

Pleasant Grove City Council Work Session Minutes
January 12, 2010
7:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degen Lewis, City Engineer

Sean Allen, City Planner

Karen Bezzant, Treasurer

Libby Flegal, NAB Chair

Excused:

Ken Young, Comm. Dev. Director

The City Council Members and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah 84062 at 7:00 p.m.

1. Call to Order

Mayor Call called roll for the Council and noted that Council Members Boyd, Jensen, Robinson and Wilson were present.

Mayor Call asked if there was any reason other than tradition that we do not have the pledge of allegiance during Work Session meetings. Attorney Petersen stated that it has just been the tradition. Mayor Call stated that he would like to lead everyone in the pledge of allegiance and make it a tradition for Work Session meetings.

2. Opening Remarks

Opening Remarks were given by Chief Paul.

3. Presentation of the applicants for the City Council vacancy

Mayor Call explained that in the City Code 1-9-9:A, a person appointed to the City Council vacancy must be a registered voter and that the City Council is who appoints the individual. Mayor Call pointed out that for most appointments it is the Mayor who appoints with the advice and consent of the Council, but for filling this vacancy it will be the entire Council who makes that appointment. The individual will fill the unexpired term of office, which in this case would be two years.

Mayor Call stated that we are going to give five minutes to each of the nine applicants; we will go in alphabetical order by last name. In order to keep things moving, immediately following each applicants five minutes the Council may ask a few questions. The Mayor explained that after the presentations of the nine applicants, the City Council will go into an executive session in another room to discuss what is needed to arrive at a consensus. When the Council returns to the regular session, we will take a vote to show what the decision of the Council was and that person will then be sworn in and take their place on the Council.

Mayor Call asked if there were any questions about the process, in that there were none the Mayor then read the names of the applicants in the order that they were to address the Council: Laurel Backman-Riddle, Brandon L. Bailey, Jennifer Baptista, Val Danklef, Milton Fugal, Kurt Jurgens, Jay F. Meacham, Edward T. Sanderson and Mark Washburn.

Laurel Backman-Riddle came forward and stated that she cares deeply about the community and that she left a thriving law practice to move here into the downtown area. Ms. Backman-Riddle said that her involvement in the City has been ongoing and continuous and she has demonstrated her commitment in the hundreds of hours that she has spent in reviewing ordinances and helping to revise them. She said that her strength that she would bring to the Council is her legal expertise, as a practicing attorney she has experience with government, with mediating and arbitration. Ms. Backman-Riddle stated that she would be able to “hit the ground running,” that she is very much aware of what the current issues are. She said that she is an independent thinker and would bring an ability to look at issues independently and dispassionately and that she has a reputation for standing on principal and would bring that as strength to the Council. She stated that in these hard economic times the Council is subject to criticism and that there are hard decisions to make and it will be a difficult time to be on the Council. She said that one of her strengths is being able to communicate with others and garner their support and that she is willing to work together with the community and feels that we will be stronger in making the hard decisions that have to be made as a City if all of the citizens of the City are involved as much as possible.

Council Member Jensen remarked that one of the important traits in a City Council member is having a strong sense of ethics and asked her to give an example of where she felt in her observation of the Council where a strong sense of ethics was important. Ms. Backman-Riddle stated that her admiration for Council Member Wilson went up when he made a very hard decision with the change of the policies and procedures manual, in making sure that there were no conflicts of interest that were inherent in our policies and procedures and having someone on the Council and also be employed with the City at the same time because he had some good friends that were affected by that decision. She added that as a Council member you have to make a decision based on what is right and best for the City and put your own personal feelings and friendships aside.

Council Member Wilson pointed out that she does work out of state a lot and asked how available she would be during the week. Ms. Backman-Riddle stated that she still maintains a practice in Washington state as well as here in Utah and that she works more here than there. She said that she would schedule her out of state meetings around the Council meetings and added that she is usually out of town about five days out of the month.

Mayor Call stated that we will limit the questions to two per applicant.

Brandon L. Bailey came forward next and stated that unlike Ms. Backman-Riddle, he is not well known in Pleasant Grove, he has not served on any committees. He then reviewed some of his past history which includes being a son of an Air Force pilot and stated that he has lived all over, at the age of seventeen he joined the Utah National Guard and served in their intelligence unit for eight years. He has an Associate's Degree in Political Science and a Bachelors Degree from BYU in International Law and Diplomacy. He worked for Novell as a contract auditor and traveled around the world and became very familiar with financial transactions worldwide. He became the International Programs Manager and managed academic programs for K-12, as well as vocational college training and worked on the Corporate Marketing team as an Events Manager. Mr. Bailey stated that he has broad leadership experience and feels that he is a good candidate for this position and that through his experience and career, he has dealt with many large and small budgets and has always kept all of his projects under budget and on time and has learned how manage high stress situations. Mr. Bailey stated that he loves Pleasant Grove, he has been here since 2001, and one of the reasons why he moved here was because of the small town feel with all of the amenities to a big city nearby. He said that he believes in getting more businesses into Pleasant Grove so that we can help our financial situation in the economy of our City. Mr. Bailey explained that he comes to the Council with an open mind, he does not have an opinion on any of the existing situations that are before the Council and that he likes to look at situations from a very open point of view, considering all sides of the issue before rendering his opinion. Mr. Bailey added that he is not a "yes" man and will give his opinion, but once the decision of the Council is made, he will march forward wholeheartedly and support the decision made.

Mayor Call asked if he has any specific ideas about bringing businesses into town. Mr. Bailey stated that the kind of money that he would want to see brought into the City is more of the professional type of industries such as computer companies and thinks that we need to get more high paying professional jobs and try to bring in some of the higher dollar type of industries.

Council Member Robinson mentioned that he spoke of moving a lot and living in a lot of different areas and asked him what was the one thing about Pleasant Grove that made him plant roots. Mr. Bailey said that he does not feel like he has to lock his car, it's safe here and that he likes the small town feeling and added that Pleasant Grove is the longest that he has ever lived in any one location, that he has been here for eight years and has no plans to leave anytime soon.

Jennifer Baptista came forward next and said that she and her family moved to Pleasant Grove in 2004 and shortly after that she became heavily involved in the schools her children were attending. She has been actively involved with the 1100 North sidewalk issue, the bond for the Recreation Center, the bond for the High School, school vouchers, cross guards, the Health and Safety Commission, etc. Ms. Baptista explained that she noticed a problem of parents always complaining that the City does not listen or care about their issues, so she started attending the City meetings and discovered that in these meetings as she listened to the City officials, they were discussing how they could better communicate with the public. Ms. Baptista said that she found herself traveling between these two groups trying to inform and educate and defend each group and that she is still doing this. She said that she has realized that if we come together we can accomplish a lot if we look, listen and show that we care. Ms. Baptista stated that we really have something special here in Pleasant Grove, but there is also a disconnection, there is a large group in our community that do not know who the Council members are and feel that they City does not care so why should they. She said that she wants to help the City connect to our community and feels that she has a good understanding of both sides and she is already invested in both.

Council Member Wilson asked what she felt was the best thing that she could bring to the Council. Ms. Baptista said that she is highly involved with the school systems; she has connections with the Alpine School District that can be very beneficial and bring more insight to the Council.

Val Danklef came forward next and explained that in a church meeting discussion, they were talking about how they could be involved in community service and after giving it some thought and in discussions with his acquaintances, it was suggested that he could possibly fill this vacant position. Mr. Danklef stated that he has a small window of opportunity in which to serve, he will soon be retiring from his position at the State of Utah and will be going on a mission for his church in a couple of years, and this gives him the opportunity time wise, to try to do something for the community which he appreciates living in and loves. Mr. Danklef said that he is very conservative by nature and that what he likes to do is plan, research, ponder and evaluate and then make a decision and move forward. He stated that with two new Council Members, a new Mayor and a new City Administrator and Finance person coming aboard, this is equivalent to a business being sold and new management coming in and one of the things that he feels he is sensitive to, being a government employee himself, there may be City employees who may be feeling a little uneasy and not sure how this is all going to work out, and he feels like he has the ability to relate to them and ease some of their concerns. Mr. Danklef said that during his career he has been involved with customer service and feels strongly about that. He has more than thirty years of working directly with people and government leaders such as State Senators and has the ability to interface and discuss and feel comfortable with all types of individuals regardless of what their position or standing may be. Mr. Danklef stated that if he was selected, one of the things that he would be doing is to ask hard questions, he does not believe in sitting back passively and letting things slide. Some examples of these questions are, what are we doing with the consulting firm that gave the plan for the Downtown area, where are we going to put a new City Hall, Fire Station and Library, what are we going to do with the infrastructures that the City needs, is the hotel going to actually come to Pleasant Grove? Mr. Danklef said that he would like to be involved in finding out the answers and help determine these types of things and that he would really also like is to disseminate to the citizens a little better of what we are doing as a Council, as a City and solicit their input into the process.

Council Member Jensen stated that he has mentioned several things that the Council is faced with, and during the two years that this seat is going for, it may not be long enough to actually see some of these things come to fruition, and asked if there are there any specific issues that you feel are important that you can bring to the Council to help us arrive at a good decision. Mr. Danklef said that as he has read in press releases, etc., he feels that there is a blueprint and surveys that have come back from the citizens as to how they have categorized things to be done, and that he would like to see us move forward in that desire that the citizens have. He would like for the Council to sit down and say these are our goals, setting the priorities and work from that and in all other decisions should fit in with those kinds of goals and aspirations.

Council Member Boyd said that deciding that you basically have two years; do you feel that that makes a difference then someone who has long range goals as far as their service in the City? Mr. Danklef stated that his personal philosophy is that if you are in an elected position, you ought to have a term limit and that he never votes for anybody who is in office. Mr. Danklef said that he feels that you need to set priorities, set a blueprint for the future and work towards it and whether you are involved with it or not, it does not matter, you've done the best that you can in the time that you are there, and that he does recognize that in two years it is probably impossible to build any of these structures that are needed, but you can certainly plan for them and do what is needed to move forward and see that you are closer to that goal then you where when you started.

Milton Fugal came forward next and stated that this is the latest step in his efforts to become a member of the Pleasant Grove City Council. Mr. Fugal pointed out that he ran for a seat on the

Council in the November election and at one point he was declared that winner over incumbent Council Member Jensen and then after the more comprehensive count it turned out the other way with Mr. Jensen being declared the winner with one thousand nine hundred and three votes to my one thousand and nine hundred votes. Mr. Fugal said that the important point here is that nineteen hundred of our citizens voted to have me as a member of this Council and therefore feels that he has almost as great a mandate from the citizens of our community to serve as does Mr. Jensen, for that matter, as any other winner of an election. Mr. Fugal stated that he and his wife are Pleasant Grove natives; he has owned and managed a successful business in Pleasant Grove for the past fifteen years. He has served as a member of the Pleasant Grove Board of Adjustments for the last nine years, including two terms as chairman. He has served for thirteen years in the Army Reserve. Mr. Fugal explained that he understands the form of government instituted by the founding fathers and recognizes that as a member of this Council his role would be as a legislator and to assist in the governance of our community through the judicious modification of our Municipal Code as deemed necessary by any one of our three governmental branches. Mr. Fugal stated that his platform remains the same one that he ran on this past November: He will only vote for a balanced City budget, only raise taxes as a last resort, and will encourage the implementation of a new Library and Performing Arts Center. Mr. Fugal concluded by saying that his qualifications to serve on the Council speak for themselves, and feels that he has been given a mandate from the voters to serve.

Council Member Wilson asked about his availability and would he have any conflicts with arranging his time if business of the Council needed to be addressed at the last minute? Mr. Fugal stated that for the most part he is available and flexible and will make things work.

Kurt Jurgens was next to come forward; he stated that although he has not done a lot within Pleasant Grove City, he has been greatly involved with community service throughout the County. Mr. Jurgens said that he was the technical director and master electrician for the Utah County Fair; he has been involved in the community theater in several towns and also with the Utah County and State Beauty pageants. He has spent the past thirty years involved in professional theater, film and video production with the Osmond studios, as executive producer for the Foundation of Ancient Research and Mormon Studies, director of Media Duplication for Nu Skin and currently as the production designer and technical director of the Hill Cumorah Pageant for the LDS church. Mr. Jurgens stated that the qualifications that he feels that he brings to the Council are both through the community service that he has performed with the many organizations within the County and State and his experience from throughout his career. Mr. Jurgens added that his experience as a Chief Financial Officer has had him spend a great deal of time in analyzing and debating financial issues, and this would greatly benefit the Council because he spends a great deal of time in analytical processes and determining what works best for the issues at hand.

Council Member Boyd asked him to explain with his expertise, specifically with the arts, how he feels that his talents and expertise in this area can benefit the City. Mr. Jurgens stated that he has been very involved with the arts all of his life, but feels that the best thing he can offer is the fact that in all the areas, volunteer or professional, he meets deadlines, makes things profitable and maximizes the finances that are available.

Council Member Jensen pointed out that one of the real challenges that this Council member will face is that they will serve a two year term and there is not a lot of time for this person to get on board and the learning curve is very short, so how would he address this issue. Mr. Jurgens stated that he has a property management and commercial development company and he has spent a great deal of time working with City Councils and Arts Commissions dealing with issues and processes and feels that he is very familiar with the whole process of how City Councils, Planning Commissions and Arts Commissions work and that he does not feel like he would be stumbling, that he could hit the ground running.

Jay F. Meacham came forward next and said that he and his family live in the Battle Creek area and have been here for twelve years. Mr. Meacham stated that he wants to present his reasons and qualifications that would be beneficial for the City, one being his past experience of the last eight years, five and one half years on Pleasant Grove's Planning Commission, five months on the City Council and currently as a member of the Downtown Advisory Board. Serving on the Planning Commission he has become familiar with City codes and standards and helped in developing the General Plan and is also aware of the issues and goals related with the Downtown area. Mr. Meacham said that he is a Civil Engineer by profession and is very familiar with city standards and construction issues, and has designed and constructed signals, roadways, storm drains, etc. and is very familiar with transportation master plans and dealing with UDOT, also working with budgets and funding sources. Mr. Meacham stated that he is very interested in the Blue Energy Project; he has a Master Degree in Water Resources and Hydraulics and is aware of what it will require to move this project forward and that how this project will impress on other communities about using potential energy sources.

Mayor Call mentioned that Mr. Meacham was appointed to the City Council before and has had an opportunity to run and did not take that opportunity and now he is back here wanting to be appointed to the Council again and asked him to explain why. Mr. Meacham said that the company that he works for has had economic issues and that things slowed down and his hours were reduced around the time that the applications for candidacy were due to be filed and at that time he did have an issue with not being able to commit fully to the process of running for office.

Council Member Boyd asked him that with all of his experience of serving and being familiar with the City, if he could narrow down one thing that he could accomplish in these next two years, what would it be. Mr. Meacham stated that most of the issues that we deal with are a long time in fruition and said that his passion right now, because he is working on the Downtown Advisory Board is to see some kind of change in the direction of the Downtown area. Mr. Meacham said that he would like to see a feasibility study done giving further direction on what potentially can be there and actually have a plan in place.

Edward T. Sanderson came forward next and stated that he did have the opportunity to serve as Mayor in Pleasant Grove, so he is familiar with the process and familiar with the budget and the efforts that are made by the Mayor and the staff to put that together and present it to the Council. Mr. Sanderson said that his experience and background comes from twenty six years in industry, working in the areas of engineering, design and construction, which included supervision, management and safety. He has also served on the Strawberry Days Committee and served as its Chairman for six years and is very familiar with the event, budget and the efforts that go into that. Mr. Sanderson added that he has served as the Chairman of the Monkey Town neighborhood; he has also served as the Chairperson of the Neighborhood Advisory Board. Mr. Sanderson next reviewed several items that were accomplished while he was the Mayor, working with the Council they were able to continue the money that was set aside by three Mayors prior, and were able to get construction started for the freeway interchange, we developed the idea for Pleasant Grove Blvd. and through our efforts it was put into place and we also acquired the Macey's property at that time. We had the opportunity in developing two RDA's to help the City re-develop some much needed property for economic development. Mr. Sanderson said that he did the design and layout for this facility and was able move our Community Development department to its current location as well as the current City Council Chambers. Mr. Sanderson stated that he would like the opportunity to be involved again, and feels that a strong Mayor and strong Council team can get a lot accomplished if they work together.

Council Member Wilson asked that having his son (Chief Sanderson) as a City employee, how he

would keep that separate. Mr. Sanderson said that as far as any conflict of interest that he would have would only be something that directly involves him, and that he could recuse himself from any situation that would directly involve him. Mr. Sanderson added that as far as nepotism, he does not work for me or for the Council, we works directly for the City Administrator and the Mayor.

Mark Washburn next came forward and said that as members of this community he feels we need to be involved more and can do a much better job than what is being done in Washington D.C. today. He stated that Pleasant Grove has not been the most forward city to progress and bring in businesses like American Fork and Lehi have done. Mr. Washburn then stated that we have been cautious and have proceeded with a speed that is good for the City, but when the economy turns around, he feels that if we work together as a city and a Council then the Mayor will be able to accomplish what is best for this community. The example of the freeway exit is a great example of working together also the process of working with the School Districts and the community for the Recreation Center turned out to be one of the best decisions the City has made. Mr. Washburn said that Pleasant Grove has had progress and has come a long way and believes that we have the ability if we work it correctly, to outdo American Fork and Lehi, this will take the citizen involvement and we need to be and get people more involved. Mr. Washburn stated that he feels that what he can bring to the Council is his experience of thirty five years as a contractor and business owner, his mediation skills and experience with conflict resolution and problem solving and that he has a desire to work with people and show his ability to make the right decisions.

Council Member Wilson asked him what the main thing would be that he could bring to this Council. Mr. Washburn stated that it would be his ability to communicate with people, to understand and help resolve the problems that we face. That he has an understanding of what the community is doing and what we need to do as a Council to get things accomplished, to get back to the basics and get our message out to the people to get them more involved.

Mayor Call asked if there were any further questions, there were none. The Mayor then explained that the Council would now go into the executive session to discuss the character, professional competence, or physical or mental health of an individual.

4. Executive Session to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205 (1)(a))

ACTION: At 8:10 p.m. Council Member Boyd moved to go into executive session, a strategy session to discuss the character, professional competence, or physical or mental health of an individual. (UCA 52-4-205(1)(a)). Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Jensen, Robinson and Wilson voting, “Aye.”

The Mayor and City Council members left the Council Chambers at 8:10 p.m. to go into an executive session.

ACTION: At 9:28 p.m. Council Member Jensen moved to close the executive session and return to regular session. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Jensen, Robinson and Wilson voting “Aye.”

The Mayor and City Council Member rejoined the meeting in the Council Chambers at 9:28 p.m.

5. Appointment of the new City Council Member

Mayor Call thanked the staff and audience for waiting as they conducted their executive session and stated that that should indicate the difficulty of this decision and added that he appreciates the nine individuals who put themselves forward out of a sheer willingness to serve. The Mayor added that before they make a motion and take a vote, he wants to comment about executive sessions. Mayor Call said that there is a reason that Councils will meet privately, and they are only allowed to on a few specific topics and the reason that we do not talk about what goes on in executive sessions is so that every Council Member can be absolutely certain that they can speak openly and honestly without the possibility of the press finding out what they said. Mayor Call then stated that it is important that we respect what happens in an executive session and the members of this Council will not talk about what was discussed in this last hour and a half and that he would beg the audiences' indulgence not to ask them about any of the details or reasoning that went on during the executive session.

Mayor Call stated that he has great appreciation for all nine of the applicants who presented to the Council this evening and pointed out that now we now have a list of eight people who are willing to serve in some other capacity.

The Mayor then asked for a motion of appointment to the open City Council seat.

ACTION: Council Member Wilson moved to approve appointing Val Danklef as the new City Council Member, to serve a term of two years. Council Member Boyd seconded and the motion passed with a three to one vote with Council Members Boyd, Jensen and Wilson voting "Aye" and Council Member Robinson voting "No."

6. Oath of Office given to the new City Council Member

Mayor Call invited Mr. Danklef to take the Oath of Office. City Recorder Kresser then came forward and administered the Oath of Office to Val Danklef.

7. Selection of Mayor Pro Tempore

Mayor Call explained that at the beginning of each year, one of the Council members is elected as Mayor Pro Tempore by the rest of the Council to serve in the case of an absence or otherwise inability for the Mayor to perform his functions or duties. The Mayor asked the Council if they wished to discuss this or just move to make a motion.

ACTION: Council Member Jensen moved to approve appointing Council Member Boyd as the Mayor Pro Tempore. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

8. Review and approve the 2010 meeting schedule

Mayor Call stated that this schedule is very similar to what we have done for the last few years and

asked if there were any questions.

Council Member Jensen said that there is a Work Session meeting scheduled on December 28th and that typically we do not meet that late into the year. Mayor Call stated that we did have a meeting scheduled at that time last year, but we took it off, so let's just leave the 28th on for now and when we get to that point and if there is no real business to conduct at that time, then we can take it off.

ACTION: Council Member Wilson moved to approve the 2010 meeting schedule. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

9. Discussion on recycling

Mayor Call pointed out that we have a limited time to act on this item, and that he has asked Attorney Petersen to become familiar with the current contract that we have with Allied Waste in case we have questions. There are four out of the six members on this Council who have recently campaigned and have heard a lot from our citizens on this curbside recycling issue and if we are going to move forward with the contract as it is or if we need to make modifications, now is the time to talk about it.

Mayor Call started the discussion by saying that many citizens talked to him about the fact that even though this was set up as an opt-out program, they still felt a mandatory aspect to it and felt that we were making it overly difficult to opt-out. Another concern was with the new comers to the City being put into the program on a mandatory basis.

Council Member Jensen stated that he had sent an email to Mayor Daniels in November expressing his concerns, one of them being the need to extend the opt-out deadline, another is the feeling that we made it too narrow in the manner in which citizens could opt-out that there needs to be broader means of the ways they can opt-out. Also the question on making it mandatory to new move-ins, that they should be given the opportunity to opt-out at the time when they are registering for their other services in the city and what do we do for an individual who wants to opt-out after they have been in the program and what do we do with the tote. Council Member Jensen stated that these are some of the issues that were raised that he feels require further discussion.

Council Member Danklef asked if we had the number of residents who have chosen not to participate. Mayor Call said that we do have that information, there are six thousand three hundred and forty five residents in our City who are billed for trash pickup, so far two thousand four hundred and twenty have opted-out. Administrator Darrington said that that equals thirty eight percent of the households who have opted-out so far.

Mayor Call asked Attorney Petersen what, according to the contract, was the minimum number of participants needed. Attorney Petersen stated that it must be at least two thousand, but preferably two thousand five hundred to make it profitable for Allied Waste to even consider doing it. Mayor Call added that at this point we are still safe by about one thousand four hundred, but that the opt-out

period is not over until February 16th. Mayor Call then asked what would happen to the contract if our number goes lower than what they requested. Attorney Petersen said that we have not signed a contract, our current contract with them contemplates an addendum dealing with recycling, when we renewed their contract a couple of years ago, we had not yet made the decision about recycling. Our current contract states that recycling may be added at a later date and that it did not have to be re-bid, so all of the terms of the contract that we are currently contemplating would be an addendum to the original contract and it has not been signed yet. Attorney Petersen said that when the Council made the decision to extend the opt-out deadline she did speak with Gordon Raymond at Allied and they said that they were okay with that but at some point they will need to know whether or not we want to do this program and that they will need a number so that they will be able to calculate how many totes to purchase, because the fewer number of households that participate could influence the price. Mayor Call wanted to clarify that two thousand five hundred would be a safe number for maintaining that negotiated price of five dollars and ninety cents a month. Attorney Petersen stated that that was correct.

Council Member Boyd stated that because we have given the February deadline and we already have the perceived idea that we are mandating the recycling program, what more can we be doing between now and the middle of February to make sure there is absolutely as much communication going on to ensure we have enough participants. Mayor Call stated that one of the suggestions that he had was to have stickers placed on the top of the garbage totes so that our current households will have this information delivered to them and we ought to look at a lot of other ways to communicate it. Mayor Call added that we know that no matter how much communication we do, there will still be residents who will say they were not told about it.

Mayor Call said that Allied Waste has been a great asset in letting us know what typically happens in other communities, why opt-in programs don't work, etc. Typically a lot of people will opt-out knowing that they can opt back in, and they know that if they don't opt-out now, their chance is gone, what if there was the opportunity for them to try the program for a period of six months or twelve months, and then if they want to opt-out at that point then they can. Council Member Wilson said that he likes that idea and feels it would serve the citizens better than if we had them have to pay a fee to opt-out like what American Fork City is requiring.

Council Member Robinson said that as discussed previously, examples of American Fork and Spanish Fork City started their programs as opt-in, and has our community been educated on how slow that moves and how much more costly it was. Council Member Robinson said that she has also talked with citizens who complained about the cost, we currently have about forty eight percent of our Allied customers that have two garbage totes and if they participate then they can turn one of those garbage totes back to save cost. Council Member Robinson stated that she is just wondering if our community has been educated on these options and added that we are the only City in north Utah County with more than five hundred citizens that doesn't have recycling and wonders if we might have to take the slow route or at least offer an opt-out.

Council Member Danklef asked if it would help if we actually had some of the totes on display at the City building so that the citizens can see them.

Attorney Petersen stated that she wanted to comment on some of the issues that have been raised, we did make it more difficult for them to opt-out, we narrowed the opportunity and required them to come in person and that was based on some negative experiences that other cities have had where they allowed emails, letters and faxes. It became a virtual nightmare for the city to try and track down who really did opt-in and opt-out, there were several instances where people claimed that they opted out via email and the city had no email on file. Attorney Petersen said that in the beginning we purposefully structured this pretty strict in order to make sure that we were not facing these same issues, so if the Council decides that we want to widen this out a little, we can do that, but keep in mind that we want to make sure that we have a good, accurate way to keep records so that we do not end up disputing with citizens about whether they called, faxed or emailed their forms into us.

Council Member Danklef asked if the size of the tote is roughly the size of the garbage tote and is that something that was required of us and do we need such a huge container. Mayor Call said that the size of the tote has to do with the mechanics of how they pick the totes up.

Council Member Jensen pointed out that to some extent our education process has been fairly beneficial in that two thousand four hundred people knew that they had to opt-out and that they had to come into City Hall to do this and added that we will never get one hundred percent of the citizens who understand and we will always get citizens who will say that they didn't know about it. Council Member Jensen stated that he would like to find out from Allied, how long a period of time would someone who is in the program have to stay on until they could have another opportunity to opt-out, obviously Allied has invested in the customers and if they say six months or a year, then we as a Council would have to decide if they can opt-out after a certain time and would they have to pay for the tote or an opt-out fee. Mayor Call said that if we do look at something like that then maybe it can be as an annual renewal type of thing or an open enrollment, we will need to explore these options with Allied.

Council Member Jensen then stated that we will also need to discuss with Allied and as a Council that if we ever get to the point where we are under the required two thousand five hundred participants, what happens, does it mean that the City pays or do we have to raise the rates, what is the result of that happening.

Mayor Call stated that these are all good points and to please feel free to send emails with anything else that may need to be discussed and then the next step would be for us to get together with Allied and explore some of these questions.

Administrator Darrington stated that the best time to revisit this is at the next Work Session and he will take the comments and concerns to Gordon at Allied and have him research the answers so that he can comment and have that discussion. Administrator Darrington said that he came from a community where they had a mandatory program and the Council decided the citizens would pay for the tote whether they used it or not, and for the first year there were letters to the editor and threats of not re-electing certain officials and after one year it was done and no longer a word about that. We will have a similar experience, there will be nasty letters and things like that, but the ultimate

question is, do we want recycling in our City or not and if we do then the tough choice has to be made. Administrator Darrington said that he feels what has already been done is very comprehensive in educating the public and that there will be some angry people but for the most part you will be implementing a program that people will accept over time. As for the contract, if we sign it and say that we are providing so many participants then we are probably on the hook for that, Allied has a financial investment just as much as we have, so for us to say that they can opt-out six months down the line, we are rolling the dice on that and taking the risk of dropping below the required number. Administrator Darrington said that he will meet with Allied and get more answers on this.

Mayor Call asked if there were any other questions or comments, there were none at this time.

10. Discussion of items for the upcoming January 19, 2010 City Council meeting

Mayor Call reviewed the items on the Consent Agenda and asked if there was anything that needed to be discussed on them, in that no one commented the Mayor moved on to the Business items.

- a. **Public Hearing to consider Ordinance (2010-1) at the request of Andrew Miles' to amend Article E, Downtown Village (DV) zone, Section 10-11E-2 "Permitted, Conditional and Accessory uses for the Downtown Commercial Sub-District" adding Land Use Code #8224, "Animal Kennels, Animal Boarding, Breeding, Training and Grooming," as a conditional use. (OLD FORT NEIGHBORHOOD)**

City Planner Allen explained that Crystal's Dog Spa which is located on south Main Street would like to add pet boarding kennels to their operation. They were under the impression that they were already allowed to have dog kennels and they do have them, but when it was discovered that they were not allowed, they are coming forward with this ordinance proposal. Our staff feels that it is appropriate to classify this as a conditional use so that we can help regulate the number of kennels and the timeframe that will be allowed. Planner Allen stated that the applicant has found that there is a great need to leave/board their dogs.

Council Member Jensen asked how many kennels they would actually be allowed to have. Planner Allen stated that they are limited by the square footage of the building, and we felt that through the conditional use review that the number would be limited to what is appropriate, what could be kept clean and be kept in control in that environment then we would limit that number. Planner Allen added that this particular location does have to maintain a certain amount of retail space, so that is another consideration to keep in mind.

Council Member Danklef asked if all of the kennels would be housed indoors. Planner Allen stated that they would and that this particular ordinance would require that any other business would have to do the same.

Council Member Jensen asked if the difference between a kennel and boarding will be defined; is it that a kennel is for short term and boarding for long term. Planner Allen said that the applicant said that it would be for short term. Attorney Petersen explained that we have a definition for

“kennel” in our animal control ordinance, but it may not be defined in this particular subsection in terms of a business, but that basically anything over two dogs requires a kennel license. Council Member Jensen asked if this would permit them to do the training outside of the premises such as the City sidewalks and parks.

Mayor Call stated that that land use code is pretty comprehensive in that it talks about kennels, boarding, grooming and training and pointed out that we have a week to further research this before the public hearing.

b. Public Hearing to consider an Ordinance (2010-2) to amend Section 6-5-3 “Overnight Parking” of the Pleasant Grove City Municipal Code for the purpose of extending and clarifying the times when on-street parking is prohibited, to facilitate the clearing of snow. (CITY WIDE IMPACT)

City Planner Allen said that Public Works has struggled with this issue for years, not only the obvious fact that there are cars that remain on the street but there have also been problems with the hours. In this particular amendment there is a change to the hours and a better definition explaining the intent of why this needs to be done, what is expected of the residents and what will be enforced. Director Walker has expressed a great desire to get this implemented, just in this last snow storm there were additional costs involved in having to re-plow some streets because cars had not been moved.

Council Member Jensen asked if there was any limitation on the number of vehicles that a single family home can have because in effect through this ordinance we are saying to sell or get rid of your cars. Planner Allen stated that he sees his point, but this is geared more towards managing the cars during these specific times. Planner Allen said that most single family homes are supposed to have at least a two car carport or garage and a driveway. Council Member Robinson stated that she agrees that residents should manage their cars to accommodate the snow plows.

c. Public Hearing to consider an Ordinance (2010-3) at the request of Pleasant Grove City Staff, and under the direction of City Council, for the review of ordinance amendments to Chapters 10-15-41, 11-4, and 11-16 relating to bonding requirements for the purpose of updating, clarifying and ensuring that the bonding regulations are sufficient to protect the City

City Planner Allen stated that all three of these sections are related to bonding and street improvements. The background is that we had a City Council member that became very adamant about a need to re-evaluate our bonding system to help ensure that the City has enough money to finish certain projects. Planner Allen added that staff feels that this ordinance will address this as well as other related issues.

d. To discuss for approval Resolution (2010-01) authorizing the Mayor to sign an Interlocal Agreement with Utah County and Pleasant Grove City, Orem City, Lindon City, Town of Cedar Hills, American Fork City, Highland City and Lehi City for the

proposed Provo Reservoir Canal Rights-of-Ways Greenway to construct a public trail for recreation purposes over the canal and to participate with the County in funding, constructing, managing, policing, maintaining, and using the Greenway

Mayor Call stated that this is regarding the trail right-of-way with the Provo Reservoir Canal. The Public Works Director of Utah County will be present next week to answer any questions that we may have.

- e. **To consider a Resolution (2010-02) to authorize the Mayor to sign an Independent Service Agreement with Jeremy Roos, dba: RTODDY, to provide data systems sales and service such as assessments, planning, design, installation, projects, training, upkeep, maintenance, support and problem resolutions**

Mayor Call said that this is the service contract with Jeremy Roos who handles all of our IT situations. The amended contract will be available for review by tomorrow and it is very close to his existing contract. The Mayor stated that in general the City is very happy with the service he is providing.

- f. **To consider a Resolution (2010-) to authorize the Mayor to sign an agreement with Capitol Project Partners (CAPP) which will allow CAPP to serve as Pleasant Grove City's Washington Representative, and provide strategic advice and counsel of federal government relations issues as directed by Pleasant Grove City and assist in managing the Energy Independent Community Project**

Mayor Call explained that this is a renewal of the contract with the individuals who represent us in Washington D.C.

Attorney Peterson stated that this contract will also pertain to the Blue Energy Project and that she suggests continuing this item for a couple of weeks because of some new developments, so we may not actually be ready for this contract to come forward at this time.

- g. **To consider a Resolution (2010-03) to authorize the Mayor to declare a 1986 Chevrolet Brush 71 Truck and a 1987 Heavy Rescue Truck as surplus vehicles to be sold**

Chief Sanderson stated that this pertains to the heavy rescue truck which is no longer in use, the equipment that was on that truck has been moved to the new truck and there are also two brush trucks and we only have the need to keep one.

- h. **To consider a Resolution (2010-04) authorizing an employer pick-up of Employee retirement contributions**

Administrator Darrington said that this is a housekeeping item, there was an audit done and one of the issues that came up was that each year we need to authorize an employer paid pick-up of required employee contributions for those City employees participating in the Firefighter

Retirement System.

- i. **To consider a Resolution (2010-05) authorizing the Mayor to sign a Purchase Agreement with Norris A. and Cheryl B. Christensen Trust, Neil C. Christensen, and Val E. Christensen and D.H. Christensen Trust, for a parcel of property, 1.31 acres in size located at approximately 950 West 220 South, Pleasant Grove, Utah and providing for an effective date. (SAM WHITE'S LANE NEIGHBORHOOD)**

Attorney Petersen explained that the Council has already approved this real estate transaction; this is just authorizing to finalize the purchase agreement and close on the property. The current plans are to use this property as the storage area for spillage/overage of dirt and the long term plan is to turn it into a nature park.

- j. **To consider a Resolution (2010-06) authorizing the Mayor to sign a Development Agreement with Joseph Gebhardt for a parcel of property, 1.7 acres in size located at approximately 2600 North and 1160 West, Pleasant Grove, Utah and providing for an effective date**

Attorney Petersen stated that this is also something that the City Council has already approved, the purchase has actually been closed and we own the property. The development agreement with Mr. Gebhardt simply memorializes our verbal agreement with regard to tenancy and occupancy of the home and his purchase price and the timeline for his purchasing of his portion of this property.

- k. **To consider approval of the Financial Audit Report for the year ended June 2009**

Mayor Call asked the Council members to review their copy of this financial audit so that they are informed and know what they will be voting on.

Mayor Call explained for the benefit of the new City Council members that the Work Session meetings are where we go through what is coming up on the next week's agenda. The Mayor said the this is mainly for the purpose to get familiar enough so that we come in intelligently and we know what we talking about, this also gives us the opportunity to get in touch with the departments if we have any questions so that we may get those things resolved ahead of time so that we are ready to take action.

11. Mayor, City Council and Staff Business

- Engineer Lewis mentioned that on item "c" for the bonding change, that it also discusses the section for street improvements for building permits and modifying for corner lots.
- Planner Allen wished to extend his welcome to the new City Administrator and City Council members. He stated that he feels that we have a tremendous opportunity this year with our ordinances and making changes that will impact the City for years to come. He said that there

are some proposals that have backed up and we are waiting for the new Mayor and Council to review. Planner Allen said that he wants to invite everyone to come in and talk with him if they have questions about any proposal. He said that he feels that we have had a good bridge between staff and City Council and that he would like to strengthen that.

Mayor Call thanked Planner Allen and stated that he also looks forward to strengthening what we do here in the City.

- Deputy City Recorder Mulvey extended thanks and appreciation to Director Giles for the great job he did rewiring all of the microphones and computers here in the Council Chambers to accommodate the seating changes.
- Council Members Boyd, Robinson and Wilson extended a welcome to new Council Member Danklef. Council Member Wilson added that he appreciates that this was a hard decision to make.
- Council Member Jensen mentioned that this is the week for Christmas tree pick up.

Council Member Jensen explained that 2010 is the year that the Fox Hollow Golf Course Board goes from American Fork to Lehi City for the Chairperson and that he has heard that Lehi is going to pass on this so he recommends that we contact them so that we can have it come back to Pleasant Grove.

Council Member Jensen reported that the Manila Water Company had a meeting and that they are looking for audits to be conducted in order for their Board to come back and make a recommendation to the stockholders concerning their future operations.

- Mayor Call wanted to make the Council aware that this Thursday the 14th, at 6:00 p.m. at the Senior Center, the Downtown Advisory Board is coordinating a meeting with representatives from UDOT and MAG, the purpose is to layout a concept for the realignment of Geneva Road coming into 100 East. The Mayor mentioned that Engineer Lewis will be representing the City at this meeting.

12. Executive Session to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205 (1)(a))

Mayor Call stated that the second executive session scheduled for this evening is cancelled.

The Mayor and Council signed the Discovery Grove Office Condominium Plat.

In that there was no other business to conduct, the Mayor asked for a motion to adjourn.

ACTION: At 10:20 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

13. Adjourn

Meeting adjourned at 10:20 p.m.

This certifies that the Work Session
Minutes of January 12, 2010 are a true,
full and correct copy as approved
by the City Council on February 16, 2010

Colleen A Mulvey, Deputy City Recorder