



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 50 SOUTH MAIN STREET
MAY 6, 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, May 6, 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, Public Safety Director Scott Finlayson, Power Director Leon Fredrickson, Generation Superintendent Matt Hancock, Recreation Director Charles Keeler, Facilities Manager Shaun Orton, Buildings and Grounds Director Alex Roylance, and Public Works Director Brad Stapley.

CALL TO ORDER

Mayor Mangum welcomed the Council, staff, and audience. He thanked them for their patience while the Council conducted business as the Municipal Building Authority and Redevelopment Agency. The invocation was offered by Brad Stapley; the Pledge of Allegiance was led by Jeff Capozzoli, Justin Ollerton, and Nathan Critchfield.

MAYOR'S COMMENTS

Mayor Mangum directed scouts and students needing a certificate of attendance to Cl. Jolley. He introduced the public comment section of the agenda and asked if there were participants.

PUBLIC COMMENT:

Mr. Leo Lee read a letter asking Springville City to designate a Hazardous Materials Disposal Day to allow citizens to bring their cans of paint, thinners, spray cans, etc to a designated area for professional disposal. He suggested a fee and a fine for violations. He listed the benefits and observed that such a day would serve Springville well. Mayor Mangum commented that the County has a day like the one suggested. Cl. Bird reported that one was held recently to allow county residents to bring hazardous items to UVSC for disposal. He noted that the Solid Waste District cannot accept many of these items at their current location, but their new location will include a hazardous waste disposal component. Mayor Mangum thanked Mr. Lee for bringing this issue to the Council's attention. He told Mr. Lee that the issue would be passed on to Administration for research about tying into the county day.

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APPROVAL OF THE MEETING'S AGENDA

CL. PACKARD MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. CL. OLSEN SECONDED THE MOTION. THE COUNCIL UNANIMOUSLY VOTED AYE.

Mayor Mangum asked the Council to read the consent agenda to the audience. Each Council member read one or two of the items. Mayor Mangum asked if there was any comment on these items before the Council took action.

Mr. Michael Snelson asked for an opportunity to speak on the placement of the Art City Days carnival. He reported that the carnival has an adverse affect on his business. They have experienced a broken window, widespread litter, and illegal parking in their parking lot. He informed the Council that they placed no parking signs on their parking lot entrances, but they were either not seen or ignored. When anything is said to violators, it becomes confrontational. He added that this situation is not good for his company's public relations. He does not want to offend the public. He would like the Council to consider moving the carnival to another location, eliminating the carnival, or providing a police presence for the downtown businesses. He acknowledged that the last option would be a drain on city resources and changing the location may not be possible, but he feels that asking his business to pay for signage and towing is also not fair. Mayor Mangum asked the Council to move this item to the regular agenda.

CL. OLSEN MOVED TO MOVE ITEM #8 FROM THE CONSENT AGENDA TO THE REGULAR AGENDA. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.

APPROVAL OF THE MINUTES

There were no minutes.

CONSENT AGENDA*

2. **Approval of all City purchase orders properly signed** (Springville City Code §2-10-110(5)) – David Allen, Finance Director
3. **Approval of a policy concerning retention and return procedures for residential performance bonds** – John Penrod, City Attorney
4. **Approval of an application to Utah County for a Recreation/Cultural Grant to repair the roof and upgrade the amphitheater's former restrooms and ticket office into a green room** – Charles Keeler, Recreation Director
5. **Approval of a bid award and contract with JRCA Architects, Inc to complete the City Operations and Maintenance Facility Space Needs Assessment in the amount of \$32,000.00** – Brad Stapley, Public Works Director
6. **Approval of a participation level of 5 MW in the Idaho Wind Study Project with Utah Associated Municipal Power Systems (UAMPS)** – Leon Fredrickson, Power Director
7. a. **Approval of a participation level of 25 MW in the Two Elks Generation Project with Utah Associated Municipal Power Systems (UAMPS), or**
b. ~~Approval of an extension of the Memorandum of Understanding with the American Power Group LTD for up to 25 MW in the Two Elks Generation Project~~ Leon Fredrickson, Power Director
8. ~~Approval of a request to approve street closures and structures in the right of way for Art City Days Events~~ – Charles Keeler, Recreation Director

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9. **Approval of a revised Interlocal Cooperation Agreement for Fire Services with Utah County** – Phil Whitney, Fire Chief
10. **Approval of the appointment of Scott Holden to the Landmarks Preservation Commission**
11. **Approval of the renewal of the Utah County Major Crimes Task Force Interlocal Agreement** – Scott Finlayson, Public Safety Director
12. **Approval of the Utah Valley Special Victims Task Force Interlocal Agreement** – Scott Finlayson, Public Safety Director

CL. JOLLEY MOVED TO APPROVE THE CONSENT AGENDA WITH ITEM #7A AND THE REMOVAL OF ITEM #8 TO THE REGULAR AGENDA. CL. STRONG SECONDED THE MOTION, AND ALL VOTED AYE.

CEREMONIAL AGENDA

1. **Proclamation declaring the week of May 11-17, 2008 as Law Enforcement Week**

Mayor Mangum observed that it was his distinct honor to pay tribute to Springville's Police Department. He commented that Springville's police officers do a great job on a daily basis watching after our safety. He informed the public that the week of May 11 been suggested as a week to give tribute to law enforcement officers. He read the proclamation and asked for comments. Cl. Olsen offered a "second" to the Mayor's tribute to Springville's competent department. He observed that he has been impressed with the quality of the officers and their commitment to providing service to citizens. He added that they are very brave to stop a car at 2:00 a.m., but they do so routinely. Cl. Strong, Cl. Packard, Cl. Bird, and Cl. Jolley agreed.

REGULAR AGENDA

8. **Approval of a request to approve street closures and structures in the right-of-way for Art City Days Events** – Charles Keeler, Recreation Director

Director Keeler reported that the first requested road closure is for Center Street from Main Street to 100 West on the south side allowing for west bound traffic one-way between June 9 at 8 a.m. to June 15 at 8 a.m. He commented that this closure will provide ample room, but not any extra, for the carnival to set up. He noted that the Civic Center construction is requiring the City to rearrange the carnival and shrink its size. He informed the Council that the City is in the fifth year of a contract to provide the carnival in the downtown area. This year reflects a 20-percent reduction in the size of the carnival.

Director Keeler reported that the other road closure request is for 200 South from the east side of Main Street to 100 East on the eastbound side. This closure is intended to house the craft show of about 40 to 80 vendors. It will be separate from the vendors housed on the Civic Center block, but that street is wide enough to allow the craft show and leave one side open for traffic and business access. He added that the craft show organizer has 19 commitments as of today, and if no more are received, the craft show will be moved back to this block and 200 South will not be closed. He suggested that if the Council is opposed to closing 200 South, they could cap the number of craft show vendors at 20 and keep them here.

Mayor Mangum asked the potential for commitments from other craft show participants in the next few weeks. Director Keeler admitted that he cannot envision meeting the 40 minimum participants to keep the craft show on 200 South. He reported that the number has grown from 17 to 19 in the last week. Cl. Jolley asked how much the construction will affect Art City Days vendors and activities. Administrator Fitzgerald replied that staff has a meeting with

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Layton Construction tomorrow to determine the impact. Cl. Strong observed that the construction company will secure the site with a fence. He admitted shared feelings with the Snelson business, but that the problems experienced “come with the territory” if the City wants to continue to have the carnival. He noted that the City has commitments for this year and possibly next year. He asked about a contract commitment from the carnival to clean up. He noted that the City has barricades available and could share them with businesses. He observed that he does not find this request by a citizen unreasonable.

Administrator Fitzgerald reported that the police department or any other department does not have the manpower needed to staff parking lots or pick up trash. Barricades may be available, but all resources are strained during Art City Days. Cl. Strong asked for his recommendation. Mr. Andrew Shelline asked if the carnival can be contractually required to clean up after themselves. Administrator Fitzgerald replied that the requirement is in the contractual agreement, but not all garbage or parking issues can be traced just to the carnival. The Council discussed renting extra barricades, moving or eliminating the carnival, and options for future years. Administrator Fitzgerald reminded the Council that a discussion of the carnival’s inclusion in the Art City Days Events was brought before them last year when it was realized that the Civic Center construction would impact the downtown area. The discussion included the options of moving the carnival out of the center of town, but the Council decided to leave the carnival in the downtown area in support of the downtown businesses.

Director Finlayson offered to meet personally with Mr. Snelson and work out some arrangements. Cl. Strong commented that this would be a step in the right direction. Cl. Packard asked about plans if there are not enough craft booths committed. Director Keeler replied that the craft fair is not a successful draw away from the main activities if there are less than 40 booths. He asked if the Council wanted to cap the booth number at 20 and leave them on the main grounds. Cl. Jolley expressed favor to this suggestion and not closing the road. The Council discussed leaving the option open if enough exhibitors commit.

CL. STRONG MOVED TO APPROVE THE CLOSURE OF STREETS AS DISCUSSED, AND INCLUDE THE ACTIVITY OF LAW ENFORCEMENT ON THE NORTH SIDE OF CENTER CONCERNING PARKING, LITTERING, ETC. Cl. Bird suggested amending the motion to include the setting of obvious trash containers in that area. CL. STRONG AMENDED HIS MOTION TO INCLUDE CL. BIRD’S SUGGESTION. CL. OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

13. Consideration of a request to approve the Fiscal Year 2008-2009 Tentative Budget for Springville City, and to set a Public Hearing on June 3, 2008 for consideration of the Final Budget – David Allen, Finance Director

Administrator Fitzgerald reported that there is lots of detail in the tentative budget. But before the Council sets the budget hearing, he would like to address members of the public interested in highlights with a general overview. He added that the list is presented in no particular order. Projects funded in the Fiscal Year 2008-2009 budget are:

- Sewer line repairs on 400 West
- Facility work on the Senior Citizens’ Building and Carnegie Library
- Asphalt on the Canyon Road Trail
- Winter Recreation enhancements
- Safety upgrades (netting) at the Bird Park fields
- New fencing at Evergreen Cemetery

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- Self check out equipment and software for the Library
- A new police officer dedicated to drug enforcement
- Utility assistance program for new construction in Plat A
- New trail in the Rivers Subdivision
- Clyde park opening
- New solar power project
- Upgrades for the Power Department's infrastructure to accommodate growth
- Paving of 400 South from Main to 400 East
- Water service replacements in 400 South
- New Plat A improvement program to upgrade streets (He noted that this is a large, long-term project that the City will bite off in chunks as large as possible.)
- Wastewater Treatment Plant expansion
- Civic Center (police, fire, ambulance, court and city hall) construction
- East fire station construction
- West fire station land acquisition

Administrator Fitzgerald disclosed that the General Fund is budgeted at \$16 million, a decrease of \$206,000 from last year's budget. This is due to a decrease in C Road transfers, and building related revenues. He compared this amount to other cities. He observed that Springville has a total budget like many much larger cities and this is due to the Power Department. The Power Department budget is \$30 million this year. Taxes and utility fees will remain unchanged, and general property taxes will also remain unchanged. There are minor fee adjustments in recreation, pool, and movie fees. He reported that the Council has directed staff to bring a General Obligation bond election for a new Library this November. The target revenue is less than \$8 per month on the average home, which is the most supported amount according to the survey results. He noted that this is a very quick and broad overview of the budget. He asked if there were any questions. Cl. Strong commented that this was a good overview. Mayor Mangum added that the Council spent over fifteen hours just a week ago to hammer out the details and weigh the options.

CL. STRONG MOVED TO ADOPT THE TENTATIVE BUDGET FOR FISCAL YEAR 2008-2009 AS PRESENTED AND SET A PUBLIC HEARING FOR JUNE 3, 2008 TO TAKE PUBLIC COMMENT PRIOR TO ADOPTION OF A FINAL BUDGET FOR FISCAL YEAR 2008-2009. CL. BIRD SECONDED THE MOTION. CL. JOLLEY, CL. BIRD, CL. PACKARD, CL. OLSEN, AND CL. STRONG VOTED AYE. MAYOR MANGUM DECLARED THAT THE MOTION HAD CARRIED WITH A UNANIMOUS VOTE.

14. Consideration of a bid award and contract with Layton Construction for the construction of the Civic Center in the amount of \$11,171,600.00 and for the Main Fire Station in the amount of \$2,515,200.00 with an allowance of \$20,000 – Troy Fitzgerald, City Administrator

Administrator Fitzgerald reported that this contract is the result of many years of preparation—including public forums, and open meetings with the public. The contracts will cover two buildings, the Civic Center and the Fire Station. The City went through an extensive process to pre-qualify potential bidders. There were seven bidders on different portions of the projects. Layton Construction is the low bidder on both projects. The plans offered a number of options and alternates. The City worked with the architects to put together a contract, which is in the final stages of negotiation. He expressed confidence that the list of minor items can be *Springville City Council, May 6, 2008*

resolved. He reported that staff is requesting two contracts to make administration of the construction easier. The Civic Center bid is \$11,171,600 and the Fire Station bid \$2,515,200 with an allowance of \$20,000. This Council and prior Council's have saved and budgeted to construct these facilities without raising taxes and fees. Their fiscal management is to be applauded, and the fact that they did it without raising taxes is commendable. He recommended awarding the bid to Layton Construction. He reported that the bids came in tightly and below the working estimate.

Administrator Fitzgerald reported that he has received questions from citizens on the square foot price. He observed that construction costs on the Civic Center are only \$158 a foot and \$138 a foot on the Fire Station. He commented that these prices are phenomenal in this market. Mayor Mangum commented that he is pleased to report that 90-percent of the funds are already in the bank. He added that previous administration's foresight makes this process pleasant and easier. Administrator Fitzgerald observed that the construction time is bound in the contract. The estimated date of completion on the Fire Station is January 31, 2009 and the completion of the Civic Center is set for July 31, 2009—about eight months and 14 months respectively. Cl. Strong congratulated staff for a good job. He reported that the Mayor worked very hard on this project, too. He commented that the bids came in so close because of the hard work and time spent on areas that would promote a lower bid. Mayor Mangum gave credit to the Directors for working together to find savings in the design of the facilities. He added that Administrator Fitzgerald and Director Finlayson share the responsibility of project manager. Administrator Fitzgerald commented that he would like the Council, in the motion, to give Administration authorization to complete negotiations before execution by the Mayor. He noted that representatives of Layton Construction are present to answer questions.

CL. STRONG MOVED TO AWARD THE CONTRACT ON THE CIVIC CENTER AND THE MAIN FIRE STATION TO LAYTON CONSTRUCTION AND TO AUTHORIZE THE EXECUTION OF A CONTRACT FOR THE CIVIC CENTER IN THE AMOUNT OF \$11,171,600.00 AND A CONTRACT FOR THE MAIN FIRE STATION IN THE AMOUNT OF \$2,515,200.00 WITH AN ALLOWANCE OF \$20,000 AFTER COMPLETION OF THE FINAL NEGOTIATIONS OF THE CONTRACTS WITH CITY ADMINISTRATION. CL. JOLLEY SECONDED THE MOTION. CL. STRONG, CL. OLSEN, CL. PACKARD, CL. BIRD, AND CL. JOLLEY VOTED AYE. MAYOR MANGUM DECLARED THE MOTION AS APPROVED BY A UNANIMOUS VOTE.

Mr. Greg Holt was introduced as the construction manager for Layton on this project. Administrator Fitzgerald reported that the staff and construction representatives have already had discussions on "what if's" for Art City Days. They have agreed to shut down operations during Art City Days, and complete utility work before the event. He expressed confidence that they have established a good working relationship.

15. Consideration of a request from Howard and Matthew Stewart for a Waiver of Protest Agreement for the Canyon View Subdivision at approximately 820 South 2100 East – Fred Aegerter, Community Development Director

Director Aegerter reported that he has two issues to present to the Council tonight; both are waivers of protest. He read an excerpt from City Code Section 11-6-120 that explains why this application for a waiver of protest is required to have a Council decision. He reported that subdivision developments are typically required to install curb, gutter, and sidewalk. The City

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Code allows a person to opt out of these improvements if they sign a waiver of a protest to a Special Improvement District.

Director Aegerter directed attention to the first application for a waiver of protest. It concerns Canyon View Subdivision Plat C. He pointed out an existing home on 2100 East and two lots on 2080 East. The waiver is requested for those lots. He explained that the standard subdivision improvements include curb, gutter, sidewalk, burial of the power line, and street trees. They have requested a waiver of all improvements. He pointed out that the properties on both sides of the lots are unimproved. He noted that 2080 East is a residential collection street with a modified cross section. The minor subdivision was approved by the Planning Commission on March 11, 2008. He reported that Director Stapley has reviewed the application. His recommendation is to approve the waiver of protest for the curb, gutter, and sidewalk. Cl. Strong asked if the street standard applied to the area streets north of this project would apply here. Director Aegerter replied yes. Mayor Mangum asked if there was any comment from the applicant.

Mr. Matt Stewart observed that he had received a copy of the waiver agreement just before tonight's meeting. He commented that the City's engineering department is requesting a signed release of the City's liability if anyone is harmed in any way by not putting in improvements as part of the waiver. His original understanding was that only a release of liability would be required for possible flooding. He acknowledged that the lots lie in a low point for drainage, and that he would sign a release of the City's liability for flooding.

Cl. Packard commented that he would like to understand the City's liability before he votes on this issue. He asked if the City has liability for "trip and fall" accidents that may occur because there is no sidewalk, or pedestrian accidents because there is no park strip for protection. Attorney Penrod replied that he had included the standard release and indemnification language at the request of the engineer, and was not aware that it had been limited to flooding only. He would revise the agreement if needed, but agreed with Cl. Packard that it is a huge issue. He added that other parties can hold the City liable even with the hold harmless clause in Mr. Stewart's agreement. Cl. Olsen asked if City staff has made concessions to other developers on changing a liability release. He asked if staff is willing to concede in this case. Mr. Stewart averred that he had been asked only for a liability release for flooding. Director Stapley replied that his concern was with flooding because the street and utility systems, including storm water, are unimproved in this neighborhood. He indicated that limiting the liability to flooding only is acceptable. Cl. Jolley commented that he felt agreeable to allowing Attorney Penrod and Director Stapley to work out the details with Mr. Stewart.

Cl. Bird reported that he may have a conflict of interest because he owns the adjacent property. Cl. Packard asked if staff had a concern with the other liabilities that may occur because there were no street improvements. Attorney Penrod replied that building homes adds to the impervious surface area and could create additional risk of flooding without proper storm drainage. Cl. Bird commented that the issue is not confined to just this area. He pointed out that there are many areas without proper storm drainage in the City. Attorney Penrod agreed, but noted that new development is usually required to correct the deficiency with their development. Cl. Packard asked a time frame for the rest of the area to be developed and improved. Mr. Stewart replied that there are not any immediate plans he is aware of for neighboring properties to be developed and improved. He indicated that he has been informed that the next lot added on this street would require the Special Improvement District to start and the improvements would be installed.

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CL. JOLLEY MOVED TO APPROVE THE REQUEST FOR A PROPOSED WAIVER OF PROTEST AGREEMENT FOR THE CANYON VIEW SUBDIVISION PLAT C AT APPROXIMATELY 820 SOUTH 2100 EAST, AND TO GIVE COUNSEL THE ABILITY TO RESOLVE THE QUESTION ON FLOODING BEFORE EXECUTION. CL. STRONG SECONDED THE MOTION AND ALL VOTED AYE EXCEPT CL. BIRD, WHO ABSTAINED FROM THE VOTE.

16. Consideration of a request from Jeff and Kim Capozzoli, and Cynthia Clegg for a Waiver of Protest Agreement for development at the southernmost end of Weight Avenue – Fred Aegerter, Community Development Director

Director Aegerter reported that this is the same issue in a different location. The applicants do not have any street frontage on Weight Avenue without an extension of the street for one single family home. There is no curb, gutter, or sidewalk along the length of Weight Avenue. Staff's recommendation is to approve the application from the Capozzoli and Clegg families. Mayor Mangum commented that the basic problem with this lane is the turnaround needed at the end of the street. Director Aegerter replied that the extension of the street will allow for a hammerhead turnaround to accommodate large service vehicles, such as garbage trucks, fire trucks, delivery vehicles, etc. Attorney Penrod presented a map showing the subject property and the proposed street extension with turnaround. Cl. Packard asked what will trigger the Special Improvement District in this case. Attorney Penrod replied that he is not aware of the schedule for Weight Avenue Improvements. Cl. Packard asked if it will be improved when there are enough participants to make the Special Improvement District feasible, or there was some other trigger. Staff indicated that the first premise was correct.

Ms. Dona Gay commented that she was here to represent the Clegg Family. They did not want to sign over property to the City for an extension and turnaround if the Capozzoli's are not allowed to build. Mayor Mangum asked if staff recommended the waiver of protest. Attorney Penrod replied that the action benefits the City and the property owners, the Clegg Family.

CL. JOLLEY MOVED TO APPROVE THE REQUEST FROM THE SYLVIA C. SKOUSEN CLEGG FAMILY TRUST FOR A PROPOSED WAIVER OF PROTEST AGREEMENT TO DEVELOP THE SOUTHERNMOST END OF WEIGHT AVENUE. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

17. Consideration of receiving property at the end of Weight Avenue for a turnaround and of deeding property to the Capozzoli's to remove a 16 foot wide right-of-way across the Capozzoli's property – John Penrod, City Attorney

Attorney Penrod reported that this item will take action to accept a warranty deed for the extension of Weight Avenue and turnaround, then quit claim an unused, narrow right-of-way beyond the end of the turnaround that may have been intended at one time for a partial continuation of Weight Avenue. He noted that the right-of-way is not wide enough to extend the street, but may be a possible location for a trail from the end of Weight Avenue to Hobble Creek. He pointed out the property boundaries and the location of the right-of-way. He reported that the Capozzoli Family has asked the City to return this 0.068-acre right-of-way. Cl. Packard asked where the right-of-way was intended to go. Mayor Mangum asked if the easement was designed for a specific purpose. Administrator Fitzgerald conjectured that the right-of-way may have been used to go to Bird Park at one time. Ms. Gay reported that the family at one point was going to build apartments, but instead deeded the property to the City for a park.

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Ms. Capozzoli commented that she did not understand the purpose of another trail. She pointed out that there is a trail along the south and east sides of the property that connects to a trail into Weight Avenue north of the Clegg property. She observed that adding another trail will put public access on three sides of her property. She asked if the current trail was not sufficient. Mr. Capozzoli pointed out the current trails, and noted that they would own lands on both sides of the right-of-way. The Council discussed the trail locations, and users of the trail. Ms. Paula Hilton reported that the current trail was a natural way to go around the property, and that it culminates conveniently at the playground. She added that it would be dangerous to put children using the alternate trail so close to Hobble Creek.

Administrator Fitzgerald observed that staff was only bringing this up because of direction from the Council in the General Plan about obtaining property on both sides of Hobble Creek for trails. Cl. Bird commented that he would prefer not to have trails on three sides if he owned the property. Ms. Capozzoli asked if they could fence the easement on both sides. The reply was yes. She pointed out that the right-of-way could become an unsafe alley that is fenced off from the river. Mr. Stewart asked how much staff is opposed to ceding the right-of-way to the Capozzoli's. Administrator Fitzgerald replied that staff is not opposed, just bringing the policy matter to the attention of the Council.

CL. JOLLEY MOVED TO APPROVE THE ACCEPTANCE OF A WARRANTY DEED FROM THE CLEGG'S AND THE CAPOZZOLI'S THAT GRANTS THE CITY PROPERTY AT THE END OF WEIGHT AVENUE IN SPRINGVILLE CITY FOR THE PURPOSE OF A CITY RIGHT-OF-WAY AND HAMMERHEAD TURNAROUND AT THE END OF WEIGHT AVENUE. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

CL. JOLLEY MOVED TO APPROVE THE EXECUTION OF A QUIT CLAIM DEED THAT QUIT CLAIMS TO THE CAPOZZOLI'S A PORTION OF A RIGHT-OF-WAY ACROSS THEIR PROPERTY AT THE END OF WEIGHT AVENUE CONTINGENT UPON THE CAPOZZOLI'S MEETING ALL REQUIREMENTS FOR BUILDING A HOME ON THEIR PROPERTY AND MOVING FORWARD WITH THE INSTALLATION OF THE TURNAROUND. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

18. Consideration of a request for a boundary line agreement with MTM, Ltd. near 1600 South – John Penrod, City Attorney

Attorney Penrod reported that this request came before the Council the first time last year. The property is located on 1600 South. It has a boundary overlap with the City's property because of deed description errors. He reported that there is nothing to indicate which deed is the correct one. However, there are remnants of an old fence line. He informed the Council that he had visited the parcel with the owners and the leasee. He observed that the current survey follows the fence line remnant. He recommended execution of the agreement to resolve the boundary dispute upon verification of the description by the City Engineer. Cl. Strong asked what the Council had decided last year. Attorney Penrod disclosed that nothing was done waiting for snow to recede because there was not a legal history to help decide. Cl. Bird asked if MTM was supportive of the fence line agreement. Mr. Roberts replied yes.

CL. BIRD MOVED TO APPROVE THE EXECUTION OF A BOUNDARY AGREEMENT THAT ESTABLISHES THE BOUNDARY LINE AT THE FENCE LINE ON THE EASTERN BOUNDARY OF SPRINGVILLE'S OLD LANDFILL THAT IS LOCATED AT APPROXIMATELY 1600 SOUTH 950 WEST IN SPRINGVILLE. CL. PACKARD

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SECONDED THE MOTION. Attorney Penrod requested an amendment to the motion to make it contingent on a confirmation of the legal description. CL. BIRD AND CL. PACKARD AGREED TO THE AMENDMENT OF THE ORIGINAL MOTION. THE COUNCIL UNANIMOUSLY VOTED AYE IN FAVOR OF THE AMENDED MOTION.

19. Consideration of a Master Agreement between UDOT and Springville City's Electric Department for relocation and betterment work to be completed on the City's electric infrastructure located within UDOT's 400 South Project – John Penrod, City Attorney

20. Consideration of a Master Agreement between UDOT and Springville City for relocation and betterment work to be completed on City utilities located within UDOT's 400 South Project – John Penrod, City Attorney

Attorney Penrod reported that the next two items concern a Master Agreement with UDOT for relocation and betterment work that will be performed on 400 South. One agreement is for electric infrastructure; the next is for all other utilities. He informed the Council that this is the basic agreement and there will be supplemental agreements signed when the specific projects are decided. There are sewer and culinary water extensions and relocations, storm water installation and relocation, a detention basin near the interchange, and conduit through the interchange anticipated. Director Stapley commented that each of these projects will cost the City more to do later because of additional digging, backfill, construction staging, etc.

Cl. Bird asked if the project includes relocation of the culinary water line just installed last year. Attorney Penrod replied that unfortunately, this may be true although the City tried to work with UDOT to plan the location in advance. Administrator Fitzgerald commented that the cost of water line placement is part of the negotiation on keeping 400 South open for traffic. He explained that contractors wishing to close 400 South to speed construction times and reduce expenses have been told that this is an inconvenience for Springville residents and the residents deserve compensation for the nuisance.

Attorney Penrod reported that Superintendent Fieldsted negotiated with UDOT to pay the City the costs of relocating electric lines along 400 South. Out of pocket costs have been reduced enough to allow the City to install underground electric service there. Cl. Strong asked if agreements had been negotiated with the irrigation company, too. Attorney Penrod reported that there are agreements with the irrigation company and the drainage district. Cl. Strong asked if the storm drain basin at the interchange will reduce the need for storm water basins in the nearby areas. Attorney Penrod replied yes and explained that the City will be able to revise the master plan and save money on acquisition and development.

CL. PACKARD MOVED TO APPROVE THE EXECUTION OF A MASTER AGREEMENT BETWEEN UDOT AND SPRINGVILLE CITY FOR RELOCATION AND BETTERMENT WORK ON THE CITY'S ELECTRIC INFRASTRUCTURE AND OTHER CITY UTILITIES LOCATED WITHIN UDOT'S 400 SOUTH PROJECT. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

21. Consideration of a boundary line agreement between Springville City and Michael Black to establish a boundary line along the east side of Heritage Park – John Penrod, City Attorney

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Attorney Penrod reported that this item is being brought to the City Council because of the new pavilion being installed in the Heritage Park. He noted that the right setbacks must be established. He brought up the maps and pointed out boundary overlaps all around the park, the fence location, and then listed the neighboring property owners. He detailed the history of the park from 1899. He commented that the estate was divided in 1960, and a portion conveyed to the U.S. Government as part of the Fish Hatchery. In 1976, it was deeded the City for a park. Cl. Strong asked the location of the pavilion. Director Roylance pointed out the pavilion, planter beds, sprinkler lines, and fences.

Attorney Penrod reported that Mr. Black is willing to participate with the City in moving the fence. He wishes to be a good neighbor. There was a discussion about the planter along the fence. Attorney Penrod informed the Council that there is an overlap between the properties of about 26-feet on the east and 16-feet on the north side. Mayor Mangum confirmed that the fence follows the City's description of the boundary line. He asked Mr. Black if he had anything to add.

Mr. Black reported that the property was originally owned by his great-great-grandfather, Jacob Houtz. The property was divided when he died, and originally there was no conflict (overlaps). This was maintained until one parcel was given to the United States and then given to Springville, This is when the boundary overlap was created. He noted that he helped his uncle build the original fence. He pointed out the location of the original boundary and the irrigation ditch. He noted that there is also a boundary conflict with the property owner to the south. This fence was moved to his boundary line along Heritage Park by this landowner. He proposed to split the difference with the City and help with moving the fence and the sprinkler lines. He noted that it was important now because the old pavilion has been removed, the power pole moved, and the planter abandoned. He added that moving the boundary would allow him the extra property he needs to remodel his home and still meet the setback requirements.

Cl. Jolley expressed appreciation to Mr. Black for coming to the City. Mayor Mangum asked how much footage is involved in "splitting the difference." Mr. Black replied ten to fifteen-feet. Cl. Packard suggested working with a title company to verify the descriptions. He noted that a second set of eyes on the reasons for the boundary overlap may be helpful. Mayor Mangum suggested working with the property owner to the south to resolve this boundary overlap, too. Cl. Strong asked why it was necessary to go through the additional step of another title report. He asked what would happen. Cl. Packard replied that you never know, but it better to do the search. Cl. Olsen agreed.

CL. PACKARD MOVED TO CONTRACT WITH A TITLE COMPANY TO RESEARCH THE BOUNDARY DISPUTE. IF THE LINES ARE IN ACCORDANCE TO THE ORIGINAL BOUNDARY LINES OF THE DEEDS CREATED WHEN THE ESTATE WAS DIVIDED, THE COUNCIL WILL CONSIDER A FENCE AGREEMENT ON A CONSENT AGENDA. CL. JOLLEY SECONDED THE MOTION. THE COUNCIL VOTED AYE, EXCEPT CL. OLSEN WHO VOTED NAY. THE MOTION CARRIED WITH ONE DISSENT.

Staff was instructed to bring back the fence agreement as a consent item if the title report and abstract confirms Mr. Black's assertions.

22. Consideration of a development agreement between G&S Properties #2, LLC and Springville City wherein G&S Properties shall participate in the installation of sewer off-site improvements in exchange for 31 sewer connections for property

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located at approximately 750 West 800 South in Springville, Utah – John Penrod, City Attorney

Cl. Strong asked if a representative for G&S Properties was present. Attorney Penrod replied that they had a prior appointment, so would not be present. Director Stapley suggested reviewing Item #23 first to better understand Item #22. The Council and staff agreed. Director Stapley informed the Council that at some time in the past, a sewer line was constructed in 550 North that did not meet the master plan requirements. He reported that an 8-inch sewer line along 550 North connects between a 15-inch pipeline and a 12-inch pipeline. He noted that replacing this sewer pipeline is the last link which makes the 950 West sewer outfall operational to its fullest capacity. He pointed out the location of the substandard section on an aerial map.

Director Stapley reported that the budgeted amount for this project was \$170,000. Bids have been received, but they all came in higher than this amount. He pointed out a parcel of land on the map and explained that a developer, G&S Properties, has requested 31 connections to the 950 West sewer outfall. The master plan shows this property in another subbasin, but the gravity flow of the area is actually more conducive to flow toward the 950 West sewer outfall. They are willing to donate \$51,000 to the project to offset costs in exchange for the ability to connect. Director Stapley observed that he had Hansen, Allen, Luce Engineers study the flow rates in the master plan if the boundaries between the basins are changed. They have concluded that changing the boundary of the basin will not max out the flow rate. He pointed to the study in the staff report.

Cl. Strong confirmed that the exchange does not actually allow the connections, just reserve the space in the pipeline. This was verified. Cl. Jolley asked if the 8-inch pipeline will be abandoned. Director Stapley replied that the western portion will be abandoned, but the northern section will be used to service the Community Park. Cl. Strong commented that the budget is still short of funding to build this project as bid. Director Stapley agreed, but averred that this project is essential to the future development of the west fields. He told the Council that other projects not as critical will have to be moved back in the schedule. Cl. Packard asked when the bids were submitted on this project. Director Stapley replied that the bids are close to expiration because of the length of time taken to negotiate with G&S Properties. Cl. Packard asked why these bids were so high with the construction industry slowing and prices falling. Director Stapley replied that excavation contractors are aware of the problems encountered in the 1500 West sewer construction project. This area will have similar problems. He maintained that this project is imperative to complete now. Cl. Jolley commented that the solution sounds like a “win-win” for both sides.

Attorney Penrod presented the development agreement between G&S Properties #2 and Springville City. He noted that the first request was for 32 connections at \$51,000. The agreement has been amended to indicate 31 connections for \$50,000. He informed the Council that this is a basic development agreement and does not eliminate any other requirements for development. Mr. Matt Stewart asked if changes to the basin will create additional costs to the City that are not covered by the agreement, or create precedent for other property owners. Director Stapley replied that this property can still gravity flow. Other properties in the basins would require lift stations to change basins. This has been rejected because of the continuous costs incurred in the operation of a lift station.

CL. JOLLEY MOVED TO APPROVE THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN G&S PROPERTIES #2, LLC AND SPRINGVILLE CITY WHEREIN G&S PROPERTIES SHALL PARTICIPATE IN THE INSTALLATION OF

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SEWER OFF-SITE IMPROVEMENTS IN EXCHANGE FOR THE ABILITY TO MOVE 31 SEWER CONNECTIONS IN THE WASTEWATER COLLECTION MASTER PLAN FOR PROPERTY LOCATED AT APPROXIMATELY 750 WEST 800 SOUTH IN SPRINGVILLE, UTAH. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

23. **Consideration of an amendment of Springville City's Wastewater Collection System Master Plan to allow 9.37-acres of property located at approximately 750 West 800 South and owned by G&S Properties #2, LLC, to change sewer basins so that the said Property will be allowed to discharge its wastewater through the 950 West Sewer Outfall Pipeline and into the proposed 550 North Sewer Pipeline, and a bid award and contract to MK Excavating, Inc. for the 550 North Sewer Pipeline Extension project in the amount of \$299,914.95** – Brad Stapley, Public Works Director

CL. JOLLEY MOVED TO AMEND SPRINGVILLE CITY'S WASTEWATER COLLECTION SYSTEM MASTER PLAN TO ALLOW 9.37 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 750 WEST 800 SOUTH AND OWNED BY G&S PROPERTIES #2, LLC TO CHANGE SEWER BASINS SO THAT THE SAID PROPERTY WILL BE ALLOWED TO DISCHARGE ITS WASTEWATER THROUGH THE 950 WEST SEWER OUTFALL PIPELINE AND THE PROPOSED 550 NORTH SEWER PIPELINE. CL. PACKARD SECONDED THE MOTION, AND ALL VOTED AYE.

CL. BIRD MOVED TO APPROVE MK EXCAVATING, INC AS THE LOW BIDDER FOR THE 550 NORTH SEWER PIPELINE EXTENSION PROJECT IN THE AMOUNT OF \$299,914.95, AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE A "NOTICE TO PROCEED" FOR THE PROJECT. CL. JOLLEY SECONDED THE MOTION, AND ALL VOTED AYE.

24. **Consideration of an agreement between Springville City and the Utah Department of Transportation to expand its CommuterLink Fiber System** – John Penrod, City Attorney

Attorney Penrod reported that the last item on agenda is a request to increase/expand the CommuterLink system using the City's fiber system. CommuterLink is a traffic system used to interact with and observe traffic signals. UDOT wishes to amend and modify the original agreements to include a 48 single strand fiber system on 400 South between the freeway and 400 West. In exchange for the connection, UDOT will give Springville City 12 strands. This will allow Springville to connect to the hubs in American Fork directly instead of going through Provo, as it does now. He reported that the City's fiber expert, Matt Hancock, is recommending approval. He added that the City has received a request from Centracom to do the same thing, which the Council will consider at the next meeting. They would like to combine and overlap the fiber systems, and Springville will get another twelve strands of fiber. He explained that Centracom provides internet access to schools.

Director Finlayson reported that also provided in the negotiations is access to the infrastructure for Springville's dispatch center. Cl. Strong asked the capacity of a fiber strand. Director Finlayson replied that he is not sure of the absolute capacity, but that a lot of information can be carried. He noted that Springville is currently operating on four pairs of strands now. These contracts will provide 24 more strands. Director Fredrickson observed that Springville City will obtain a robust backbone system. Director Finlayson added that it would also provide redundancy. Mr. Paul Baltés, Director of Merit Academy, reported that the

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connection for schools is a one “gig” pipe—100 times bigger than a T-1 line. Cl. Olsen asked where the cameras are located. Director Finlayson replied that the cameras are located on state highways like 1400 North, Main, Center, 400 South, etc. Administrator Fitzgerald observed that the Council can see cameras by looking above the current poles. Cl. Strong asked about providing higher upload speeds to businesses in Springville. Administrator Fitzgerald replied that the Council could fund and light up the current system for a cost of about \$30,000.

CL. OLSEN MOVED TO APPROVE THE EXECUTION OF AN AGREEMENT BETWEEN UDOT AND SPRINGVILLE CITY THAT ALLOWS UDOT TO EXPAND ITS COMMUTERLINK SYSTEM THAT BOTH PARTIES UTILIZE. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Mayor Mangum informed the Council about an news release today concerning the sale of I-Provo for \$44 million. He asked Director Roylance about a contract with Child Enterprises. He asked if there were other reports. There was none.

CLOSED SESSION, IF NEEDED – TO BE ANNOUNCED IN MOTION

There was no closed session.

ADJOURNMENT

CL. STRONG MOVED TO ADJOURN THE MEETING. CL. BIRD SECONDED THE MOTION, AND ALL VOTED AYE. MAYOR MANGUM DECLARED THE METING ADJOURNED AT 9:52 P.M.

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