayor Mangum opened the public hearing to comment from the audience. Mr. Howard Stewart suggested that the City will eventually see R1-10 development along 2080 East. He reported plans by his neighbors to develop their lots similar to his lot. Mayor Mangum asked if there was other comment. There was none.

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

CL. OLSEN MOVED TO APPROVE ORDINANCE NO #02-2008 REZONING THE WESTERLY PORTION OF THE PARCEL LOCATED AT 820 SOUTH 2100 EAST FROM R1-15 TO R1-10 SINGLE FAMILY RESIDENTIAL. CL. STRONG SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

5. **Public Hearing to consider a Resolution adopting mid-year adjustments of the 2007-2008 Springville City Budget and Fee Schedule** – David Allen, Finance Director
 - a. **Consideration of a new budget request for Aerial Photos** – Michael Philp, GIS Specialist and Brad Stapley, Public Works Director
 - b. **Consideration of a new budget request for a pipeline replacement project at Konold Springs** – Brad Stapley, Public Works Director
 - c. **Consideration of a request to amend the fee schedule to include a fee increase for nonresident library cards effective March 1, 2008**– Pamela Vaughn, Library Director

Mayor Mangum asked if a motion on each item is required. Administrator Fitzgerald replied that the items will be discussed individually, but they can be included in a motion to approve the amended budget.

Director Allen observed that the City has entered the second half of the budget year. He has approached the Directors to examine their budgets. He reported that the City has experienced more volatility in revenues, more projects have been funded, and more funding has been allocated to reserves in some cases, but all the increases and decreases have had little effect on the overall budget. He commented that he would like to quickly hit the highlights for the public.

Director Allen reported that property tax, energy tax, and telecommunication tax collections are up. Auto tax, building and construction related fees, and sales tax collections are down. One major revenue item that was not anticipated was the sale of real property. This revenue has been transferred to the capital project fund for facilities. He explained that the premise of this action has been to use funds from the sale of assets to acquire other assets. Another significant change includes a decrease in capital projects for the streets department. He explained the various projects that were put on hold and/or expanded.

Director Allen turned to the electric enterprise fund and reported that sales are up, but collection of connection fees, impact fees, and extension fees are down. There are project in the capital improvements fund that were deferred last year and will be completed this year. He

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pointed out the UAMPS refund that was allocated to an operating reserve. He reported that the water enterprise fund sold a lot of water in July and August, but connection and impact fee collection are down. Impact fee reserves are up because projects were deferred last year, but will be completed this year. The sewer enterprise fund is anticipating a major expansion project this year. However, the \$1.4 million from Nestles has not been collected, and some of the expansion will be budgeted in next year. Director Allen then displayed the capital projects fund, pointed out transfers to capital facilities, purchases of properties, and an allocation for the renovation of the Villa. He reported that this was a broad overview of the proposed budget amendments.

Director Stapley reported that his department had budgeted the same item twice last budget year—once in the Public Works Computer Hardware and Software line item and again in the GIS Software and Hardware line item. He would like to propose an alternate project for the extra funding. They have found a need to update the aerial photos the City staff uses on a daily basis. He reported that the aerial photos are used in the Geographical Information System (GIS) applications to map facilities for many of the City's departments. The reason it is needed now so urgently is that the photos must be taken after the snow melts and before the leaves sprout on the trees. If the Council decides to wait until the new budget year in July, it will be too late. He asked the Council to consider adding this item to the current budget with \$23,500 coming from the \$30,000 that was budgeted twice. He introduced GIS Specialist Michael Philp to show how the aerial photos are used. Mayor Mangum asked if the proposed appropriation was offered out to bid. Director Stapley replied that two companies submitted bids on the project within \$425 of each other. AeroGraphics's bid was \$23,575.00 and Springville Orthophotography's bid was \$24,000.00. He recommended the low bid to the Council.

Mr. Philp stepped the Council through the GIS layers and explained that the aerial photo is the most used GIS layer of this program. He reported that the aerial photo is the reality of the GIS program and becomes an accurate archive of the City's growth. He showed how the other layers fit over the top of the air photos and displayed the air photos from 2005 and 2006. He noted that using the photos is "cheaper than surveying." He explained the process of creating the aerial photos, informed the Council of the extent (24.78 square miles), and disclosed the resolution levels will allow identification of manhole covers and other distinguishable features of City infrastructure. He added that the resolution allows the City to make accurate maps.

Director Stapley then introduced the proposed Konold Springs project. He presented aerial photos of the pipeline route between the springs and the 400 South water tank. He observed that one of the directives to his department is to find out where the City is vulnerable and fix it as soon as possible. He reported that the construction of the Cherrington Heights Subdivision has impacted the existing Konold Springs pipeline. This pipeline brings about 200 gallons per minute into the city system. He pointed out that the pipeline carries water around the contour of the mountain with a fall of only 20-feet. There are no valves in the pipeline, but there are three people using water from the spring in the first 1,500-feet. These are Keith Fackrell, Sterling Fackrell, and the Bickmore Farm.

Director Stapley reported that when the Cherrington Subdivision started rerouting the Konold Springs pipeline for their development, they found serious corrosion and deterioration of the pipeline. This pipeline delivers 288,000 gallons per day from this spring, so it is necessary to keep this supply source viable to assure the supply before high summer demands begin in late May or early June. He suggested that there are three ways to fix this pipeline. One is to use an open cut, but the route is heavily wooded. The open cut method would open the hillside, create a

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track, and is expensive. The second method is called “slip-lining” or “cured-in-place” lining. He explained that contractors put a “sock” in the pipe, which is then sealed to the pipe under pressure with resin. He noted that the third method is the one they have been considering seriously. It is called “pipe bursting.” A cable is run through the pipe to cut it and pull another pipeline in its place.

Director Stapley reported that the problem with all of these methods is that the pipeline must be turned off, so the three residents will not have water. He estimated cost for the project at about \$130,000, but he would design and bid the project out then bring the winning bid to the Council for award and contract. Mayor Mangum asked how long the residents would be without water. Director Stapley replied that the project should take no more than two weeks. He has talked with the residents and looked at motel prices. He explained that motel rooms would be less expensive than installing a temporary service, and the residents are willing.

Cl. Strong asked which of the three methods are commonly used. Director Stapley replied that all are proven methods he has used in the past. He reported that the slip-lining will cost more, but is better with multiple connection points. Bursting is the least intrusive and most cost effective method. Cl. Strong asked how much less an open cut would be. Director Stapley replied that his estimate is that costs would be similar to bursting, and would leave a scar on the mountainside that may take years to re-grow, if ever. He suggested that leaving a “road” on the hillside would encourage use and inhibit re-growth. Cl. Olsen asked about his experience with pipe bursting. Director Stapley reported that he used this method to replace a pipeline in California. A black plastic, continuous pipeline with walls about ¾-inch to 1-inch thick is pulled through immediately after a cable is used to cut the original pipe. Any joints are fusion welded.

Cl. Packard confirmed that the Public Works Department would seek three bids on this project. Director Stapley reported that the bid documents would show the project, and the contractors would have the option to bid a pipeline that will connect Point A to Point B. Cl. Strong commented that the existing pipeline was installed with excavation, so there was already a trail there. Director Stapley replied that the installation was so long ago, the route has become heavily wooded. He added that the pipe is showing through the soil in some places since it has eroded over the years, so an open cut is even less feasible. Cl. Bird commented that the open cut method would take longer, too. Director Stapley agreed. Cl. Olsen asked if there would be a problem with tree roots. Director Stapley replied that the roots will need to be cut. Cl. Strong suggested working closely with the residents. Director Stapley agreed. He added that the residents want to stay on Konold Spring water; they do not want to be connected to regular city water.

Mayor Magnum observed that the final item under this subject is the fee amendment for nonresident use of the library. Attorney Penrod explained that the State Code allows the Library Board to make that decision, this action by the Council will update the Comprehensive Fee Schedule to match. He added that the fee is calculated to match what Springville residents pay with their taxes for support of the Library. Cl. Packard asked how many card holders will be affected. Administrator Fitzgerald replied that there are several hundred nonresident card holders. Recorder Gubler mentioned that the proposed fee is comparative to nonresident card rates in other Utah County libraries.

Mayor Magnum opened the public hearing and asked if there was comment. Ms. Karen Ifedaba reported that she paid \$50 for a nonresident library card 15-years ago.

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

Cl. Strong asked if the satellite fire station land acquisition in the Westfields is included in the budget. Administrator Fitzgerald replied that the construction of the east side satellite fire station is expected to cost \$350,000. The land acquisition for the west side is estimated at \$50,000. The line item is set at \$400,000. Cl. Strong asked Director Allen to separate the items for next year. Cl. Packard asked about an amount on page 50 in the Capital Projects. He noted that this purchase was made last year. Director Allen concurred and explained that this amount shows the proration on the property taxes paid to the City in the closing and due on this property. Cl. Packard suggested looking at library card rates more often than every fifteen years. Administrator Fitzgerald reported that he would pass this comment on to the Library Board.

CL. STRONG MOVED TO APPROVE RESOLUTION NO 2008-02 ADOPTING AN AMENDMENT TO INCREASE REVENUES IN THE SPRINGVILLE CITY GENERAL FUND, ADJUST INDIVIDUAL DEPARTMENTAL BUDGETS WITHIN THE GENERAL FUND, ADJUST OTHER FUNDS' REVENUES AND/OR EXPENDITURES, AND AMEND THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2007-2008 ENDING JUNE 30, 2008. CL. BIRD SECONDED THE MOTION. Mayor Mangum asked if the motion was intended to include the two appropriations as discussed. Cl. Strong and Cl. Bird indicated their assent. Mayor Mangum asked for a roll call vote. CL. JOLLEY, CL. BIRD, CL. PACKARD, CL. OLSEN, AND CL. STRONG VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

ACTION ITEMS:

- 6. Consideration of a non-binding agreement between the members of the Intermountain Power Superintendents Association for mutual aid – Tony Fieldsted, Power Distribution Superintendent and Leon Fredrickson, Power Director**

Superintendent Fieldsted reported that this agreement is the result of Provo's experience during the microburst of August 2006. Springville experienced only minor damage, but Provo sustained damage that cause residents to be without power for a number of days. Provo called in help from various cities, contractors, and Rocky Mountain Power to get the power restored. After it was all over, Provo came to the Intermountain Power Superintendents Association (IPSA) to voice their frustration. He explained that the superintendents were asked several times to submit estimated costs for this help because Provo was concerned about charges. Some cities gave help gratis, others charged a large amount, but the contractors charged the most. The superintendents talked about creating a nonbinding agreement among the members of IPSA. Members will not be required to respond to a call for help, but the receiving City will know where they stand financially if they do have to call in emergency help. If a member responds, they are agreeing to these specific charges.

Superintendent Fieldsted reported that the agreement was presented to the Power Advisory Board for a recommendation to the Council. They suggested some changes that were reported to IPSA, but not implemented. Items of concern were the free use of equipment. He noted that only fuel may be charged to the requesting member. The other concern was that benefits of the employee being shared are not included, only the hourly rate. The agreement was again presented to the Power Advisory Board, who has voted to recommend it to the Council, but not unanimously. Administrator Fitzgerald added that Springville has given aid and received aid

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in emergency situations. This agreement will give the City financial stability in emergencies; the costs of requesting aid will be known. Mayor Mangum asked if this apply in emergencies other than power emergencies. Superintendent Fieldsted replied that the agreement only applied to the members of IPSA, so only to power emergencies. He added that Rocky Mountain Power has the ability to draw help from other offices across Utah and neighboring states. This will allow the City this same ability, and includes materials.

Cl. Olsen asked if the City is involved in other agreements to render aid like this one. Superintendent Fieldsted replied that Springville has given and received aid, but there are no other agreements. Cl. Olsen commented that it makes sense. The agreement defines costs and reimbursable items. Administrator Fitzgerald disclosed that public safety has a similar agreement between cities and Utah County.

Attorney Penrod reported that he has a number of concerns with this agreement. He noted that indemnification, replacement, or repair of damaged equipment, and injured workers and their compensation have not been addressed in the agreement. Cl. Olsen commented that the agreement can be refined over a period of time. Superintendent Fieldsted commented that IPSA is the association that provides training, certification, and safety instruction to its members. He noted that all workers within the cities have tested under the same field of knowledge and safety rules. He suggested that there is more concern for safety with independent contractors than concern with IPSA members.

Mayor Mangum commented that he recalls that microburst. He added that it was his memory that Springville just sent crews to help. He noted that this agreement requires a request from the member before help is sent. Superintendent Fieldsted reported that Springville called and offered help to Provo in this situation. Director Fredrickson reported that the requesting City does an assessment of the damage and asks for specific help. Springville can then decide if they can offer that help. Cl. Olsen asked if liability was discussed with IPSA members. Superintendent Fieldsted reported that liability was discussed, but it was decided that the employees are insured and covered by the aiding cities, so additional coverage is unnecessary. It was also decided that equipment is operated by the aiding city's employees, so any repairs are their responsibility. He added that the agreement can certainly be refined later, but this is a good start. Cl. Olsen agreed, but asked Superintendent Fieldsted to present the idea of a "hold harmless" clause to IPSA at their next meeting. He agreed to this stipulation.

CL. OLSEN MOVED TO APPROVE THE INTERMOUNTAIN SUPERINTENDENTS ASSOCIATION MUTUAL AID AGREEMENT AND AUTHORIZE THE MAYOR'S SIGNATURE ON THE DOCUMENT WITH THE PROVISION THAT THE LIABILITY ISSUE BE BROUGHT UP AT A FUTURE ASSOCIATION MEETING. CL. BIRD SECONDED THE MOTION. CL. PACKARD, CL. BIRD, CL. JOLLEY, CL. STRONG, AND CL. OLSEN VOTED AYE. THE MOTION CARRIED.

7. Consideration of the Art City Days Committee's recommendations for Art City Days 2008 – Charles Keeler, Recreation Director

Director Keeler presented the recommendations of the Art City Days Committee to the Council. He reported that the committee was reappointed in the Consent Agenda earlier, and they have five recommendations concerning Art City Days events: the dates, Grand Marshal for the parade, theme, and award of resident artist and business of the year. He presented the draft artwork for the theme. Mayor Mangum thanked Director Keeler and the Committee for their

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willingness to continue another year. He commented that Art City Days is an important event for citizens, and it takes a great deal of preparation and commitment. He noted that the Springville Chamber of Commerce has already names the Business of the Year and the Citizen of the Year.

CL. JOLLEY MOVED TO SET THE DATES FOR ART CITY DAYS AS JUNE 7 – 14, 2008, NAME TEDDY ANDERSON AS THE GRAND MARSHAL, DECLARE THE THEME AS “WE’VE GOT HEART,” AUTHORIZE THE SPRINGVILLE MUSEUM OF ART TO NAME THE OFFICIAL RESIDENT ARTIST, AND RECOGNIZE THE SPRINGVILLE CHAMBER OF COMMERCE’S OFFICIAL BUSINESS OF THE YEAR AND CITIZENS OF THE YEAR. CL. BIRD SECONDED THE MOTION. CL. OLSEN, CL. PACKARD, CL. BIRD, CL. JOLLEY, AND CL. STRONG VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8. Consideration of an amendment to the development agreement for The Rivers Subdivision – John Penrod, City Attorney

Attorney Penrod reported that the next two items go “hand in hand,” so he would discuss them together. He presented the subdivision plat for The Rivers Subdivision, and noted the property lines allow for trails along the canal. These trails now need to become part of the development agreement with the subdividers, and include the plan which has been developed to satisfy the irrigation company and the City. The City has accepted liability for the canal, which will allow it to remain open. He noted that a number of residents in this area have requested this canal to remain open and not pipe it. The canal route will be used to create a beautiful trail section.

The agreement has two considerations: to make the canal a safe place for residents to recreate, and yet easily cleaned. Attorney Penrod noted that the canal has steep embankments. The canal plan has areas leveled to the surrounding ground to make it accessible; the canal will be “rip rapped” to maintain the interior embankment, yet allow footholds out of the water. He reported that the water flow in this canal is at 30 second feet, so it is swift. He informed the Council that the Irrigation Company Board has approved the proposed agreement, although they would rather see it piped. He added that piping would require removal of the trees. Keeping the canal open will save the trees, but much of the underbrush will be removed. The amendment to the development agreement requires the developer to make the improvements to the canal and trail, except for the asphalt. The improvements include a 10-foot trail, sloping to private property, and fencing. He asked if there were questions. Cl. Packard commented that it would be nice to have the trail asphalted before homes are built. He asked for an estimate of this expense. Director Roylance replied that asphalt for this trail will be about \$20,000 to \$30,000.

Attorney Penrod reported that the next step of this process is the agreement between the City and the Irrigation Company in which the City accepts full liability and maintenance responsibility for this canal. He noted that the trail will allow access to the canal for maintenance, but manpower will need to be budgeted. The easement is wide enough that a buffer between the trail and the homeowners can be maintained. He presented pictures of the canal. He added that he would like to make the motion to approve contingent on staff approval of the canal plant. Mayor Mangum asked if there was any discussion. There was none.

CL. PACKARD MOVED TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE RIVERS SUBDIVISION AND SPRINGVILLE CITY THAT WOULD INCORPORATE THE TRAIL PLAN FOR THE

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DEVELOPMENT OF THE TRAIL ALONG THE CANAL ON THE NORTH SIDE OF THE SUBDIVISION UPON STAFF APPROVAL OF THE FINAL CANAL PLANTS. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

9. Consideration of an agreement with Springville Irrigation concerning an open waterway in The Rivers Subdivision – John Penrod, City Attorney

Mayor Mangum asked if there were any questions. There was none.

CL. JOLLEY MOVED TO APPROVE—UPON EXECUTION OF THE ADDENDUM TO THE RIVERS DEVELOPMENT AGREEMENT REGARDING IMPROVEMENTS TO THE CANAL—THE EXECUTION OF A CANAL AGREEMENT BETWEEN SPRINGVILLE IRRIGATION AND SPRINGVILLE CITY THAT WOULD REQUIRE THE CITY TO INDEMNIFY THE IRRIGATION COMPANY WITH RESPECT TO ALL INJURIES AND DAMAGES CAUSED BY THE CANAL NORTH OF THE RIVERS SUBDIVISION AND WOULD IN RETURN ALLOW THE CANAL TO REMAIN OPEN FOR PUBLIC TRAIL USE. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

Administrator Fitzgerald commented that this canal is a test case between the City and the Irrigation Company. The Council has requested other canals and ditches to remain open, and the citizens are interested. This issue will continue to come before the Council with other developments, if the Council would like to continue this line of discussion with the Irrigation Companies. The Council indicated their desire to continue and thanked staff for this step forward.

10. Consideration of an agreement with Nestle USA/Stouffer's Foods for reimbursement of costs associated with an upgrade and expansion of the Springville City Wastewater Treatment Plant, including the Nestle Pretreatment System – John Penrod, City Attorney

Mayor Mangum recommended consideration of a motion for a closed session to consider litigation and property acquisition.

CL. JOLLEY MOVED TO TEMPORARILY ADJOURN THE CITY COUNCIL MEETING AT 9:11 P.M. AND CONVENE IN A CLOSED SESSION AS PROVIDED BY U.C.A. 52-4-205, TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. CL. PACKARD SECONDED THE MOTION. CL. JOLLEY, CL. BIRD, CL. PACKARD, CL. OLSEN, AND CL. STRONG VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

THE COUNCIL MEETING WAS RECONVENED IN REGULAR SESSION AT 9:40 P.M. Mayor Mangum suggested discussion of the next item.

11. Consideration of a bid award and contract for the Springville City Wastewater Treatment Plant Expansion Project – Rick Roberts, Wastewater Treatment Plant Superintendent and Brad Stapley, Public Works Director

Director Stapley introduced Aqua Engineering Inc. principal, Mr. Scott Rogers. Mr. Rogers presented a slide show history of the Springville wastewater treatment plant. He reported that the current plant was built in 1955 as one of the first in Utah. The structures remaining from that first plant are shown in red. The plant has experienced several upgrades since—in 1967, 1985, and then numerous projects from 1996 through 2000. The upgraded facilities are shown in

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green. This proposed upgrade will take the plant to 6.6 million gallons per day, or 49,000 people, or about the year 2030. The project will add a large pump station for the new activated sludge process. This will allow treatment of organic waste and phosphorus removal, and require the move of the green waste and composting processes. The chlorine treatment will be replaced with an ultra- violet treatment. Also added are clarifiers and aeroroter basins to entrain air. The project design is mindful of energy usage. He reported that when this project is completed, there will be redundancy so that the plant will continue operations when maintenance or repairs must be done. It has also been designed to help meet anticipated lower phosphorus limits in Utah Lake. The estimated cost is \$10.3 million, including engineering.

Cl. Jolley asked if steps are being taken to eliminate or mitigate odor. Mr. Rogers replied that most of the objectionable odor comes from the pre-treatment system for Nestle. He reported that the odor is better now than it has been in the past. Nestle is unloading their roughing tower to reduce the smell. He noted that the rest of the treatment system is aerobic, which is more stable and does not smell. The remaining smell may be coming from the composting process although this is not an offensive smell and does not drift like the pretreatment smell. Cl. Packard asked how much it would cost to reduce the pretreatment smell even more. Mr. Rogers replied that the system would need to be closed with fans and a wet scrubber. It may cost about \$500,000. Superintendent Roberts reported that this system is being investigated.

Cl. Jolley mentioned that the Council had talked about collecting methane to generate electricity. He asked if this process has been incorporated. Mr. Rogers replied that contact has been made with the State Legislature on renewable energy project funding. He explained that enough methane can be collected to run a 2 or 3 kilowatt generator that will provide energy to run the plant, produce heat to preheat the waste, and avoid costs of hauling off waste. The plant will produce about 40,000 cubic feet of methane a day that is currently just being “flared,” however this process would be the next step in an update and is not included now. Cl. Jolley asked if adding this process would add “carbon credits” to Springville. Mr. Rogers replied yes. He reported that most plants that do co-generation suffer from staff neglect. This is not the case in Springville, because the staff is on-site. Director Fredrickson added that methane production is high maintenance work.

Director Stapley asked Mr. Rogers to next address the deductive alternatives. Mr. Rogers directed the Council’s attention to page 2 of the staff report. He explained that the bid package contained four deductive alternatives in the event the bid amount exceeded the City’s allocated budget. The first deductive alternate is the new secondary clarifier. It assists in separating the solids from the wastewater treatment process. The treatment plant could function without this clarifier, but there would be no redundancy in the event a secondary clarifier went down with unforeseen repairs. The treatment plant would not meet State discharge requirements if this should happen. The deduction for this item is \$315,000. Mr. Rogers noted that Mr. Val Martin from Alder Construction is here if the Council has questions on the alternatives. He added that deductive alternatives are not based on the true cost of that structure. He reported that it would cost at least double that amount to put the alternative back in the project later. He explained that the process at the treatment plant is converting to “activated sludge” with this upgrade project. If the Council decides not to install the secondary clarifier alternative now, it will limit the hydraulic capacity of the plant now, cost double to add later in the project, and cost much more to add later.

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Director Stapley reported that the second deductive alternative is STM Aerotor basin #2 for \$423,000. Mr. Rogers reported that the impact of removing this alternative from the project is that the plant still has the capacity to handle the load biologically, but there will be problems with flows through only one tank. It will significantly reduce the growth potential of the City and inhibit growth in Nestle's loading. He reported that the true estimated cost of this portion of the project is about \$460,000, with the mechanisms and concrete, about \$900,000 altogether now. He added that the concrete will cost much more to do later, although the mechanism cost is relatively stable.

Director Stapley reported that the third deductive alternative is the Ultra Violet Disinfection process for \$28,814. He explained that the plant currently uses chlorine, which is a safety issue. Chlorine is a dangerous chemical that requires special training and handling. Mr. Rogers reported that the true equipment cost for this alternative is about \$150,000, and will not increase much to do later, except for labor. Director Stapley commented that the UV Disinfection process is very effective. Mr. Rogers reported that chlorine requires risk management and a public hearing every three years.

Director Stapley reported that the last alternative is moving the green waste composting site. He noted that the green waste site is heavily used by City residents during the summer months, although it is not a profit making enterprise. However, he suggested that this is a service the City should keep. The deduction for this portion is \$111,000, and includes replacing the asphalt pad and adding a drainage system.

Director Stapley reported that he feels the contractors submitted competitive bids. He commented that six bids within a \$2 million spread were received. His concern is with the enormity of the project and getting construction management that will ensure a high quality project that meets specifications. He reported that this will be a very technical construction project that requires qualified observation services. He commented that he has asked Aqua Engineering to submit cost estimates for construction observation, system integration services, and quality control services. Mr. Rogers reported that most problems occur in the controls and SCADA systems. Director Stapley reported that the total costs (\$10,310,333) for the upgrade include: \$41,120 for preliminary engineering; \$400,000 for design engineering; actual construction for \$9,111,213; construction management for \$465,000; programming, telemetry, SCADA, and software for \$195,000; quality control for \$25,000; dewatering wells for \$23,000; and electrical upgrades for operation of the new equipment for \$50,000. Nestles' portion of the costs will be \$1.8 million.

Administrator Fitzgerald reported that despite repeated efforts by staff, Nestles' corporate offices have not been willing to give a commitment to this project. If there is no participation from Nestle, the City bond payment is expected to be about \$540,000 a year. The Council may choose to cut about \$1 million from the project through the deductive alternatives, which will cut about 42 homes a year, or they can increase the impact fees to reflect current construction costs. The bonding resolution allows the City to borrow up to \$11.75 million on or before April 1. Construction will take about 18 months. He suggested that the Council may want to consult their crystal ball to foresee building permits and the receipt of impact fees, but economic reports predict a slowdown in the building of new homes of about 20-percent. This would still keep Springville's impact fee revenues within the amounts necessary to meet the obligations.

Cl. Packard asked how much cushion is in the sewer fund. Administrator Fitzgerald reported that this fund has no cushion. There is the possibility of borrowing additional capital to

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reinfuse the fund balances and repay the fund for costs already paid on this project and the 1500 West project. Another possibility is an increase in the surcharge for handling over-limit biochemical oxygen demand (BOD) discharges. Cl. Olsen asked when the \$10.3 million must be paid. Administrator Fitzgerald reported that the maximum bond is 20-years. The contractor will be paid as portions of the project are completed. Mr. Rogers reported that there is a mobilization amount that if paid up front, and a pay down schedule for the remaining portion of the project. Director Allen reported that the bond funds will be held in escrow to make the payments to the contract.

Cl. Packard asked about the current bond schedule for the sewer fund. Director Allen reported that payments will continue until 2019 or 2020. Cl. Mark asked the amount of the new bond payment. Administration Fitzgerald reported that a 20-year bond is about \$77,000 per million per year. Cl. Packard asked the bottom line in the sewer fund and how much is available to make payments before transfers. Administration Fitzgerald handed out spreadsheets and reported that this is the projects and not the fund. Cl. Packard asked the amount of the yearly transfers. Director Allen reported that the administrative transfer is \$316,000 and the operating transfer is \$114,000 for a total of \$430,000. The amount of the interest rate on the potential bond was discussed. The cash flow in the sewer fund was discussed.

CL. STRONG MOVED TO APPROVE ALDER CONSTRUCTION AS THE LOW BIDDER FOR THE SPRINGVILLE CITY WASTEWATER TREATMENT FACILITY UPGRADE 2008 PROJECT IN THE AMOUNT OF \$9,111,213.00, AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE A NOTICE TO PROCEED WITH THE PROJECT. CL. JOLLEY SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

CL. STRONG MOVED TO EXECUTE A CONTRACT WITH AQUA ENGINEERING, INC. IN THE AMOUNT OF 675,000.00 FOR CONSTRUCTION OBSERVATION SERVICES, SYSTEM INTEGRATION SERVICES, AND QUALITY CONTROL SERVICES (INSPECTION AND TESTING SERVICES) IN CONJUNCTION WITH THE WASTEWATER TREATMENT FACILITY UPGRADE. CL. BIRD SECONDED THE MOTION. CL. OLSEN, CL. PACKARD, CL. BIRD, CL. JOLLEY, AND CL. STRONG VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mr. Martin Conover asked if this upgrade would take Springville to build out population. Administrator Fitzgerald replied that biological capacity would be adequate, but hydraulic would require another upgrade before build out population is reached. Mr. Rogers reported that every city is trending down on output, so it is a good idea not to overbuild the hydraulic capacity too soon. Cl. Strong asked how far this upgrade would serve into the future. The reply was that this depends on the capacity used by Nestle.

Mr. Conover observed that there is talk about the new South County Regional Sewer Facility. He asked if this upgrade takes Springville out of this project. Administrator Fitzgerald replied that the answer to that depends on the rate of growth and eventual densities in residential areas. He noted that planning for the area west of I-15 is what will determine Springville's reliance on a regional plant. Cl. Strong commented that Springville plans to participate in the sewer district, but a final decision on the status of Springville in the district is in the future. Mayor Mangum added that the decision is limited to the purchase of property for a regional plant for now. A final decision is years in the future. He added that Springville's upgrade will take the

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plant to a population of about 50,000 with an estimated 325 new homes a year. Mr. Rogers commented that the regional sewer plant could take several options for Springville, and may involve more than pure treatment. Cl. Olsen asked if the upgrade will remove the chlorine process. Mr. Rogers replied that any chlorine left will be under the amount where risk management practices are required.

12. Presentation of the Springville City Second Quarter Financial Report (Oct-Dec 2007) – David Allen, Finance Director

Director Allen reported that he had attached condensed reports this time. He asked the Council if this was sufficient information. He reported that January sales tax revenues were 3.9% over last year. The December sales will be reflected in the March reports. The Council thanked Mr. Allen for the reports.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Mayor Mangum asked if there were any reports. There was none.

CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

There was no additional closed session.

ADJOURNMENT

CL. JOLLEY MOVED TO ADJOURN THE CITY COUNCIL MEETING. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE. MAYOR MANGUM DECLARED THE MEETING ADJOURNED AT 10:36 P.M.