

Pleasant Grove City Council Minutes
September 1, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Frank Mills, City Administrator

Gary Clay, 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

Karen Bezzant, Treasurer

Libby Flegal, NAB Chair

The City Council and staff met at the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Russell Anderson.

3. OPENING REMARKS

Opening Remarks were given by Fire Chief Sanderson.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels stated that there is a change on the agenda, item "G" the discussion on the Manila Water rates will be moved on the agenda to be presented after item "C".

Mayor Daniels asked if there were any other changes to the meeting's agenda, there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Call moved to approve the agenda, moving item "G" to be presented after item "C". Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

5. CONSENT AGENDA (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

MINUTE REVIEW AND APPROVAL:

- a. City Council Minutes for August 11, 2009
- b. City Council Minutes for August 18, 2009
- c. To consider Payment No. Twenty three and Change Order #15 to HDX, LC for Pressure Irrigation System-Schedule 6
- d. To consider Payment No. One to Vancon, Inc. for the Pressure Irrigation System-Schedule 7A
- e. To consider Payment No. Three to Geneva Rock for the Street Rehabilitation Project
- f. To consider approval of paid vouchers (August 24, 2009)

The Mayor asked if there were any questions on the consent agenda items, there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Boyd moved to approve the consent agenda items. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

6. OPEN SESSION

Mayor Daniels explained to those present that if an item was not a public hearing or not on the agenda, they were welcome to come forward and address the Council.

No one came forward to address the Council at this time. The Mayor then closed the meeting to the public.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Chairperson Libby Flegal stated that there was nothing to report at this time.

8. BUSINESS:

A. APRIL HARMER-HARRISON TO PRESENT THE CITY WIDE READ PROGRAM

Librarian April Harmer-Harrison began with the state of the library address to report on the summer reading program. Ms. Harmer-Harrison stated that this was another great year with the children and the parents, they had twelve hundred children register and eight hundred of these children finished the program. The children who completed the program received a book bag; these children read a total of nine hundred forty two thousand four hundred and sixty seven minutes which translates into about nineteen hundred days and about fifteen thousand hours of reading.

Ms. Harmer-Harrison invited everyone to the Meet the Candidates Night being held at the Library on Thursday, September 3rd at 7:30 p.m. Ms. Harmer-Harrison then extended the invitation to everyone to join them for the Beat Beethoven 5K Run at 8:00 a.m. as part of the Heritage Days activities on September 12th. Ms. Harmer-Harrison reported that the event with author Gerald Lund went well; he presented some inspiring information from his new book, *The Undaunted*.

Ms. Harmer-Harrison next presented the information on this year's City Wide Read Program "Our City, All on the Same Page." The book being presented this year is *The Miraculous Journey of Edward Tulane* by Kate DiCamillo. This story is one children will enjoy listening to or reading and yet adults can find a deeper meaning as the hero is faced with many challenges and the inner changes that occur because of those obstacles. The book is now available at the library for residents to pick up. Ms. Harmer-Harrison then passed out a copy of this book and a bookmark that requires the reader's signature to all of the Council members and asked that after they read it that they would pass it on to family members, friends and neighbors.

Council Member Call asked if there was any feedback on last year's program, was the goal met in making sure that the book was passed around. Ms. Harmer-Harrison said that they handed out one hundred and fifty books and so far have only received around fourteen books back, stating that those who did comment said that they enjoyed the book. The library is hoping that this year with adding the bookmark for signatures might be more of an incentive to pass the book along.

Mayor Daniels thanked Ms. Harmer-Harrison for her presentation and for doing a great job with the patrons of the library.

B. JAY DEE NELSON TO AWARD THE RECREATION DEPARTMENT VOLUNTEER OF THE YEAR PLAQUE TO LYNN HUFF

Mr. Nelson reported that Lynn Huff was not present to accept this award but that he wanted to do the presentation anyway. Mr. Nelson stated that the purpose of the presentation is that each year the Recreation Department awards a Volunteer of the Year Award in cooperation with the

Central Utah Recreation and Parks Association. This year they have selected Lynn Huff who is a coach for the little league baseball program; he has been a coach for five years in this program and has done a tremendous job. Mr. Nelson stated that they have hundreds of volunteers each year and they would hope and wish that each one of them would be like Lynn. Mr. Nelson added that Lynn has a sixteen year old son with cerebral palsy and he wanted to get his son involved with baseball and together they have coached and taught the players on their teams the importance of teamwork, sportsmanship and through this relationship the players have also learned how to deal with individuals who have disabilities.

Council Member Call added that his son has played for Coach Huff and stated that they couldn't have picked a better individual to recognize with this award.

Police Chief Paul mentioned that Lynn Huff is his son in law and that there has been no greater highlight in his grandson's life than this opportunity to coach baseball alongside his dad and that their family is very appreciative to Pleasant Grove for the encouragement and opportunity.

C. TO CONSIDER A PROCLAMATION DECLARING SEPTEMBER 6 – 13, 2009 AS CHILDHOOD CANCER AWARENESS WEEK

City Recorder Kresser read the proclamation which recognized the dedicated efforts of the American Cancer Fund for Children and Kids Cancer Connection in bringing awareness and providing a variety of vital patient psychosocial services and hospital activities to children undergoing cancer treatment and concluded with declaring the week of September 6 – 13, 2009 as Childhood Cancer Awareness Week.

ACTION: Council Member Wilson moved to approve declaring September 6 – 13, 2009 as Childhood Cancer Awareness Week. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

G. TO CONSIDER RESCINDING RESOLUTION 2009-023 WHICH ESTABLISHED AN INCREASED WATER RATE FOR THE MANILA WATER USERS. AND TO DISCUSS IMPLEMENTING AN INTERIM WATER RATE OF \$1.26 PER ONE THOUSAND GALLONS WHILE A RATE STUDY IS BEING COMMISSIONED (MANILA NEIGHBORHOOD)

Director Clay started by explaining that staff was directed last week after a lengthy discussion on the new Manila Water rates that were put in place to go back and review them and look at something to be used in the interim until a study can be done on these rates. The request at this time is that Council rescinds the Resolution (2009-023) that established those rates and this will in effect take the rates back to what they were in June which was ten dollars for base rate and eighty five cents per thousand gallons thereafter, leaving that in effect through the month of September. Then on October 1st after the major watering season has passed, to put an interim rate in at a ten dollars base fee and one dollar and twenty six cents per thousand gallons thereafter. Director Clay stated that in the meantime we will have a rate study started that will probably take until the first of the year to be completed.

Council Member Atwood asked what kind of shortfall that would put Manila Water in. Director Clay stated that they are already in a shortfall right now and it will continue to increase during these summer months. What will happen is that they will essentially be taking a loan from their capital projects to pay for their ongoing operations and that shortfall will have to be made up through the rates when they are changed. Council Member Atwood added that he was glad to hear that is being looked into because we were all happy to lower the rates but we never did discuss how it would be made up.

Council Member Jensen asked that based on usage, at what point does the one dollar and twenty six cent rate kick in. Director Clay stated that it would start right after their five thousand gallon base and that will be the only rate they will have, they will not have the stepped raise until after the study is done and that won't go into effect until October 1st. Director Clay added that he thinks we will find that the rates will be about what we were trying to set them at.

Council Member Boyd wanted to clarify that the bills that will be going out this month will be at the eighty five cent rate. Director Clay stated that that was correct and that there will be credits for everyone who has paid and those who elected not to, they will have a revised amount.

Council Member Atwood asked if the Manila Water Company's Board is involved and is heading up and paying for this study. Director Clay stated that the City will contract with someone to do the study and their Board will pay for it. Council Member Boyd stated that they have not organized a Board yet. Director Clay said that he had heard that they are supposed to be having a meeting on the 23rd to organize their Board again.

Mayor Daniels then stated that for tonight's purpose we will need to separate this out and keep the Resolution rescinding item clearer. Attorney Petersen added that the action that we are looking for tonight is to rescind Resolution 2009-023, because water rates have to be set by resolution, we will be preparing another Resolution for your approval that will formalize the dates and the amounts. Director Clay suggested adding in the motion, the direction for staff.

Council Member Call pointed out that this will represent an increase to the one dollar and twenty six cent rate, so we need to put this information out in the water bill. Council Member Atwood stated that he heard from Kent Wells that this rate increase information was on their last water bill.

Mayor Daniels clarified that the first motion that we are looking for right now is to rescind Resolution 2009-023 and was there any other discussion on that item. There was none, the Mayor asked for a motion.

ACTION: Council Member Wilson moved to rescind Resolution 2009-023 which established an increased water rate for the Manila Water users. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

Mayor Daniels stated that the motion carries and Resolution 2009-023 is now rescinded and the rates from when that Resolution went into effect will all be reversed and all the calculations will be back to the rate it was prior to that.

Mayor Daniels then stated that we next we need to discuss the direction for staff. Attorney Petersen said that staff will need to prepare a Resolution for Council's consideration containing the proposed rate structure for Manila Water going forward.

Director Clay stated that our recommendation is the one dollar twenty six cent rate. Council Member Call asked what that rate was based on. Director Clay said that is just the first step rate that Pleasant Grove has in their water rates.

Council Member Call stated that he would also like to have in the direction to staff that there needs to be a little bit better communication aside from it being printed at the bottom of the bill. He would like for staff to come up with a plan for communicating this to all of these Manila Water users. Council Member Atwood expressed that he agrees with this directive.

Treasurer Bezzant stated that the Manila Water bills are sent out separately and they will be able to stuff an information mailer into the bills when they go out. Mayor Daniels asked Treasurer Bezzant to take care of this mailer to make sure that it gets out in the next bill.

Mayor Daniels asked if there were any other additional steps necessary to notify these Manila Water users of the rate going up. Council Member Boyd suggested the City newsletter.

Council Member Jensen stated that he thinks as part of this noticing it would be good to see if we can identify all of those Manila Water users that have and have not hooked up to the secondary water. Council Member Boyd interjected that at the last Neighborhood meeting she asked them to organize a group to instruct residents on how to hook up their secondary water and they said that they would set up some training in residents yards who have not yet hooked up to secondary.

Council Member Jensen suggested that somehow we need let the users know what will happen if they choose not to hook up to the secondary water. Mayor Daniels asked Treasurer Bezzant to add a message into the informational mailer that if residents have secondary water available and they choose not to hook up, that their bills will be going up and they will be paying the full culinary rate.

Mayor Daniels then reviewed the items for the next motion: 1.) The one dollar and twenty six cent rate increase effective on October 1st. 2.) The communication in the form of a stuffer in the bill, information in the newsletter and on the water bill covering the rate increase as well as the notification to those who have secondary available and have chosen not to hook up. 3.) To direct staff to have an outside third party to conduct a study to help establish what the new rates are going to be. The Mayor asked if there was anything else that needed to be discussed, in that nothing else was said, the Mayor asked for a motion.

ACTION: Council Member Boyd moved to approve the one dollar and twenty six cent increase to the Manila Water users effective October 1, 2009, to direct staff to provide information to the Manila Water users in the form of a stuffer in the water bills as well as information in the City newsletter and on the water bills covering the rate increase as well as the notification to those who have secondary water available and have chosen not to hook up, also to direct staff to have an outside third party to conduct a study to help establish what the new rates are going to be. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Mayor Daniels thanked the Manila Water users who were present for their participation at last week’s meeting and for coming out tonight to help work through this item now and in the coming weeks to help bring this to an equitable solution for all involved.

D. TO CONSIDER APPROVAL OF AN OFF-PREMISE BEER LICENSE FOR QUICK MART TEXACO, INC. A CONVENIENCE STORE AND FUELING STATION LOCATED AT 690 WEST STATE STREET. OWNER IS MANISH PATEL

Attorney Petersen stated that this license approval is being brought before Council because the new owner of this Quick Mart Texaco is required to file a new application for off-premise beer sales. Attorney Petersen added that beer licenses are not transferrable and each new owner has to qualify on their own. The new owner, Mr. Patel is present to answer any questions; his application has been reviewed and he does meet all of the requirements and it is the recommendation of our Business Licence Clerk that his licence be approved.

Mayor Daniels asked if there were any questions for Attorney Petersen or for Mr. Patel, there were none. The Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve authorizing an off-premise beer licence for Quick Mart Texaco, Inc. a convenience store and fuelling station located at 690 West state Street. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Attorney Petersen informed the Council that she has been approached by a citizen who missed the Open Session of tonight’s meeting and is asking for time for a presentation. The Mayor and Council members agreed to listen to this presentation now.

Scott Sperry came forward to present the request of his friend, Bonnie Moore regarding waving the sewage hook up fees at her residence located at 494 West 2600 North. Mr. Sperry stated that Ms. Moore had lived in this home for many years and is now renting this home out, she applied for Section 8 Housing for lower income families and the Section 8 guidelines prohibit the raising of rent in 2009/2010, therefore the rent cannot be raised to amortize the expenditure. The home is in good repair and the tenants, a family of ten have been living in the home for ten years. The current septic tank sewage system is not adequate and cannot be repaired so it has become necessary to hook up to the City’s sewage system. Mr. Sperry stated that Ms. Moore will now have to sustain a substantial cost with the construction of the line connection and the connection

fee and she is concerned on how she will be able to cover the cost. Her options are either displacing this family and discontinuing the Section 8 status so that she can raise the rent to cover the costs or to sell the property outright.

Mr. Sperry stated that the purpose of this presentation is to see if there is any way that the Council has the ability to waive or reduce the fees so that that family is not disrupted.

Mayor Daniels explained that in the open sessions for items that require Council action and are not on the agenda and have not been properly noticed, we are not allowed to take action on them that evening. The Mayor asked Mr. Sperry if he had taken the opportunity of discussing this situation with our staff. Ms. Moore stated that she had spoken to someone on the phone but could not remember who it was. Mayor Daniels recommended to Ms. Moore and Mr. Sperry to get in touch with City Administrator Mills and either he or one of the staff will be able to talk to them about what options exist already and if necessary, then the staff can bring that recommendation to the Council.

E. TO CONSIDER ADOPTION OF A RESOLUTION (2009-031) AUTHORIZING THE MAYOR TO SIGN AN AMENDED DEVELOPMENT AGREEMENT WITH TROPHY HOMES, ET AL, FOR THE MAYFIELD DEVELOPMENT (SAM WHITE'S LANE NEIGHBORHOOD)

Attorney Petersen stated that all of the signatures necessary for this agreement have been obtained and that the draft Development Agreement along with the exhibits are in the packets presented to Council. The Royal Bank of Canada (RBC) has re-issued the million dollar letter of credit; we have the funds for the cash warranty bond on deposit. The exhibit outlines who is responsible for what with regard to the cash bond requirement. Attorney Petersen added that some of the requirements that the Council had requested to be included in the Development Agreement have already been taken care of, the parcel that needed to be deeded over to Liahona School for their soccer field has been accomplished and a number of the other issues such as boundary lines, etc. have been resolved.

Mayor Daniels asked what we did about the notice of default that we sent to the parties involved the last time this was discussed. Attorney Petersen stated that when we received the new letter of credit, we issued a letter stating that we rescinded our notice. The Mayor wanted to clarify that all of the parties that needed to sign on the agreement have done so. Attorney Petersen stated that that was correct. Mayor Daniels then asked if we had already taken care of the vacation of the building and the plat and the approved site plan for the parcels that were going to cross over between commercial and residential. Attorney Petersen stated that there is a new amended site plan attached.

Mayor Daniels asked Engineer Lewis what part of the road improvements around the entire Mayfield area have been completed to date. Engineer Lewis stated that all of 700 South is done, the portion on 2500 West along Brent Nielson's project is done, Massey Construction is completing improvements on the rest of 2500 North, the ditch along the frontage of the LDS

church building is complete and Massey has begun installing the storm drain and reshaping the ditch along Sterling Brimley's project.

The Mayor wanted to clarify that everything that is along the main two roads there is either completed or under construction. Engineer Lewis said that at this time nothing has formally happened in front of Liahona on 2500 West, but Massey is now starting at the top end and working their way south. The Mayor asked about the road that comes in front of Liahona into the development. Engineer Lewis stated that that road has not seen any new construction other than the modifications that were made for the changes at the LDS church building.

Mayor Daniels then stated that all of the things that we have raised over the last year relative to the City's concern about road improvements, site improvements, sewer, water, utilities, curb/gutter, etc., have been dealt with and are considered in our Agreement. The Mayor then asked about the piping and the relocation of the ditch. Engineer Lewis stated that that is also included in the Agreement.

Mayor Daniels asked if there were any questions from the Council, there were none. The Mayor asked for a motion.

ACTION: Council Member Call moved to approve Resolution 2009-031, authorizing the Mayor to sign an amended Development Agreement with Trophy Homes, et al, for the Mayfield Development. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

Mayor Daniels thanked everyone who has been involved in this process and added that we hope that this project is now able to move forward with speed.

F. PUBLIC HEARING TO CONSIDER THE REQUEST OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS FOR FINAL PLAT APPROVAL OF A ONE (1) LOT SUBDIVISION PROPOSAL TO BE CALLED MAYFIELD LDS CHURCH SUBDIVISION, PERMITTING THE VACATION OF LOTS 2, 4 AND A PARTIAL VACATION OF LOT #1 OF MAYFIELD SUBDIVISION PLAT A, LOCATED AT APPROXIMATELY 2500 WEST 450 SOUTH IN THE GROVE (MIXED USE SUB-DISTRICT) ZONE (SAM WHITE'S LANE NEIGHBORHOOD)

Director Young stated that this is a concurrent discussion of the last item presented with the Mayfield Subdivision project. This item has been brought forward so that the LDS church could move forward with their project because the Mayfield Development is not completely ready to move forward at this time with amending and revising their whole site plan and plats. Director Young stated that on the existing plat their have been four different lots proposed for four different commercial buildings, what the proposal is now, is to vacate lots two and four and a portion of lot one from the Mayfield Plat A subdivision and on the new proposed Mayfield LDS Church subdivision it would be represented as lot one. Director Young stated that we have an agreement with the church to go forward with this particular plan, we have allowed them to begin construction and they have been informed that occupancy will not be granted until the plat

has been approved. Director Young said that this plan does not affect the other site proposals other than the lots to be vacated, it is a good plan and we do recommend that the Council approves this new plan including the condition that all final planning and engineering requirements are met and corrected plans submitted to City staff prior to recording the plat.

Mayor Daniels asked if this was dealing with just a plat vacation. Director Young stated that it is both a vacation and approval of a new plat. The Mayor then asked if this was creating a new subdivision. Director Young said that it is creating a new subdivision. Mayor Daniels then wanted to clarify that this entails vacation of a plat, creating of a new plat and a subdivision and a building that is almost finished, the Mayor then asked where we were at with this building. Engineer Lewis stated that they have just put the roof on the building. Mayor Daniels asked in order to clarify, that if for example Joe Smith walked through the door and wanted to build a house and there were problems with plats and ownership of the land and development, etc., would he be at the stage of putting a roof on the home before we have a vacation of a plat, a new plat; subdivision and a final plat approval in front of the Council? Engineer Lewis stated that if they had signed an agreement with the City that guaranteed that certain things were going to happen by certain dates, then yes. The Mayor then asked if that is what we have done. Attorney Petersen stated that they do have an Administrative Development Agreement to go forward. The Mayor then said that administratively, not by the Council we went ahead and approved this.

Mayor Daniels asked if there were any other questions, there were none at this time. The Mayor then opened the meeting to the public.

Kabe Little, 560 Loader Drive came forward and asked what was the recourse that the Council has over the administrative decision. Mayor Daniels stated that that is something that would be discussed in an executive session with the Council and staff and is not something that would be discussed here. Mr. Little then stated that we then don't know what the recourse is. The Mayor stated that we will know after the executive session. Mr. Little asked if this was something that the City Council is aware of as a normal occurrence and did this come as a shock. The Mayor stated that this is not a normal occurrence and that yes it did come as a shock.

In that no one else came forward, the Mayor closed the meeting to the public and asked if the Council had any other discussion on this item.

Council Member Jensen stated that at some point, not necessarily tonight that he would like to know how this whole process of development works. Council Member Jensen added that it is not to embarrass anyone or to point fingers; it is just so that he understands the process. Mayor Daniels asked if he would like to have staff give an explanation.

Council Member Atwood stated that he feels that there is a problem here in that this is being presented to Council when it is already built, regardless if it was done properly or not, given the track record of this project this is just aggravating. Mayor Daniels added that he does not see any fault on the action of the LDS Church in building this, it sounds like they constructed this building with the approval of the City, and we now have in front of us this action item.

Attorney Petersen stated that this information was shown on a previous amended plat that the Council approved several months ago. Council Member Boyd added that she remembers discussing in great length what the LDS Church would be doing in that area and at one point we did decide to let the church go forward until we got the Trophy Homes/Mayfield issues sorted out. Council Member Wilson added that we gave the go ahead to them because of the road situation. Council Member Boyd said that that was correct because they were willing to put in all of the improvements.

Mayor Daniels stated that what is in front of us tonight is the vacation of the lots, the new plat to approve and they have administrative approval to proceed. Any other discussion about whether the right procedure was followed or our memories or lack thereof, we can handle those separately. The Mayor then asked for a motion to approve this request.

ACTION: Council Member Atwood moved to approve the request of the Church of Jesus Christ of Latter Day Saints for final plat approval of a one lot subdivision proposal to be called Mayfield LDS Church subdivision, permitting the vacation of lots two, four and a partial vacation of lot one of Mayfield Subdivision Plat A, located at approximately 2500 West 450 South in the Grove Zone. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Director Young wanted to mention that even though additional discussion or explanation may be warranted on this item, he wanted to say that the comments made by Council Member Boyd represent very well the understanding that staff was operating on. Director Young stated that they did go forward with good intent and authority.

H. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2009-14) AMENDING THE COMPENSATION SCHEDULE FOR THE ELECTED OFFICERS, STATUTORY OFFICERS AND APPOINTED OFFICERS OF PLEASANT GROVE CITY AND PROVIDING FOR AN EFFECTIVE DATE (CITY WIDE IMPACT)

Attorney Petersen stated that pursuant to both Utah State Code which requires elected and appointed officials salaries to be set by ordinance by the local municipality and our own local ordinance that requires a public hearing as well as an ordinance for establishing compensation schedules, this ordinance is in front of Council tonight for approval. This ordinance represents a salary schedule for each of the offices with the minimum and maximum rates, the compensation schedule is a result of the recommendations that were made during the budgeting process and the salary survey that was conducted earlier this year and were approved by the Council during the budget process. This ordinance is simply updating and establishing the salary schedules pursuant to those previous discussions and approval.

Mayor Daniels asked if there were any questions. Council Member Call asked to review how we arrived at these salary ranges. Attorney Petersen explained that the ranges were arrived at through a salary survey that was commissioned by an independent body that surveyed twelve comparable municipalities and came up with an average low and high range for each position.

Council Member Wilson stated that on the salary for the Leisure Services Director, that he is not in agreement with what the salary survey showed. Council Member Wilson said that he appreciates the survey but he does not agree with lowering the salary by fifteen hundred dollars when you take into consideration what this person does in performing their job for the City. Mayor Daniels wanted to clarify that he was talking about the salary range and was he more comfortable with the higher salary amount on this ordinance that had been crossed out. Council Member Wilson stated that he was. Council member Boyd stated that she agrees with Council Member Wilson on his recommendation to keep it at the higher range.

Mayor Daniels then asked the Council if they were in agreement with keeping the Leisure Services Director salary at the higher salary range. The general consensus of the Council was that they were in agreement. Mayor Daniels clarified for everyone's benefit that we are only discussing the elected, statutory and appointed officer's positions that require us to adopt the salary ranges by ordinance all of the other salary ranges in the City are not done by ordinance they are done through the budget process.

Mayor Daniels opened the meeting to the public, in that no one came forward, the Mayor closed the meeting to the public. Mayor Daniels asked if there was any further discussion, there was none. The Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve Ordinance 2009-14, amending the compensation schedule for the Elected Officers, Statutory Officers and Appointed Officers of Pleasant Grove City and retaining the Leisure Services Director upper end salary at the previous ninety five thousand dollar limit, and providing for an effective date. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

I. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2009-15) ESTABLISHING A POLICY AND PROCEDURE FOR THE APPROVAL OF WRITTEN MINUTES FOR THE PUBLIC MEETINGS OF THE CITY COUNCIL AND OTHER BODIES OF PLEASANT GROVE CITY (CITY WIDE IMPACT)

Attorney Petersen explained that this ordinance is in response to a new State law that was passed effective May 1st, it requires all public bodies to establish by ordinance or resolution a formal process for taking minutes and approving minutes. This is a model ordinance that came from David Church of the Utah League of Cities and Towns and we have made one internal staff modification which changes the seven day time period to turn the minutes around and have the draft minutes out for the public body, to a ten day time period. Attorney Petersen added that this ordinance requirement has been in response to other municipalities where the private sector has had problems obtaining minutes of meetings in a timely fashion, so the legislature deemed it important for everyone to have a standardized procedure.

Council Member Call inquired as to whether our staff would have any trouble with this ordinance. Deputy City Recorder Mulvey stated that it would not pose a problem and that she is in favor of the ten day time period.

Council Member Jensen wanted to clarify that the ten days meant ten business days. Attorney Petersen stated that that was correct.

Mayor Daniels asked if there were any other questions, there were none. The Mayor then opened the meeting to the public. In that no one came forward, the Mayor closed the meeting to the public and asked for a motion to approve.

ACTION: Council Member Call moved to approve Ordinance 2009-15, establishing a policy and procedure for the approval of written minutes for the public meetings of the City Council and other bodies of Pleasant Grove City. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

J. TO CONSIDER A RESOLUTION (2009-032) OF THE GOVERNING BODY OF PLEASANT GROVE CITY AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH DMB, INC. AND DON BRANDT FOR A PARCEL OF PROPERTY .923 ACRES IN SIZE, LOCATED AT APPROXIMATELY PLEASANT GROVE BLVD AND 1300 WEST, PLEASANT GROVE, UTAH (SAM WHITE’S LANE NEIGHBORHOOD)

Director Clay stated that we had started entering into negotiations with Mr. Baker and Mr. Brandt a few months ago, we had an appraisal done on the property and made an offer of the appraised value. Mr. Baker and Mr. Brandt discussed wanting to get a different appraisal if they didn’t feel the amount was high enough, they agreed to take cash for the appraised values that we got and we will give them a letter stating that there is a charitable contribution of “x” amount of dollars at the point in time that they get there appraisal done. Director Clay stated that we are in agreement with them at this time for the purchase price of three hundred and eighty thousand dollars. Director Clay pointed out that this will be paid for with impact fees from Fire and a small portion from the Police and will be for an expanded sub-station down at this property location. It is also anticipated to get a grant that has been applied for that will help pay for the construction.

Council Member Jensen asked if they had already received that grant. Director Clay replied that it was not one for the construction, the grant that the Fire Department got was for personnel.

Mayor Daniels asked if there were any other questions, in that there were none, the Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2009-032, authorizing the Mayor to sign a purchase agreement with DMB, Inc. and Don Brandt for a parcel of property, .923 acres in size, located at approximately Pleasant Grove Blvd and 1300 West, Pleasant Grove,

Utah. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Council Member Boyd requested adding an Executive Session to discuss the character, professional competence of an individual and asked that only City Council members be present.

Mayor Daniels acknowledged that and noted that there will also be an Executive Session to discuss pending or reasonably imminent litigation rather than a session to discuss the purchase of real estate as stated on the agenda, item number fourteen.

9. STAFF BUSINESS

- Director Young mentioned that they had scheduled September 16th as the date for the Neighborhood Improvement Workshop, but that also happens to be the Wednesday after the election; the City Council meeting for that week has already scheduled for the 16th so the workshop is being rescheduled for October 7th.
- Director Bradford stated that the Downtown Advisory Board will be meeting to put together a marketing plan for the Downtown, including the businesses. Director Bradford said that the Farmers Market/Promenade has already generated one restaurant lead for us.

Council Member Boyd asked if the information on the Downtown grant has ever been announced. Director Bradford stated that he and Director Young along with the Economic Development Committee worked together as a team to apply for an EDI Special Appropriation grant to improve the Downtown area. Congress approved it for one hundred thirty three thousand nine hundred dollars; half of the funds will go to marketing and the other half will be used for planning and designing.

- Director Walker reported that the work on the sewer bursting will start tomorrow.
- Attorney Petersen wanted to remind the candidates about appropriate campaigning activities with regard to the signage; the size and placement on public and private property. She also cautioned that they are careful about using City employee’s time and City resources for campaigning purposes.

Mayor Daniels added that campaigning is not allowed on City property, during City time and by City employees. The Mayor said that we need to be very respectful of this and in particular the soliciting of City employees against their will and be sensitive to that so the City employees do not feel pressure. Mayor Daniels added that he has received some calls from private land owners asking why the City is allowing candidates to put signs up in their yards without their permission. The Mayor asked the candidates to please check with the property owners before placing signs up.

- Administrator Mills stated that he met with the company that wants to put a cell tower in at Manila Park; this will be for wireless internet service. Administrator Mills said that he has asked that they submit a proposal for review.

Administrator Mills said that he was contacted by another land owner for a possible purchase of property that may work out for the purposes of a dumping area for spoilage. Administrator Mills stated that he will be looking into this and will take a walk through with Mark Atwood to see if this will be something feasible for our needs.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen commented that he would like to arrange to keep the recycling education booth as part of the remaining month at the Promenade. Council Member Jensen said that up until now this booth had been manned by students.

Mayor Daniels stated that he has seen the recycling booth at the Promenade and asked if it has been removed. Director Bradford said that the person who was running it was a student/intern and when school started back up again she has not been able to participate at the Promenade.

Council Member Jensen added that we are missing an opportunity to educate the public if we do not continue this. Administrator Mills said that he has heard from the County Board of Health and that they were waiting for us to secure a contract for a recycling program and now that we have, they want to meet with us and get all of the information. They are prepared to start going into the schools and help move forward with the education process.

Mayor Daniels asked if we could also ask for some help from the company that was awarded the contract. Administrator Mills stated that they are also prepared to assist us.

Attorney Petersen stated that with regard to the recycling contract that we ought to adopt a resolution outlining the parameters of the timing or another option would be to add a section to our Municipal Code with regard to recycling.

- Council Member Call inquired, now that the City Administrator's job application was closed, how many applicants were there. City Recorder Kresser stated that sixty two people applied.
- Deputy City Recorder Mulvey mentioned that early voting started today and will continue through September 11th. Early voters can come to City Hall, a four hour time frame is set aside each day for voting and the hours have been posted in the newspaper, at City Hall and on the City's website.

11. SIGNING OF PLATS

No Plats were signed.

12. REVIEW CALENDAR

Mayor Daniels pointed out that next week is the Utah League of Cities and Towns Conference and that we are planning to hold a City Council Work Session meeting next week on Tuesday, September 8th, he asked the Council if they are in agreement with that. The general consensus of the Council is that they were. The Mayor also pointed out that on the following week the City Council meeting will be moved to Wednesday, September 16th because of the Primary Election being held on that Tuesday, September 15th.

Monday, September 7th, the City offices will be closed in observance of Labor Day.

Mayor Daniels stated that he will be out of the office from September 9 – 28, and that the Mayor Pro Tem will act in his place during that time.

13. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders and in that there was no further discussion, the Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve the purchase orders for September 1, 2009. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

14. EXECUTIVE SESSION

ACTION: At 8:39 p.m. Council Member Call moved to go into executive session, a strategy session to discuss pending or reasonably imminent litigation. (UCA 54-4-205(1)(c)). Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Colleen A. Mulvey, Deputy City Recorder

ACTION: At 8:52 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

ACTION: At 8:52 p.m. Council Member Call moved to direct staff to prepare a resolution to terminate the interlocal agreement with Lindon City regarding the common revenue sharing area. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Attorney Petersen asked if she should send a letter to Lindon City. Mayor Daniels remarked that she should along with putting this item on the agenda for the next City Council meeting.

ACTION: At 8:53 p.m. Council Member Wilson moved to go into executive session, a strategy session to discuss the character, professional competence or physical or mental health of an individual. (UCA 54-4-205(1)(a)). Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Others:

Tina Petersen, City Attorney

ACTION: At 9:18 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 54-4-205(1)(a)). Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

PRESENT:

Mayor Pro Tem:

Bruce Call

City Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Jeffrey D. Wilson

Others:

Tina Petersen, City Attorney

ACTION: At 10:15 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting “Aye.”

15. ADJOURN

ACTION: At 10:15 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

This certifies that the City Council
Minutes of September 1, 2009 are a true,
Full and correct copy as approved by
The City Council on October 6, 2009

Colleen A. Mulvey, Deputy City Recorder