

**Pleasant Grove City Council Work Session Minutes  
February 23, 2010  
7:00 p.m.**

**PRESENT:**

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

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:

Jeffrey D. Wilson, City Council Member

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 and Robinson were present. Council Member Wilson was excused.

**2. Pledge of Allegiance**

The Pledge of Allegiance was lead by Mayor Call.

**3. Opening Remarks**

Opening Remarks were given by Director Walker.

#### **4. Discussion on Manila White Church, 2600 North 900 West**

Administrator Darrington stated that it has been brought to our attention that the person who owns the Manila White Church building on 2600 North is looking to sell the property and the bank may possibly be involved in the ownership as well. There are some questions as the City that we should address; are we interested in purchasing it; if we don't purchase, what would we like to see happen here; is there something we can control as far as zoning; what do we need to do if there is something historical in nature here that we need to protect. Administrator Darrington said that we are presenting this to the Council to discuss and to get their input on this.

Council Member Boyd explained that about four years ago we heard that the White Church was not going to be used for a church house, so a group of citizens who have been in the area for a long time organized a group to save the White Church. Through that process a developer, Jerrod Bishop came in and looked at zoning in order to put a reception center on part of the land around the church house, for that to work he basically needed the parking lot on the east side of the church. With the help of our group we were able to get the Historic Committee to write a letter to the LDS Church and our Arts Commission wrote something in support of someone at least being allowed to purchase it, and not tear it down. The owner, Mr. Bishop bought this property at a time when the market took a dive and he has had some financial concerns about it and at the moment the property has a "For Sale" sign in front of it. Council Member Boyd said that possibly we could discuss the City purchasing the White Church, which is approximately four and a half acres, and discuss if this is something that we can use. Mr. Bishop wants to keep this property and work with us as a partner, give the building to the City, restore the old portion and we could use the rest of the building as a community center or art center, or a satellite library location, something along those lines.

Administrator Darrington said that in one of the discussions on this that we have had as a staff was the question of whether or not there are restrictions put on this building by the LDS Church regarding the uses, so if it is sold, there might already be some deep restrictions on this piece of property. Council Member Boyd said that from what she remembers from her conversations with Mr. Bishop is that in their purchase contract, they asked to have the first right of refusal if something should happen and they needed to sell it. Administrator Darrington remarked then it is free game at this point. Council Member Boyd said that it is and that is why the "For Sale" sign is on the property.

Administrator Darrington asked to clarify that as far as the Church is concerned there is the original part that is really the historical part and then there are some add on parts. Council Member Boyd said that there are three add-ons from when it was originally built and dedicated and Mr. Bishop did want to have that part restored so it could coincide with his reception center for people who would like to be married there and they could have their actual ceremony there and then the rest of the area would be donated to the community for classrooms, a theater, etc. Administrator Darrington added that part of the fear here is if a someone like a commercial developer comes in and buys this property and just tears it down. Council Member Boyd stated that that is correct and that we would all be sad to see that happen.

Mayor Call asked if the owner is talking about restoring a part of this, and is he going to maintain ownership of that part. Council Member Boyd stated that they have not gotten that far in the discussions yet, but from what she has gathered from him is that he was just going to donate the building to us.

Council Member Robinson pointed out that in a meeting that she attended with the Fire Department, that they were saying that they would prefer having that ball field property out there over the property in the Grove. Director Giles added that that piece is about two acres.

Council Member Danklef asked that if we buy this, do both parcels come with it. Council Member Boyd stated that they do, it is a four and a half acre parcel together, and that includes the ball field and a large parking lot on the west side of it.

Mayor Call asked if we have ever gotten to the point of getting estimates of the costs to bring the building up to code and be able to actually use it. Director Giles stated that an estimate of one million dollars was discussed but that he feels that that is not the case, there are some structural issues in the gym area and the stage area that definitely need to be addressed, also the heating/ventilation and air conditioning system would need to be addressed. Director Giles said that the biggest problem from a public building standpoint, would be the ADA (Americans with Disabilities Act) access, the building has all stairs and no ramps and it is multi-level, there is a lot of good space there but there is a lot of money that would need to go into this before we could open it to the public.

Don Wadley of the Historical Preservation Commission explained that in 2005 they approached the Church to see if they would grant this building to a community organization so that we can take in donations. He pointed out that this building was built by the local people and many people got involved in preserving its history, there really is a strong community attachment to the building. Mr. Wadley explained that he was able to get a set of plans for the whole building and that there are areas that need repairs and upgrades, but that they are all fixable. The Church had told us that it would cost around one million dollars to restore it, so we had Ken Walkers architectural firm look at the building and they told us the work is doable and that it would not cost as much as one million dollars. Mr. Wadley stated that this facility is a valuable asset, with the big yards and all of the classroom space; it has been attractive to several schools looking for locations.

Mayor Call asked if the ADA was taken into account when Mr. Walkers firm looked at the building. Mr. Wadley said that there are ramps into the main chapel. Mayor Call then asked if the City had looked into what it would cost to have this building assessed. Administrator Darrington said that we don't have that and if we are going to look at purchasing this, then we will need to have that discussion in an executive session as far as the details go. Administrator Darrington stated that if the Council does want us to find out what the cost is to remodel, then we can do that but before we do that, the question is, do we have a purpose if we buy the building.

Mayor Call stated that his initial reaction is that he does not know about the building, but that the two acres across the street seems to be desirable as far as the Fire Department goes, for a sub-station.

Council Member Jensen stated that he is not against this project but that it seems that before we start talking about purchasing a particular site, we as a Council need to discuss how we want to go forward before purchasing anything. We have had a tendency to purchase property here and there without necessarily having a plan in place. Council Member Jensen said that he thinks that moving forward; we need to set up some sort of criteria or guidelines and set our priorities as opposed to just talking about one particular purchase when he could name four or five other purchases such as in the downtown area which we could be talking about as well.

Administrator Darrington stated that as far as moving forward on our Civic Center and the request for proposals (RFP), and getting a consultant in here to talk about the downtown area, what could be included in that is the future Fire Station and where would we need that to happen, those decisions are a few months away. Administrator Darrington said that the way he sees this is that if we have a specific need right now where we know we need to really be interested in purchasing this, then we really need to know what that need is, if we have other pieces of property out there that we are interested in then we will probably need to have the full discussion to say what we want to do as a City.

Council Member Jensen explained his concern that if we were to take the property purchased just in the year 2009, and add this piece to it with any renovations, we are into these properties about two and half million dollars and questions if that is the best use of the City's money, taking into consideration the economic times. Council Member Jensen stated that he thinks that we are getting ahead of ourselves until we decide as a Council how we want to move forward with any land purchases anywhere in the city. Administrator Darrington remarked that that was a fair statement.

Mayor Call said that one of the things that he has given thought to was giving land purchases a zone, meaning what zone do we want to look at purchasing property in first, not necessarily the geographical zone, but what and where are our priorities.

Administrator Darrington said that that was going to be tied into the RFP for the Civic Center, because the Civic Center is probably going to determine what our goals are and what our needs are as far as the City is concerned. Administrator Darrington admitted that the timing is everything when it comes to this particular piece of property, but for us to buy a site for a future Fire Station right now is a little premature because we don't want to buy this and then turn around and say that we don't necessarily have a need for it now. Administrator Darrington said that generally speaking, purchasing property is not a bad thing because it appraises, so the answer tonight is probably not right in front of us, because we do really need to decide on a whole what we are doing as a City before we can really start buying pieces of property. The issue with purchasing this particular piece of property is the timing on our part as far as if we have a real need, also do we want to work on some zoning to make sure that this is controlled so that whoever does buy it does not come in and tear it down and we can preserve the historic nature of what is there.

Council Member Boyd said that the owner, Mr. Bishop is working to try to keep this property and he would like to come in and discuss with us what type of uses can go in there to help him keep hold of it and market the development. Administrator Darrington said that if he is looking to sell, once we restrict the zoning there, it will restrict his buyers, so it is a good idea to meet with him and find out exactly what he wants to do with it.

Council Member Jensen asked if any outside funding has been looked into because of the historical nature of the building and what would that whole process involve. Director Giles stated that there is funding available but not a lot because most of it is restoration work, there are grants for purchasing property and this would qualify because it is on the national registry, but no large amounts of money.

Council Member Danklef suggested meeting with the owner and discussing whether he is willing to sell the vacant property on the west side to see if it would help him in keeping the building itself or if the purchase is for all or none.

Director Giles wanted to add that we have looked at this property in the past for a couple of uses, possibly a satellite library or arts center or maybe some recreation opportunities, but since then we have built the Recreation Center and at the last Arts and Historical Commission meeting we did discuss this and their needs, and their programs have grown so much that this would no longer fit their needs.

Mr. Wadley said that the Daughters of Utah Pioneers did express interest in the old portion of the building and there are others that if they felt they had a vested interest, could come up with funds.

Beth Olsen, Chairperson of the Historical Preservation Committee stated that we need to preserve this building because it is historic.

Mayor Call asked Council Member Boyd to proceed with setting up a meeting with the owner and

staff to discuss the questions that were brought up.

## **5. Discussion on accessory apartments**

Director Young explained that the last time we discussed this issue, there were several issues/questions brought up and we will go over these and then possibly the actual proposed ordinance which is a result of the accessory apartments committee who met and reviewed several options for how to regulate this. These issues are indicative of our need to answer the larger question which is, should we permit accessory apartments. Director Young stated that we have come up with a proposed way of handling accessory apartments, but our focus at this time should be more on should we do it.

Director Young stated that there were eleven issues/questions that were brought up and said that he would briefly review these. 1) High enough fines for violations need to be established, whether or not we chose to permit accessory apartments, we need to up our fines and our enforcements. Director Young said that we have become aware of a lot of these apartments and have actually been given a list from a realtor of properties that most likely have them. 2) Community impacts, should impact fees be charged for accessory apartments? There are some communities that charge a fee whether or not it is considered an impact fee, it is in the area of addressing the impact. Director Young explained that they did research what some other communities along the Wasatch front are charging and it ranges from no impact fee, just a building permit fee all the way up to thousands of dollars, so there is quite a broad range and we will have to go with what our comfort level is. Director Young stated that he feels it should be somewhere in the middle where we need to acknowledge that there is an impact, and that a reasonable range would be five hundred to two thousand dollars. There is reasoning for and against impact fees, one reason for is that adding a new family adds more impact to roads, parks and utilities, etc. and the reasoning against is the argument of a family with a large number of children where they are not paying that additional impact fee. Director Young added that it is important to consider when charging fees, that if they are too high, then what affect does that have on existing situations, will people chose not to comply because they don't or can't pay that fee, also we will end up not meeting our goal of bringing them into compliance because the fee is too high.

Council Member Danklef stated that if you set the fee too high then you will jeopardize the people that have these apartments, particularly if they need them for their income. He said that he would rather see the fees come in the way of fees for water, sewer, garbage, etc., and if they have a rentable unit then we will now charge them two water, two sewer, two garbage rates. Director Young said that that is part of their current ordinance proposal that there would be separate meters so that they would be paying for their use of the services.

Director Young went on to the next issues: 3) Neither ignoring nor over-regulating is good. Turning our head and saying that we are not going to deal with this, we have existing situations and will continue to have more existing situations that are not regulated or legal, many of which could be safety hazards. Over regulating will cause people to remain illegal as well, so we will need to find a balance if we are going to do something. 4) Why did Orem discontinue allowing accessory apartments? In 1992 they established an ordinance to allow them and ten years later they passed a

new ordinance to no longer allow them, they determined and were concerned that with an increasing amount of apartments being permitted, the single-family neighborhoods were becoming multiple-family neighborhoods, the density was doubling and they wanted to preserve the nature of the city's single-family neighborhoods. This new ordinance discontinued the permitting of future accessory apartments but they gave the community through an aggressive noticing campaign, notice that they had one year to come in and get any current, future or additional apartments permitted. This action has not stopped illegal situations to occur, but they are followed up on and the ordinance enforced when known. Director Young stated that Orem's situation has given him some insight into what we might want to do, we currently do not have a legal situation, but we could open it up to be legal for a limited time. With an aggressive publicity and noticing campaign the majority of these owners of existing situations could learn of their opportunity to bring their apartments into compliance and receive a permit, new apartments could be constructed and permitted within this time frame as well. Then, after the deadline, no new permits would be issued and the ordinance would be enforced. 5) Why do other cities choose to adopt accessory apartment ordinances? The main reason most cities have chosen to do so is to meet the realistic needs for affordable housing within the community.

Administrator Darrington asked if Pleasant Grove meets the affordable housing standard without the accessory apartments. Director Young stated that we do, we have enough existing situations that meet the standard. Administrator Darrington then said if we chose to recognize the accessory apartments as part of our affordable housing numbers, then we could probably reduce some of the future higher density housing in the City. Director Young said that another thing that would be beneficial for us is the Census process, if we acknowledged accessory apartments and people knew that they could publicly declare themselves as having one; we may be counted as a higher population which would result in helping us financially with the monies that we receive from the state and federal government.

Council Member Jensen added that in regards to item 5, other cities gave consideration to retired, elderly, single individuals in a home, where using this is a way to stay in their home as secondary or supplemental income. It was a big factor in that they are not looking to drive out their older citizens who could no longer afford a home; this was a benefit to them. Council Member Boyd added that for some of these elderly people, the individuals they rent to are also there as their caretakers.

Administrator Darrington said that his understanding is that there are also younger couples purchasing larger homes and need the accessory apartments to help make their house payments, and one of the concerns is if we shut them down, then they can't make their house payment. Director Young said that in regards to that situation, are we in the business to support people's ability to move forward financially or are we concerned about what the housing needs are in the community.

Director Young then went on to the next issues; 6) What would it cost to enforce the ordinance? This is an unknown factor, but whether we allow accessory apartments or not, we need to get into more enforcement or regulating. 7) How do we keep track of the number of accessory apartments? Director Young said that we had discussed earlier limiting no more than twenty percent of the single family homes in any zone to be permitted but determined that tracking this would prove difficult and time consuming. There are ways through business license permitting and conditional use permitting

that would keep track of those that we know of and otherwise we respond to them by complaint basis. 8) How does the purpose recognize the residential character of Pleasant Grove City? Residential character can be defined in different ways, but might be tied to what is the desire for the overall residential density in the community. 9) What are the demands for affordable housing? Director Young stated that we do currently meet the moderate incoming housing required by the State. 10) What should be the cost for inspections? Inspections would only be required for the first time permitting, unless approved through a conditional use permit. 11) How will we know when occupants move? Do we need to know? We need to be more concerned initially with compliance and if it has been permitted, that it remains active and therefore subject to renewal fees, unless the owner wants us to know that the apartment is no longer in use and we would verify that through an inspection and follow-up enforcement review. Director Young stated that that covers the issues that were brought up last year and that they have come up with a proposed ordinance that he is available to present and discuss with the Council whenever they would like.

Mayor Call asked the Council for their thoughts and wanted to point out to the newer members of the Council that although he does not get a vote, that he is steadfastly against allowing accessory apartments for the simple reason that if it is an R-1 zone, the one means single family and if we are going to change the law to allow them, then we have got to change the zone.

Council Member Robinson stated that she likes Orem's approach of gathering all of those that exist and giving them a timeframe to come in and register, otherwise how do we go about identifying all of them that are out there.

Council Member Boyd said that the biggest complaint from the last public hearing on this was from the citizens who moved into a single family neighborhood and expected it to be a single family neighborhood and found out that it was not. Have we ever addressed doing this by zone or area, and how would that be handled. Director Young said that they are too spread out to handle it that way.

Mayor Call asked if any of the Council had heard from citizens about this issue while they were campaigning last year. Council Member Robinson said that she heard some speak against them in regards to property value, that it decreases the value of their property. Council Member Danklef stated that although he did not run for office he still heard from citizens and in his neighborhood, of the one hundred homes, there are at least fifteen accessory apartments that he is aware of.

Mayor Call said that he does not feel that it is right for us to include as a factor, allowing people to afford a home that they otherwise wouldn't normally afford, we are not in the business of helping people afford cars that they can't afford so why are we in the business of helping people afford homes that they can't afford.

Council Member Danklef stated that all of the accessory apartments that get added to the neighborhoods add to the problem of too many vehicles being parked on the street. Attorney Petersen stated that that is the number one complaint filed.

Council Member Robinson questioned educating the public, she gave the example of her

neighborhood email that goes out and there are advertisements for accessory apartments. Administrator Darrington stated that essentially the issue has not been enforced so it is openly advertised and the attitude has been that the City is not going to enforce it, so its okay or most people probably think that it is legal.

Mayor Call then asked how the Council wants to approach this. Council Member Jensen said to set a date and notify it as a public hearing because there will be a large turnout. Council Member Danklef said that he would like to see this on the agenda within the next month, advertise this and vote one way or the other and be done with it. Administrator Darrington asked if Council wanted staff to craft the ordinance or just have the discussion. Council Member Jensen said that with having another public hearing, there won't necessarily be decisions made that night.

Mayor Call recommended that we notice the meeting and hold the public hearing, but the very first question we are interested in getting answered is, do we want to do anything, do we want an ordinance at all that involves accessory apartments. Then at that point we can start looking at crafting an ordinance.

Council Member Boyd stated that instead of planning another public hearing, can we vote now to see if the majority rules that there is a need for one, she said that it is not necessary for her to hear all of the issues again, that she knows how she is going to vote.

Mayor Call said that presently we do not have any ordinances regarding accessory apartments and then asked the Council members present if they want to have any kind of ordinance regarding accessory apartments. Council Member Boyd answered "No." Council Members Danklef and Jensen answered "Yes." Council Member Robinson was undecided.

Mayor Call said that it seems that we have a preponderance of the Council members here that would like to have something in the law and asked Director Young his feelings on another public hearing. Director Young stated that we have enough public input, we did the surveys and had the public hearings and you will not hear anything different, you will get passionate people on both sides of the issue and it will all still come back to the Council in regards to what they are going to do.

Mayor Call then said that it sounds like we are getting to the point where we want to entertain some kind of an ordinance. Director Young stated that we do have a proposed ordinance that we can clean up and put before Council at the next work session meeting. Mayor Call asked if there are any other suggestions for staff to revisit or refine before they come back with the next version of this proposed ordinance.

Council Member Danklef stated that he likes the concept that Orem adopted with the time frame for them to come in and register and with that we ought to know what we are going to do with the inspections and be prepared to deny those do not meet the criteria.

Council Member Robinson asked to hear more about the "good landlord" program. City Planner Allen said that the information that he has on that was from Ogden City and they have a program



where residents attend several classes to teach them the responsibility of taking care of the units and property. Administrator Darrington added that it is not necessarily all residents, it is landlords that come in and if they chose not to attend, then they pay a higher business license fee.

Attorney Petersen said that one of our requirements that we request to be adopted is that the property with the accessory apartment be owner occupied. The theory behind that goes along with the good landlord program, because theoretically if you live in the house you are going to take care of it. Attorney Petersen mentioned that another thing to be addressed with the accessory apartment issue is one that was brought up at the last public hearing, that it makes it very difficult for the school district to plan and to adequately have teachers and programs when they do not know exactly who and where and how many of these apartments there are. So if we are going to permit them, we ought to implement some kind of coordination or reporting process with the school district.

Administrator Darrington said that Director Young will move forward with these suggestions and revise the proposed ordinance, we will use the Orem model and create our own permitting and fee process and bring this back to present to the Council at the next work session meeting.

## **6. Discussion on Metropolitan Water Agreement**

Administrator Darrington explained that on the Murdock Canal Enclosure there are three phases as far as cost to the City. One is the actual enclosure cost, the second is the trail cost and the third is the relocation of the utilities. The enclosure is what the Provo River Water Users Association (PRWUA) wants to get under wraps, which is entering into an agreement with all of the entities that have water flowing through the pipe and the cost of the pipe, they have a bond that they need to get finished and funded so they can keep moving forward. The agreement is actually with Pleasant Grove Metropolitan Water and not with the City as far as us entering into the cost of the enclosure. Because this is a thirty year bond, our payment will be stretched out over thirty years and there are two payments that we have to make, one is the Metropolitan Water's payment and the other is that we are responsible for the Pleasant Grove Irrigation's payment. Administrator Darrington said that the Metro Water Board is its own entity and they are the ones who can enter into the agreement on the canal enclosure, not Pleasant Grove City. We do meet with this Board and give them input, but the Metro Water Board does not have a revenue source, so if they enter into an agreement it's going to be incumbent upon the City to make sure the payments are made to cover the cost of the enclosure. Administrator Darrington explained that in regards to our funding source in order to make those payments, at least for the first few years we are going to have to take a look at our water rate structure or find existing funds within the water budget to make the payments. For the Metro Water the payment is around fifteen thousand dollars a year and for Pleasant Grove Irrigation it is around thirty thousand a year. Administrator Darrington said that we having an existing bond that was issued by the Metro Water a few years ago that expires in 2014 and that bond payment is around two hundred thousand dollars a year and once that bond payment expires, that revenue will essentially free up to make this payment.

Administrator Darrington stated that they will be meeting with the Metropolitan Water Board tomorrow and are about ready to commit to phase one funding of the enclosure of the canal, and

asked if there were any concerns in regards to this.

Mayor Call stated to clarify that all we are agreeing to right now is the first phase, the enclosure, because we do not even have the numbers on the utility relocation and by moving forward with this first phase it does not commit us on the utility portion. Administrator Darrington said that that is correct, that when he last spoke to Steve Cain of PRWUA, they want to get the subscription agreements taken care of for the bonding and the funding and then they will come back and negotiate the cost on the utilities, it is a separate agreement for the utility relocation and they still do not have our costs on that.

Council Member Jensen stated that it sounds as if we are getting ahead of ourselves, they can't enclose the canal without addressing the utility issue, we are going to agree to pay the forty five thousand dollars for the enclosure but we are not on board for paying any of the utility relocation cost.

Administrator Darrington said that the PRWUA are the ones rolling the dice because they are going to be on the hook for costs if the cities do not pay them. They do not have the final numbers for us just yet and they have told us that our numbers will be lower than the original quote of one point six million, but for the time being we do not want to hold up the rest of the process. Administrator Darrington said that he feels that the general feeling is that we want to see this happen and we are not philosophically opposed to the canal enclosure and the trail, but we do have some disproportionate costs because a lot of this trail runs through our city.

Council Member Danklef asked to clarify that this is committing forty five thousand dollars for thirty years to pay for the actual canal enclosure, and was their source, the grant on this project from the federal government not enough to cover it all. Administrator Darrington said that the source from the federal government was a twelve million dollar appropriation just for the trail.

City Engineer Lewis stated that it would be easier to look at this as PRWUA having an internal discussion with its shareholders, they have decided to enclose the canal and every shareholder has a portion. The Pleasant Grove Irrigation Company and the Pleasant Grove Metropolitan Water District own shares in PRWUA and they are obligated as shareholders to pay their portion of the enclosure. Engineer Lewis explained that none of the utilities that are being relocated are PRWUA's utilities, so all they are discussing at this point in time is enclosure of the canal and the cost associated with that.

Attorney Petersen stated that the cost for the entire project is around one hundred and fifty million dollars, the grant for the trail is twelve million and they are bonding seventy five million dollars. The other half is being raised by Jordan Valley Water Conservancy District and the Central Utah Water Conservancy District because they are going to get the extra capacity that the enclosure provides.

Mayor Call asked if there were any other questions or discussion, there was none.

## **7. Discussion on name badges, logoed shirts for the City Council**

Administrator Darrington stated that we were instructed to get nametags and wanted to clarify that this would mainly be for when the Council goes to conferences, meetings, etc. One of the suggestions was getting logoed shirts, and would that be more comfortable or is it easier for nametags.

Mayor Call said that his view is that when we are at an event that requires registration we already have a nametag assigned, and that he is more interested in the branding aspect, making people know that we are from Pleasant Grove, so wearing a logoed shirt allows us to show that.

Council Member Boyd stated that she is not as concerned with displaying her name as with representing the City.

Administrator Darrington said that we can get a catalog to the Council so that they can order some logoed shirts and or jackets. Mayor Call said that he will work with Administrator Darrington to get this taken care of.

## **8. Discussion of items for the upcoming March 2, 2010 City Council meeting**

Mayor Call reviewed the items on the Consent Agenda and next moved on to the Business items.

- a. **To consider awarding the bid for the Street Rehabilitation Project 2010, 1800 North (1640 West to 525 West) 1100 North (1760 West to 1300 West & 600 West to 100 East) Locust Avenue (500 South to 1000 South) to Geneva Rock Products**
- b. **To consider the bid for the Pressure Irrigation Grove Creek Filter Station and 16-inch Pipeline (bid opening on the 25<sup>th</sup>)**
- c. **Public Hearing to consider an Ordinance (2010-4) to amend Section 1-10-2(A) "Appointive Officers; Appointment" by changing the text to provide for appointment of appointed officers pursuant to State Code provisions and adding the Deputy Recorder as an appointed position**

Mayor Call said that this item goes along with the previous discussion regarding not needing to vote each year for these appointed positions, other than the Treasurer and City Recorder which have the requirement of being appointed every two years.

- d. **Public Hearing to consider Ordinance (2010-5) to amend Title 10 Chapter, 14, Section 27-1 entitled *The Grove Commercial Sales Sub-District*; to remove certain use classifications that do not meet the goals and objectives of the commercial sales zone, and by adding facilities for persons with a disability, including substance abuse facilities, to provide accommodation for these care facilities, as a conditional use in the zone, for the purpose of bringing the zone into compliance with the Utah Fair Housing Act (SAM WHITE'S LANE NEIGHBORHOOD)**

City Planner Allen stated that the intent is to update the zone with the Utah Fair Housing Act to allow for substance abuse facilities in that zone, so that we comply with the state laws. Planner Allen said that in reviewing this ordinance there were some uses that were not meeting the goals and objectives of the commercial sales zone, it should be set up so that the intent is that we increase our future retail tax base and these specific zoning areas should be predominately for those types of developments. There were uses allowed that would consume that property and not achieve that goal and that is why some of the uses have been stricken out of this ordinance.

Council Member Jensen asked if these changes would now prohibit the substance abuse facilities. Director Young said that it would not, we cannot prohibit them according to the Fair Housing Act, and we have to permit it in zones where we permit residential uses.

- e. **Public Hearing to consider an Ordinance (2010-6) to amend Title 10, Chapter 15, Section 35 entitled *Service Organizations*; to re-write the chapter with a new title for rehabilitation facilities for persons with a disability only, including restrictions on the number of residents per facility, separation requirements between multiple facilities, screening, security, and certification, for the purpose of bringing the City into compliance with the Federal and State Fair Housing Acts (CITY WIDE IMPACT)**

City Planner Allen said that this section is a piggy-back on the last item; this section has been re-written to just be for rehabilitation facilities for persons with a disability. The State allows us to regulate how many we can have in the City, so a distance requirement of one mile was added; these updates are intended to comply with the Fair Housing Act.

- f. **Public Hearing to consider Ordinance (2010-7) to amend Title 10, Chapter 15, Section 36 entitled *Low Power Radio Communication Towers and Antennas*; for the purpose of separating private (amateur) from commercial communication standards, and to bring the City ordinance into compliance with the Federal guidelines as regulated by the Federal Communications Commission (FCC) by allowing private/amateur radio towers in all zones within a certain threshold, and establishing that a conditional use permit shall be required when the threshold is exceeded for private communications and also for all commercial communications; and with updates to height, setback, design guidelines, and definitions (CITY WIDE IMPACT)**

City Planner Allen said that he has met with several HAM radio operators on this, and they were very helpful and we were able to craft an ordinance that met the FCC guidelines as well as what was appropriate for us to control as far as private and commercial radio towers uses.

Mayor Call stated that he recommends that the Council take a look at all of these ordinances and either email or call Planner Allen with questions or clarifications so that we are prepared to approach it intelligently at our next meeting.

**g. To consider ratifying prior approval of a \$22,500.00 expenditure in the FY2010 budget for the lease of vehicles assigned to the Fire Department**

Administrator Darrington stated that this item is combined with the next item “h.” The Fire Department has leased three vehicles in which in the haste of the dealer, we already have in our possession. We are working with Wells Fargo to make sure that the leasing paperwork is taken care of and one of the requirements that they have is for the Council to specifically approve this agreement, this was part of the budget when it was adopted, but they want the specific amount of twenty two thousand five hundred dollars approved by the Council.

Attorney Petersen added to clarify the process, that item “g” is a motion and item “h” is the actual authorizing resolution.

**h. To consider a Resolution (2010-011) to authorize the Mayor to sign a lease-purchase agreement with Wells Fargo Equipment Finance, Inc., dated February 10, 2010 and related instruments for the lease-purchase of three vehicles for the Fire Department and determining other matters in connection therewith**

**i. To consider an Ordinance (2010-8) to establish a recycling program for Pleasant Grove City and setting forth related policy and procedures (CITY WIDE IMPACT)**

Administrator Darrington stated that there are two issues in regards to recycling, one being the agreement with Allied Waste. We did meet with Gordon Raymond and this agreement will basically mirror our current waste agreement, but as far as the recycle portion, if we go under a certain number of people who participate, then they have the right to re-negotiate the price of the recycling. We are currently at about fifty five percent of residents in the program with forty five percent out; this is a three year agreement with an automatic renewal if we are pleased with the service.

Council Member Jensen said that there are two changes; one is that our agreement was to run concurrent with our current waste contract and this goes beyond our current waste contract. Administrator Darrington said that it does, we had the discussion that we could have these mirror together or have them offset and the idea was that we could handle both of these issues at separate times; we do want them to eventually come together so that we are renewing them at the same time. Administrator Darrington added that he was not here during the initial discussions so he was not aware of that. Council Member Jensen said that the other thing was that the threshold was for twenty five hundred participants not a percentage; this is a change because that makes the number jump up to thirty five hundred.

Attorney Petersen said that the problem here is that we were saying twenty five hundred participants is what we remember discussing, but when Administrator Darrington went to find that number and tie it to the agreement, it was not in the RFP commitment, and in the discussions with Allied they were focusing on percentages rather than actual numbers. Council Member Jensen said that if you go back and look at the data information that Allied Waste and Waste

Management provided us, they had specific numbers for participants and the for the fuel charge increases. Administrator Darrington said that they gave us numbers for one hundred percent, eighty percent, sixty percent, forty percent and twenty percent, they gave us the five different rates and the cheapest rate was the five dollars and ninety cents, and that rate increased the less that we had on but what we negotiated was the hundred percent rate even though we are not going to have one hundred percent and in return we will go with that, and we will make sure that we will keep fifty percent on if they give us the rate that was initially quoted. Administrator Darrington again stated that he was not here during the initial discussions and that he does not have a problem with going back to Allied to discuss this further. Council Member Jensen said that he would check into his notes to see if he could find this information.

Council Member Boyd commented that in other communities who recycle with Waste Management, they are only allowed to recycle plastics numbered one and two, with Allied we are allowed to recycle plastics up to number seven, so we have a better program overall with Allied.

Administrator Darrington stated that part two of this issue is that the opt-out deadline has passed and there are people who have come in and still want to opt-out. For right now, we have told them that the City Council is going to create a mechanism for them to opt-out and there will probably be a fee associated with it. Administrator Darrington said that some people are okay with the fact that they still have some way to opt-out, there are others that are irritated by the whole situation, the fact that we did the opt-out process they feel like they were forced on the program. We do need something that we can take back to the residents to say that the Council has adopted this now as the opt-out policy and it will cost fifty dollars to opt-out, if it is a new move in when they come in to sign up for utilities they are automatically enrolled in recycling and then they will have a sixty day window to choose to opt-out. Administrator Darrington said that this is the American Fork model and the general direction that we discussed following.

Council Member Jensen said that he feels it places an undue burden on Allied if a new move in can get the tote, try it for sixty days and then opt-out without being charged the fifty dollars, wouldn't it be better if they had sixty days to decide whether or not they want to participate. Administrator Darrington stated that that goes back to the same issue of are we going to build the program or are we not, Allied has this same policy in place with American Fork and for the most part people keep the totes after the sixty days and there is no big problem. Allied Waste's big concern right now is that we need a pretty solid number because they are going to buy thousands of totes, they can handle a certain amount of inventory on these but their main concern is with the initial start up.

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

- Director Young announced that they have put out the RFP for the Civic Center for the Facility Needs Assessment and Conceptual Design and they have a pre-submittal information meeting with any potential submitters on March 9th, at 11:00 a.m. and the deadline for responses is March 17th at 12:00 noon.

- Director Bradford mentioned that the Economic Development meeting tomorrow will be moved to 2:30 p.m.

Director Bradford stated that the Promenade applications and permitting information is now available on our website, and it will begin on the first Thursday in June.

- Director Giles said that he was contacted by the State Department of Energy; we made the grant approval process for two hundred and fifty thousand dollars to redo the heating, ventilation and air conditioning systems in this building, the Police Department and the Library and for LED lights in the Library.
- Chief Paul said that last Friday we had an individual in order to avoid arrest, tried to take his own life by stabbing himself, he would have died if we had not used the taser on him. Chief Paul stated that they are going to submit an article to Taser International about this incident because there is so much publicity about how bad tasers are so it is nice to have a positive story.
- Chief Sanderson reported that he and Captain Smith met with the Strawberry Days Committee and discussed the 5K Race, it has been handled in the past by a private company and the decision was made that we are going to bring that back to the City. The Fire Association along with the Police Department Association are going to organize it, host it and collect those revenues as a fund raising mechanism for our individual organizations. Chief Sanderson said that he will be generating a letter to send to the company that has handled this race in the past years, so there is a potential that the Council may hear something from them to dispute this.

Mayor Call asked the Council members to report on how their Departments, Boards and Commission assignments are going.

- Council Member Boyd stated that the meetings with the Economic Development Department have been going great and that she has not yet attended the Beautification Commission meeting. Council Member Boyd asked how we perceive our role. Mayor Call stated that there are a few assignments where by code you are a voting member otherwise we are there to offer advice and counsel when asked, and to facilitate the flow of information between these groups and the City Council.
- Council Member Danklef reported that he has been meeting with Chief Paul and that he gets a daily update from his staff. At the last meeting of the Fox Hollow Golf Course they talked about the budget and one of the revenue generators that they haven't had in the past, is that they now have lighted driving ranges, they took over the food concessions in-house and they feel that they will generate more revenue from that and they also now have a beer license.

- Council Member Robinson stated that she sat in on a meeting today and wants to commend the Police Department and the Fire Department for their professionalism, expertise and training. The meetings with Leisure Services are going well, we pulled together the Historic Commission for a meeting and Arts Commission attended with us and there is a lot excitement about the Civic Center feasibility study.
- Council Member Jensen mentioned that the Arts Commission meetings are going well, and that he has not had a chance yet to meet with Community Development. The TSSD issues as we all know are ongoing and that he has some information to report on in the executive session.
- Mayor Call said that he meets with the Downtown Advisory Board and that Dale Warburton has got that well organized and they are making progress and doing well, also that he be taking up the Fire Chief on his invitation to spend a few evenings with the Fire Department and take home a radio to see how many times they get calls in the middle of the night.

**The Mayor and City Council signed the Mayfield LDS Church Subdivision Plat.**

## **10. Executive Session**

Executive Session to hold a strategy session to discuss pending or reasonably imminent litigation (UCA 52-4-205(1)(c)) and to discuss the purchase, exchange, or lease of real property (UCA 52-4-205(1)(d)).

**ACTION:** At 9:11 p.m. Council Member Boyd moved to go into executive session, a strategy session to discuss pending or reasonably imminent litigation. (UCA 54-4-205(1)(c)) and to discuss the purchase, exchange, or lease of real property (UCA 52-4-205(1)(d)). Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting, “Aye.”

PRESENT:

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Others:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Richard Bradford, Economic Dev. Director



Deon Giles, Leis. Services Director  
Lynn Walker, Public Works Director  
Colleen A. Mulvey, Deputy City Recorder

**ACTION:** At 10:23 p.m. Council Member Jensen moved to close the executive session and return to regular session. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

**ACTION:** At 10:24 p.m. Council Member Robinson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting, “Aye.”

**11. Adjourn**

Meeting adjourned at 10:24 p.m.

This certifies that the Work Session  
Minutes of February 23, 2010 are a true,  
full and correct copy as approved  
by the City Council on April 6, 2010

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Colleen A Mulvey, Deputy City Recorder