

**Pleasant Grove City Council Work Session Minutes  
January 26, 2010  
7:00 p.m.**

**PRESENT:**

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

City Recorder:

Colleen A. Mulvey, Deputy Recorder

Others:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

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 Chairperson

Excused:

Kathy T. Kresser, City Recorder

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.

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**1. Call to Order**

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

**2. Pledge of Allegiance**

The Pledge of Allegiance was lead by Council Member Robinson.

**3. Opening Remarks**

Opening Remarks were given by Council Member Danklef.

Mayor Call explained that before we get started on the first item on the agenda, we are going to turn some time over to Director Young for an employee award.

Director Young said that he wanted to bring forward their department's next great employee award; they are extending it to City Engineer, Degen Lewis. Director Young stated that they are very appreciative of Degen and his work. He started with the City about two years ago and came into a very big job in a department that requires a lot of people. Director Young explained that they do have consultants working for them, but they have pared that down significantly over this past year and Degen is holding his own very well and they appreciate his hard work, he comes to us with much knowledge and skill and has used that well and does it in a professional manner and we just want to congratulate him for being a great employee.

Mayor Call thanked Engineer Lewis and then thanked Director Young for the employee recognition program that he has set up.

#### **4. To consider the appointment of an individual as acting City Finance Director**

Administrator Darrington explained that they have gone through the process of interviewing candidates for our Finance Director position and ultimately have decided to offer the job to Dean Lundell. Mr. Lundell has accepted the position and the conditions under which he accepted is that he would be appointed to what we are calling the acting Finance Director for the time being, he is currently the Finance Director for the city of South Jordan and has to finish up some projects there before he comes to us full time. Administrator Darrington said that he will be working here with us for one day a week for the next month, which will be Wednesdays and then hopefully two days a week starting in March. While he is the acting Finance Director he will just be paid an hourly rate according to what his salary is broken down to for the hourly rate and then he will be appointed by the City Council as the Finance Director in April after he starts fulltime on April 12<sup>th</sup>. Administrator Darrington pointed out that tonight what Council will be doing is appointing him to be our acting Finance Director and that he has asked Mr. Lundell to attend this meeting so that he can introduce himself.

Mayor Call invited Dean Lundell to take a few minutes to tell us a little about himself.

Dean Lundell came forward and said that he is really excited for the opportunity to come to Pleasant Grove. He stated that he has lived in Pleasant Grove since he was one year old, so he has a lot of ties to the community. Mr. Lundell explained that he has worked as the Finance Director for South Jordan for eight years and that it was a tough decision to break away from there and said that he appreciates that the City is willing to work with him through this transition time also, that he is really looking forward to working with everyone and is excited to come in tomorrow and get started.

**ACTION:** Council Member Jensen moved to approve the appointment of Dean Lundell as the acting City Finance Director. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

Mayor Call remarked that he and the Council are all very excited to have him come aboard.

#### **5. Steve Cain to do a presentation on the Murdock Canal Enclosure**

Steve Cain stated that he appreciates the opportunity to present this and feels that this information will be very helpful and encouraged the Council to ask questions as they come up. Mr. Cain explained that he will give an overview of the Canal project, what it is and why we are doing it and then talk about some of the issues with respect to Pleasant Grove City. The Provo River Water Users Association (PRWUA) is the project sponsor for the Provo River Project; they take water out of the Weber River Basin and the Provo River Basin and bring it down through Provo Canyon, then store it in Deer Creek and we provide it to our shareholders along the Wasatch front. Mr. Cain pointed out that through the course of a year they handle about one third of all of the water that is used on the Wasatch front. Initially when the PRWUA started the customers they served were fifteen percent municipal and eighty five percent agricultural users and now those numbers have reversed with the urbanization of the counties occurring. Mr. Cain explained that they are going to do the Provo River Canal Enclosure Project (PRCEP), it starts in the mouth of Provo Canyon and goes along the benches and up along SR-92 to the Point of the Mountain in Salt Lake County. The agencies involved in this project are: PRWUA, the Metropolitan Water District of Salt Lake and Sandy (MWDSL), Jordan Valley Water Conservancy District (JVWCD), Provo Reservoir Water Users Company (PRWCo) and the Central Utah Water Conservancy District (CUWCD), they are all participating financially in this project and will receive benefits from it. The components of the project are: modifying the Murdock diversion structure, we will put a screening facility to keep the junk from getting into the big pipe; there will be twenty one and a half miles of welded steel pipe (126" diameter), there will be some flow control structures and also a steel liner in I-15 so that it can take more pressure and we can push more water through it. Additional construction components include Pleasant Grove, American Fork and Dry Creek siphons, turnout structures, utility relocations, a public information program and traffic control. Mr. Cain said that the contract will hopefully be awarded in February and that they have offered a one million dollar incentive for early completion of the project. Mr. Cain next explained the reason why to enclose the canal, the biggest reason and their biggest concern is for safety and to decrease liability, another reason is for water savings, they are losing at least ten percent of water by evaporation or seepage and as a result of saving this water it can be sold to other entities. Others reasons for enclosure include improved water quality, restored and increased capacity and recreation benefits. Mr. Cain stated that the master agreement that governs this project has insurance requirements for anyone who comes on their site, and that includes the trail, so the PRWUA will buy insurance for all of the parties and have one policy that covers everyone's exposure and then each entity will pay their proportionate share. Mr. Cain explained that the trail use is permitted by a License Agreement with Utah County and the Interlocal Agreement binds the cities to the County and to the License Agreement. Some of the provisions on the License Agreement are, having one entity to call, that the corridor exists for water transmission, and the enclosure will occur first, reimbursement of utility costs, safety requirements and insurance requirements. Mr. Cain said that on the Interlocal Agreement, the primary purpose is to allocate responsibilities and costs among the County and the cities. Mr. Cain pointed out that people are already recreating on the trail now and they are happy to use it, so the city does not really have to do a lot to make this trail a good thing.

Next Mr. Cain reviewed how this project affects Pleasant Grove City stating that the city has a connection to this whole project by virtue of the Pleasant Grove Metropolitan Water District (MWD) and Pleasant Grove Irrigation. The MWD has three hundred shares of PRWUA stock, also one point

eight cubic feet per second (CFS) of capacity in the new pipe and both of these are assets, the saved water that comes from Pleasant Grove's share is thirty shares which is approximately thirty acre feet of water per year. Mr. Cain explained that Pleasant Grove is getting thirty shares of water that they were not getting before this project, you were ordering it, paying for it but not getting it due to canal losses and now that water can get to you. The costs associated with this project pay for the device that allows that water to come to you and the capacity. Pleasant Grove Irrigation Company has one thousand eleven shares of PRWUA stock, and seven point zero cubic feet per second (CFS) of capacity in the new pipe. Mr. Cain stated that in order to do this the shareholders, which in this case would be Pleasant Grove's MWD and Pleasant Grove Irrigation, will need to amend the Subscription Contract, right now it is written under the federal format and you have no independent rights to manage your water, under the new scenario you will have the freedom to use your assets. Mr. Cain indicated that on the utility relocations that there are five hundred utility crossings over the canal corridor and that they are trying to do all that they can to mitigate the effects of these relocations like making the pipe smaller and changing the alignment so that it goes through the ground in the most optimum way and misses more utilities. Mr. Cain said that they will be coming to Pleasant Grove for a Utility Relocation Reimbursement Agreement and we will work with your staff to work out and resolve what each group's responsibilities are and that there will be new, updated information on Pleasant Grove's cost for these utility relocations as soon as that work is completed, The information that the City has now is from last November and the new figures will reflect the reduced cost by pipe size and alignment changes. Mr. Cain stated that he cannot officially speak for the County in regards to the trail and acknowledged that the timing right now in this economy is bad, the trail will cost only around eighteen million dollars and that Pleasant Grove's four hundred thousand dollar portion is going to buy about five miles of trail and two or three under crossings, so it is a great opportunity to participate right now and to be able to share some of the cost.

Engineer Lewis stated to clarify that there are three areas where the City has a payment; the actual cost as a shareholder and the enclosure of the canal, our utility relocations, and we have our portion of the Federal match on the trail on top of the canal once it's done. Mr. Cain stated that that is correct, that is the correct way to look at this project.

Administrator Darrington asked what exactly is the City's cost on the actual canal enclosure. Mr. Cain stated that the payments are spread over twenty four years; your 2009 payment amount is one thousand seven hundred fifty seven dollars, in 2010 it's eight thousand seven hundred eighty nine dollars, for 2011 it's nine thousand three hundred fifty two dollars and the payment amount for the remaining years, 2012 through 2035, will be thirteen thousand one hundred twenty dollars each year.

Administrator Darrington stated that we have the largest portion when it comes to the actual trail and canal enclosure in our city, so there is a lot of burden on us to come up with some money in order to make this feasible. We will figure out what our financial situation is here as soon as our Finance Director is up to speed and then we will have to get back to the Council with some recommendations as to where we are at because this is a significant amount of money. Mr. Cain added that they are doing all that they can to reduce that cost.

Mayor Call asked when they expect to have the engineering work done on this so that we can have

firm numbers on our share of the cost. Mr. Cain stated that it was expected two weeks ago, they are still working on it and expects that it will be a couple of more weeks.

Mr. Cain explained that some other factors to consider on why to enclose the canal right now are that we are at a nexus, the price on steel is really good, the interest rates are good right now, the construction bidding market is good at this time and these things are going to change probably by this summer. We also have participation for the first half of the total cost by the CUWCD and that will go away if we do not take advantage of that right away. Mr. Cain stated that we have a lot of drivers to do this right now and that is why we moving in the direction that we are.

Mayor Call asked for an explanation on the ability to save the current box culverts. Mr. Cain explained that there are about six box culverts in Pleasant Grove, these are concrete boxes that water flows through and the road goes over the top of them. What the contractor has proposed to do is cut the bottom of the box out and they have a machine that can assemble several pieces of pipe that they can slide into the box and fill it in and in these cases there is no need to dig the road up. Mr. Cain added that this approach is an example of one of the things that we are doing in order to reduce costs.

Mayor Call asked if everyone understood this process, in that no one replied, the Mayor asked if there were any other questions, there were none. Mayor Call thanked Mr. Cain for his presentation.

## **6. Discussion on Overnight Parking Ordinance**

City Planner Allen explained that this Ordinance is to facilitate the clearing of snow and that he would be going over the differences in the language from what is currently in it to what is being proposed. Currently it states that there is no overnight parking allowed on the city streets or within five feet of any paved street, we have added reasons for restriction to the language which now reads: “to facilitate the clearing of the snow from City streets,” this is to ensure there is no obstruction to the City plows. On the enforcement time we are proposing to add two hours on the front and two hours on the end, which would put the hours of enforcement to twelve midnight until eight a.m., also adding that the cars are to be moved anytime while snow is actively falling and for twenty four hours after snow fall ceases. The consequences are clarified; currently people would be issued a Class B Misdemeanor, we have changed that to an infraction and added that the cars would be immediately towed and subject to additional penalties. Planner Allen said that the last change was on the concern with the fact that we do have stripped parking on some streets, so an exemption will be made for stripped on street parking in the downtown area for commercial/office/civic parking.

Council Member Boyd asked about the immediate towing, do we have the capability to do that.

Administrator Darrington stated that our intent is to get as many cars off the street as we can when we push snow, what we are trying to do is eliminate having to go back out and plow because the cars have now been moved. Administrator Darrington said that we do already have an Ordinance in place, and enforcement is going to be the way that we will get people to start complying. The thought process that we had was that the first time they violate they will get a letter from the City explaining the new policy that we are going to start enforcing with a copy of the Ordinance, and this is their

warning. The second time around they are fined, there will be a dollar amount attached to the infraction. Attorney Petersen interjected and said that if we are going to make this an infraction we need to add language saying what the penalty will be set at. Administration Darrington said that on the third time around, if they are just habitual offenders, then that is when we tow the vehicle. Administrator Darrington stated that if the feeling is that these steps are too strict, we are open to other ideas or approaches to this and added that once we start with the warning letters and infractions, there will be a good percentage of people who will start complying, and over time people will get used to not having their cars parked on the street, typically we are only talking about twenty five days per year when we are really affected by a significant snowfall. Administrator Darrington then said that we need to discuss how hard does the Council wants us to enforce this, if our intent is to get cars off the road then we are going to have to make some tough decisions and do some of these things in order to get that to happen.

Council Member Danklef stated that his concern is with us doing this uniformly across the entire City. He gave the example of his home on the east bench which is twelve hundred feet higher than this part of the City, they get more snow so their area is affected more, is this fair and will it be enforced uniformly across the City. Mayor Call asked if on those twenty five days a year the plowing is done citywide or are there days when only certain parts are affected. Director Walker stated that occasionally it may only be certain areas, but not very often.

Council Member Jensen stated that it seems that this will become an enforcement nightmare; the record keeping aspect of this will use up so much of the City's resources. Administrator Darrington said that he agrees, that initially this is a huge endeavor, but we have to get over the hump to where we get people understanding that we are going to be serious about this so that when we have snow storms, instead of hundreds or thousands of cars, we are down to twenty five or thirty of these habitual offenders. Administrator Darrington stated that we have got to figure out a way to enforce this to let people know that we are serious about doing this.

Council Member Jensen asked if the dates in the Ordinance are going away, because in the way that it read it meant that at no time during that timeframe of November through March could you park overnight on the street as opposed to no time during that timeframe could you park during the snowfall. Attorney Petersen stated that currently the Ordinance does read that you are prohibited on parking on the street overnight from November 15 through March 15, even if there is no snow, the new language is different; it ties it to the snow falling as well as the dates.

Council Member Danklef stated that he did some research on the ways that other cities throughout the country handle this issue and found that there are really only three ways of doing this. One is like what we are proposing to do here, another is that you cannot park on main arteries but on secondary ones you are allowed other options like on certain hours parking is allowed on one side of the street and then it shifts sometime in the day to the other side of the street, the third option is that they designate either even or odd numbered houses and are allowed to park on that one side of the street and the plows will come through only on the other side.

Council Member Robinson remarked that she has had cars damaged by the plows and feels that the

owners are better off moving their cars during the plowing season.

Director Walker commented that our goal as a City is to have no complaints and that is what we are striving for, the two complaints out of this last storm were that people were upset because we had not plowed their half of the road, and that was simply because of the cars parked on there, the other was that we had gone closer to the curb than we normally would and kicked the snow up on to the sidewalk. Typically we try to make four passes on the roads, two each way, we do not plow curb to curb because that does not allow any place to put the snow.

Council Member Boyd stated that one of the biggest things that is always our challenge is getting the citizens to know about these changes, we have got to make sure that it is on our website, our newsletter; we have got to do our due diligence to make sure the word is out there.

Police Chief Paul stated that he feels that there is no question that something needs to be done, but the enforcement becomes a real nightmare, we can record those numbers and pull them back up on the computer but it is still not instant and we can try to keep track of that the best we can, the problem is that when we are needed the very most to enforce it, that is when we are the busiest investigating the accidents, incidents and everything else that occurs along with a snow storm. The very best thing we can do is go after the chronic abusers, being able to go out during the day when volunteers are available and inform them to move their vehicles or we will either site them or tow them.

Council Member Danklef added that one of the ideas that he read about as far as informing the citizens is by using a snow hotline. Chief Paul added that we have a system called Citywatch at our disposal where we can call with a recorded message to every phone number registered to the City. Mayor Call said that also through the CERT program they have discussed developing a database with citizens would want to receive text messages to inform them about various things with the City.

Council Members Danklef and Robinson expressed some concerns about cul-de-sac situations and the difficulty with the plows being able to get in especially if there are cars parked on the street. Director Walker said that on cul-de-sacs a lot of times we can't get in to them so we do not get a pass there.

Administrator Darrington wanted to clarify that what we are going to do is that the snow plows are just going to make one pass through to take care of the snow and we don't go back so if people cannot get out or call in to complain we are going to tell them that our policy is one time through and our solution for you is to move your cars next time so we can clear the road. Administrator Darrington added that he is concerned with the cul-de-sac issue because there could be some public safety issues involved there. He also added that it would be a good idea for our neighborhood committees to start working to educate people on our policy and that the Council needs to be prepared that we will probably be getting some complaints and possibly people showing up at Council meetings expressing their opinions.

Planner Allen asked if it was decided to keep the dates in the Ordinance. Administrator Darrington

stated that we will be keeping the dates and we are not going to enforce unless there is actually snow falling and the enforcement is going to be whatever level we are going to decide; if it's the habitual offenders then the infraction and possibly towing if they are not complying.

Attorney Petersen stated that the reason why the language read that it would be subject to additional penalties in the original Ordinance was to cover the towing option, so if we are going to provide language stating that you might be towed, we do not need to add that it is subject to additional penalties. Also if we are going to make it an infraction, it's not going to be on the bail schedule so we are going to need to set a fine and inform the court of what that is and that will need to be put in the Ordinance. Attorney Petersen said that the currently the cheapest traffic ticket is forty seven dollars. Mayor Call asked if that was for a parking or a moving violation and what the cheapest parking violation is. Attorney Petersen said that was for something like a stop sign violation and forty seven dollars is the cheapest fee for a parking violation.

Mayor Call asked if the Council was in agreement with setting the infraction fine at forty seven dollars, the general consensus of the Council is that they were in favor of it. The Mayor asked if there were any other comments or questions, there were none.

## **7. Discussion of items for the upcoming February 2, 2010 City Council meeting**

Mayor Call stated that just in the last forty eight hours he has received a tremendous number of contacts and responses from citizens who are going to show up at the meeting in regards to item "a" on the agenda and in conversing with our Fire Chief, we feel that this room will not be big enough to accommodate the audience, so we are looking into moving the meeting over to the Junior High School.

The Mayor next reviewed the items on the Consent Agenda and added that there will be two appointments for Planning Commission alternates, Brent Skipper and Julia Whetman. The Mayor next moved on to the Business items.

- a. **Approval of appointed positions: City Administrator, J. Scott Darrington; City Recorder, Kathy T. Kresser; City Treasurer, Karen Bezzant; City Attorney, Christine Petersen; Fire Chief, Marc Sanderson; Police Chief, Tom Paul; City Engineer, Degen Lewis; Building Official, Dave Houston; Leisure Services Director, Deon Giles; Public Works Director, Lynn Walker; Community Development Director, Ken Young and Economic Development Director, Richard Bradford**
- b. **Continued Public Hearing to consider 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 time when on street parking is prohibited, to facilitate the clearing of snow. (CITY WIDE IMPACT) Continued from the January 19, 2010 City Council meeting**

This item was discussed earlier (item #6).

- c. **To consider a Resolution (2010-09) authorizing the Mayor to sign a Ground Site Lease Agreement with Clear Wireless, LLC., for the lease of real property to construct a wireless communications tower for use in connection with the provisions of wireless communications services, including without limitation, the transmission and the reception of radio communication signals and the construction, maintenance and operation of related communications facilities, located at Manila Park, 1550 North 100 East, Pleasant Grove, Utah, and providing for an effective date. (NORTH FIELD NEIGHBORHOOD)**

Attorney Petersen stated that this is a ground lease to put a cell tower out at Manila Park; they have already been through the Planning Commission and are working with the City staff with regard to design and location. This lease agreement finalizes how much money they are going to pay us per month to allow them to have the tower there.

Mayor Call asked if this was the same tower that T-Mobile wanted to place there and will it be the same height as before. Attorney Petersen said that it was, Clear Wireless is the new entity and that she believes that it will be at the same height, they did up the lease to one thousand dollars per month and there is also a possibility of it going as high as twelve hundred dollars. There is also a provision in the lease for co-location where they can co-locate another cell tower and we would get another portion from them. Attorney Petersen said that the only thing that she is concerned with is that it requires us to provide the power, that was the verbal okay that was given to them and they agreed to up the rent in recognition of the fact that we would be paying for the power. Mayor Call asked if this item needs to be a public hearing. Attorney Petersen said that it does not need to be.

Chief Paul stated that it was his understanding that in our negotiations, that it was in there that we can put the City's wireless radios on that tower. Attorney Petersen said that she believes that that is correct and that she will double check the language on that.

Council Member Boyd asked that when money comes into the City from projects like this, where does that money go. Administrator Darrington stated that in this case because it is at a City park, it goes into the General Fund.

Council Member Jensen asked about the design of the tower and will there be some kind of security. Attorney Petersen said that they have been to the Planning Commission and they recommended that they move the tower to the north end of the park further away from residents. Director Giles said that they anticipate replacing one of the diamond light poles, going up a little higher and we will still have our lights on their pole and they will have a twenty by twenty footprint secured area to house all of their electronic equipment. Council Member Jensen asked if we are required to landscape around that. Director Giles stated that they will take care of that. Attorney Petersen added that we are only obligated to provide an access easement for them so that they can maintain that.

- d. **To consider a Resolution (2010-07 ) 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 on Federal Government relations issues as directed by Pleasant Grove City and assist in managing the Energy Independent Community Project**

Administrator Darrington stated that this item will be discussed at the Work Session Retreat this Saturday.

- 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**

Administrator Darrington said that this item will be put off indefinitely until we have put more research into it, we will also be discussing this item in the retreat as to how we want to move forward on this.

- f. **To discuss appointing a Finance Director**

This item was discussed earlier (item #4).

- g. **To consider a Resolution (2010-08) appointing an individual to the Timpanogos Special Service District (TSSD) Board and establishing the term of said appointment**

Mayor Call said we will take action on this item next week to appoint Administrator Darrington to the Board of TSSD.

## **8. Mayor, City Council and Staff Business**

- Planner Allen mentioned the Neighborhood meeting tomorrow night at 7:00 p.m. at the Recreation Center to discuss the proposed alcohol and drug rehabilitation center.
- Director Bradford reminded the Council and staff that on Friday at 4:00 p.m. is Synergy's ribbon cutting and that the Mayor will give a brief speech.
- Administrator Darrington mentioned the Work Session Retreat that is being held this Saturday, January 30<sup>th</sup> from 7:30 a.m. to 4:00 p.m. at Springville's new City Hall. The intent and idea is to tour their new facility to see what it is like as we consider a project like that in the future. Administrator Darrington next reviewed the agenda, the first hour will be the tour, next he will be talking about our form of government, our roles as far as Mayor, Council, City Administrator and Department Heads and building relationships of trust, the Mayor will facilitate the section on our current issues and updates and after lunch the Mayor will facilitate a discussion on our vision and values and we will conclude with discussing our five

year plan and create a list and prioritize it.

- Mayor Call reminded the Council that tomorrow is Local Officials Day at the Legislature.

**ACTION:** At 8:37 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 8:37 p.m.

This certifies that the Work Session  
Minutes of January 26, 2010 are a true,  
full and correct copy as approved  
by the City Council on March 2, 2010

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Colleen A Mulvey, Deputy City Recorder