Pleasant Grove City Council Minutes July 7, 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 Sean Banks.

3. OPENING REMARKS

Opening Remarks were given by Police Chief Paul.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels stated that Executive Sessions will be added to this meeting to discuss purchase of real estate and personnel.

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

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

5. <u>CONSENT AGENDA</u> (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 June 23, 2009
- b. To consider appointing Byron Lindsay as a Beautification Board member
- c. To consider approval for Payment #22 and Change Order No. 14 and for the Pressure Irrigation System Schedule 6, HDXLC a Dunn Company
- d. To consider approval of paid vouchers (June 25, 2009)

Mayor Daniels stated the minutes for the June 23rd meeting are being pulled from the agenda.

Mayor Daniels recognized Byron Lindsay and told him that the City Council does appreciate his willingness to serve as a member of the Beautification Board.

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

ACTION: Council Member Call moved to approve the consent agenda items, approving appointment of Byron Lindsay to the Beautification Board and pulling the June 23rd City Council minutes. Council Member Boyd 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.

Carla Erb, Pleasant Grove Library Board Chairperson came forward and stated that there were a couple of items that the Library Board would like to mention. The Library Board would like to thank the Council and staff for the swimming pool passes, they are much appreciated.

Library Chairperson Erb stated that the Library Board would like to recognize Mary Lou Huffman for her years of service. Library Chairperson Erb stated that Ms. Huffman has served on the Board for eight years and it is with great reluctance that they are accepting her resignation.

Library Chairperson Erb then presented Ms. Huffman with a book bag and gift card in recognition of her many years of service.

Library Chairperson Erb next introduced the new officers to the Library Board; the new Chairperson is Carl Sederholm and the Chair elect is Roselle Harney.

Library Chairperson Erb mentioned that on August 29^{th} from 7:00 - 9:00 p.m. there will be a book signing with author, Gerald Lund, for his new book *The Undaunted*. The Library will also be doing the Beat Beethoven 5K run again in conjunction with the Heritage Festival in September.

Carla Erb, 1070 E Grove Creek Drive next addressed the City Council and expressed that she would like to read an open letter to the Mayor of Pleasant Grove. The letter's intention was to comment on the condition of Pleasant Grove City's roads. Ms. Erb stated that this letter was written by her husband and that he did send a copy to the Daily Herald newspaper.

Dixie Carpenter came forward next and stated that she and her husband attended the Promenade last Thursday and they had a delightful time. Ms. Carpenter said that they are looking forward to attending again.

Mayor Daniels asked if there was anyone else who wished to come forward and address the Council, there was not. 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. TO CONSIDER AWARDING THE STATE STREET SEWER IMPROVEMENT BID IN THE AMOUNT OF \$257,898.00 TO NOLAND & SONS CONSTRUCTION

Director Walker stated that the low bidder for this contract was Noland & Sons Construction for two hundred fifty seven thousand eight hundred ninety eight dollars which was fifty two percent below the engineers estimate. There were a total of three bidders on this project with an average bid price around three hundred eleven thousand dollars. Director Walker pointed out that the current economy is driving bid pricing down. Director Walker stated that Noland & Sons have done work for the City in the past and we have always been pleased with their work and that he feels comfortable recommending them for this project.

Mayor Daniels asked if there were any questions, there were none. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve awarding the State Street Sewer Improvement contract in the amount of \$257,898.00 to Noland & Sons Construction. Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

B. TO CONSIDER ADOPTION OF A RESOLUTION 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 tonight we are not asking for a signature on the amended Development Agreement, we left it on the agenda to make sure that Council was fully informed about the progress and the status of this agreement. Attorney Petersen explained that currently the Royal Bank of Canada (RBC) is in the process of extending their current letter of credit of one million dollars for thirty days to give everyone involved another thirty days to get the Development Agreement in shape to be signed and executed by all parties.

Attorney Petersen stated that Engineer Lewis recently has done a site inspection and that Massey Construction continues to work on the project. The LDS church portion of this project was ready to move forward with their building so we executed a small administrative development agreement with them to allow them to move forward. The LDS church is still a part of the overall Development Agreement, the intent was to get them in a position where they could continue and not have to wait for everyone else.

Council Member Jensen asked when does RBC's thirty days on the letter of credit begin and end and are we asking for the extension or are they. Attorney Petersen stated that the current letter expires on July 19, 2009, they will extend that until August 19, 2009. We have informed RBC that we require them to extend this letter of credit while the Development Agreement is in the process of being finalized. Otherwise, we would be foreclosing on the bond next week, pulling the one million dollars and doing the work ourselves.

Mayor Daniels clarified that we are asking RBC to guarantee their existing letter of credit for an additional thirty days which gives us the ability during that thirty day period to take action against that letter of credit and take over the road improvements if we choose to. The Mayor stated that as we have discussed this over the last few months, we have tracked what progress is being made on those road improvements and it has been my understanding that Council has been satisfied that the progress continues and eventually, maybe before it becomes necessary to exercise anything against the letter of credit, the road improvements will probably be done.

Attorney Petersen stated that Pleasant Grove City is not asking for a thirty day continuance or extension, we told RBC that if they wanted us to continue to work with them until the Development Agreement was finalized, they had to issue a thirty day extension on their current letter of credit so that it did not expire. Mayor Daniels added that Administrator Mills simply called their bluff and told them to perform or else.

Attorney Petersen stated that she would like to put this Development Agreement back on the agenda for the August 18th meeting. Mayor Daniels stated that we will put it on the agenda for the August 18th City Council meeting.

Mayor Daniels asked if there were any other questions, there were none. The Mayor then asked for a motion to continue this item.

ACTION: Council Member Jensen moved to approve continuing considering the adoption of a Resolution 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."

C. TO CONSIDER A RESOLUTION (2009-019) ADOPTING THE REVISED POLICY AND PROCEDURE MANUAL AND PROVIDING FOR AN EFFECTIVE DATE (CITY WIDE IMPACT)

Attorney Petersen stated that this is the final step in adopting the amended policy and procedures manual. The specific changes have been discussed several times. The one item that remains to be decided tonight is with regards to the elected officials section. Attorney Petersen stated that the original proposed language for this section states: "no City employee shall serve as an elected official for Pleasant Grove City simultaneously with their term of employment. A City employee who is elected to a municipal office for Pleasant Grove City must resign employment with the City prior to taking office." Attorney Petersen explained that from the discussion of this item it was her impression that she had received instruction from Council to change the language, it was changed from "prior to taking office" to "at the time of declaring candidacy." Attorney Petersen said that subsequent to that change there was discussion among the Council as to what they really want that section to say.

Mayor Daniels stated that what Attorney Petersen is asking is to have Council clarify that point. There are three options to look at: 1.) as it is currently written, at the time they declare their candidacy, they resign 2.) at the time they are elected, they resign 3.) at the time that they take office, they resign.

Council Member Call stated that he is in favor of allowing an employee to run and if they are elected, at that point they resign. Council Member Call explained the reasoning is to not penalize them by making them quit their job and run the risk of not having a successful election.

Council Member Jensen asked if this was covering the two parts of this situation. Attorney Petersen clarified that this language covers one part, the second part of the section deals with an elected official who wants to apply for a position with the City. The elected official must resign their office prior to applying for the position with the City. Attorney Petersen read the following from the policy and procedures manual which apples to that situation: "an elected official, who desires to apply for a position as employee, must resign their office prior to applying for the position."

Council Member Boyd stated that she agrees with Council Member Call's rationale in that she feels like it is a big risk to the employee and does not feel that we should subject anyone to that risk. Council Member Boyd stated that she prefers the scenario of having them resign upon election. Council Members Jensen, Wilson and Atwood indicated that they agree.

Mayor Daniels stated that the language should be changed from "resigning employment with the City when declaring candidacy" to "resigning from employment with the City when elected."

Council Member Jensen asked if that also applies to the situation when a City employee is looking to fill a vacant position which would be by appointment.

Mayor Daniels stated that it can be worded in the language as "when elected or appointed."

Administrator Mills stated that he wished to discuss the subject of elected officials applying for employment with the City and asked the Mayor to excuse himself from this topic as it would be a conflict of interest.

At 7:35 p.m. Mayor Daniels recused himself from the meeting.

Administrator Mills stated that the question he has is to have Council look at the wording to reflect not having the individual resign until they have made it to the point in the hiring process where they will be considered and interviewed by City Council. The way that things are scheduled with the Application Review Committee (ARC) with no communications allowed with them beginning August 1st until the names are presented to Council on October 12th, if Mayor Daniels does decide to apply for the City Administrator position, there would be a month and a half that he would not be working with us. Administrator Mills explained that it would be very helpful to staff because of the current projects and relationships that he has, to be able to have him working with us during that period. Administrator Mills asked if the City Council would consider some type of wording to be put in that stipulates that they should resign when they know that they are at the point to be interviewed by the elected body.

Council Member Boyd stated that her concern is that whatever is decided to be put in the wording that it pertains to everyone, and does not just pertain to the Mayor.

Council Member Wilson stated that he feels that that is a double standard because of Council Member Atwood's position; he is cut off unless he wants to resign as an employee. Council Member Wilson pointed out that we have the money available in the budget to continue to keep Mayor Daniels on, not as the Mayor but somewhat like a consultant.

Council Member Jensen stated that he views the ARC as nothing more than an extension of City Council. Council Member Jensen stated that he understood that the position that the Council had taken was more a question of transparency; we want to make sure that the citizens understand that we were doing all we could to ensure the process did not favor one candidate over another. Therefore, in order to maintain that integrity, any individual for that position would be clear that we are proceeding in a fashion in which we are not giving an advantage to one candidate over another.

Council Member Call stated that his concern was over the messiness of the wording, how would this be described in broad terms without being very complicated and having a future Council look back at this and question what it means. Council Member Call stated that he agrees with what Council Member Wilson pointed out, that should the Mayor choose to resign and apply for this position and not gain the position, we will still have his expertise as a consultant or whatever, that is valuable to the community at large. Council Member Call then stated that what we are really talking about time wise is not six weeks, but two weeks when there is no communication with ARC, because this individual could choose to apply for the position on the last day, August 31st.

Administrator Mills stated that even if he does choose to apply at the end of August, it is still six weeks until the middle of October. Administrator Mills explained that that is why he brought this up, regardless that it is the Mayor, if it is any elected official or any employee in that position, City Council is not doing the initial interviewing and a third party is being used, that's where the question lies.

Attorney Petersen stated that this is an unusual situation regarding the manner in which we are hiring the new City Administrator. Administrator Mills' suggested language would not cover all the possible scenarios, we will have to craft language that would cover; 1.) an individual being screened by an outside agency 2.) an individual being interviewed by City Council 3.) an individual where no City Council involvement is present such as a Public Works employee.

Council Member Atwood stated that we can change the document that is what was decided that this would be a document that could be changed. Attorney Petersen added that the policy and procedures manual is open to be amended at any time the Council feels it needs to be.

Council Member Call suggested polling the Council, the basic question being to accept this wording or consider additional wording. Attorney Petersen clarified that the current wording states that they have to resign when they apply.

Council Member Wilson stated that he is good with the wording as is.

Council Member Atwood stated that this is a touchy subject and would like to discuss it further with Administrator Mills. Council Member Atwood stated that his concern is in whether the decision would be a disadvantage to the City.

Council Member Boyd stated that she likes the wording and thinks that in the interim of the change; we can use the Mayor's expertise either in the meetings, not as a Mayor or he can communicate with our City Administrator or to our Mayor Pro Tem.

Council Member Jensen stated that in the interim and not having a Mayor who can deal with issues, he is not prepared to go along with a decision until it is discussed further.

Council Member Call asked Attorney Petersen that if we were to go ahead and vote on approval of this policy and procedures manual and then later hold and executive session to discuss it and if we needed to revise it, would that be feasible. Council Member Call stated that he does not want to delay approval of this policy and procedures manual. Attorney Petersen stated that it can be approved the way it stands now and that it is subject to be amended.

Council Member Call pointed out that we have talked out publishing this manual in a loose leaf format knowing that there would be changes like this. Council Member Call then asked the Council members if they are in agreement on approving the policy and procedures manual tonight and later amend it as needed. City Council Members Atwood, Boyd, Jensen and Wilson indicated that they are in agreement on this. Council Member Call invited the Mayor to rejoin the meeting.

At 7:49 p.m. Mayor Daniels rejoined the meeting.

Mayor Daniels asked if any action had been taken on the policy and procedures manual. Council Member Call stated "no" but we are ready to. The Mayor then asked if there was any other discussion or changes.

Council Member Wilson asked about the section that deals with company vehicles, who is assigned them and who is allowed to take them home and was that an item that could be discussed and changed later if we decide to. Director Clay stated that he is still waiting on some information to complete the report on company vehicle use.

Mayor Daniels stated that we will schedule discussion specifically about the vehicle policy at a Work Session meeting in the month of August.

Mayor Daniels asked if there were any other discussion items for the policy and procedures manual, there was none. The Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2009-019, a resolution of the City Council of Pleasant Grove City, Utah County, Utah, amending the Personnel Policies and Procedures previously approved by the City Council. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

D. TO CONSIDER ADOPTION OF A RESOLUTION (2009-020) OF THE CITY COUNCIL OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH APPROVING THE 2009 CERTIFIED TAX RATE (CITY WIDE IMPACT)

Director Clay stated that the County establishes the maximum tax rate that we can charge based upon our levels of receipts from the prior year. This year's tax rate is slightly higher because properties were devalued. The new general tax rate is .001696 and the debt service needed on the general obligation bond is .000247, which gives a total tax rate for the City of Pleasant Grove of .001943. Director Clay stated that this is not a tax increase.

Mayor Daniels clarified that what this means is, effectively for total evaluation of the City the total amount of tax collected, it should be neutral from last year to this year but that will vary depending upon the individual's property. Director Clay stated that that was correct.

Mayor Daniels asked if there were any questions, there were none. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve Resolution 2009-020, a resolution of the City Council of Pleasant Grove City, Utah County, Utah, approving the 2009 certified tax rate. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

E. TO CONSIDER ADOPTION OF A RESOLUTION (2009-022) AUTHORIZING AN INCREASE IN THE FEES THAT TIMPANOGOS SPECIAL SERVICE DISTRICT CHARGES FOR SEWER AND SEWAGE DISPOSAL IN PLEASANT GROVE CITY AND PROVIDING FOR AN EFFECTIVE DATE (CITY WIDE IMPACT)

Director Clay stated that this is strictly a pass through from the Timpanogos Special Service District (TSSD). The increase in treatment fees is spread out over a two year period, the first increase of twenty six percent is effective July 1, 2009 and an increase of twenty seven percent will become effective July 1, 2010. Director Clay stated that we are recommending a twenty six percent increase in our sewer fees that will increase our base rate from thirteen dollars and eighteen cents to sixteen dollars and eighteen cents and our per unit rate will increase from one dollar and thirty one cents to one dollar and sixty five cents per month per one thousand gallons over the base rate. Director Clay mentioned that there is another part to this that will come before Council in the near future, which is an impact fee for new construction that was adopted by the TSSD and will go into effect on August 20, 2009.

Mayor Daniels asked if there were any questions or discussion, there was none. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2009-022, a resolution authorizing an increase in the fees that Timpanogos Special Service District (TSSD) charges for sewer treatment and sewage disposal in Pleasant Grove City. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

F. TO CONSIDER ADOPTION OF A RESOLUTION (2009-023) PROVIDING A SCHEDULE OF MONTHLY WATER SERVICE CHARGES FOR MANILA CULINARY WATER COMPANY AND PROVIDING AN EFFECTIVE DATE (NORTH FIELDS AND MANILA NEIGHBORHOODS)

Director Clay stated that we have been contracting with Manila Culinary Water Company since 1997; we have kept their rates low and allowed their Board to set their water rates. The secondary water is now in out in the Manila area and they have overspent what was in their budget by almost two hundred thousand dollars which has eliminated their cash balance. Director Clay stated that in the contract it stipulates that Pleasant Grove City has the right to determine what the water rates are for the Manila Culinary Water Company as long as they do not exceed what we charge our own residents, so we are recommending their rates be made equal to what the rest of the residents pay, for those who do not have secondary water available we will charge the commercial rate.

Council Member Jensen questioned culinary water rates, stating that residents that have secondary water use less culinary water and are paying more for water than those who do not have the secondary. Administrator Mills explained that when the studies were done, we took the average water user in the community; in the secondary use compared to the culinary use there was very little difference, there may be months where the secondary costs more and some months less. Director Clay added that when the study was done a year ago all of this was discussed, and actually there are only a handful of homes in the Manila area that do not have secondary water. Council Member Boyd stated that everyone above the canal does not have secondary and that is more than a handful.

Mayor Daniels stated that when you look at water usage in terms of gallons, you take the average amount of gallons that a household would use and then you combine that with the effect of the irrigation (the size of the lot) and look at that usage and factor it into the tier structuring of the

secondary and culinary rates, the cost is relatively the same per household; it is just how the water got used. Administrator Mills added that on the north end of town and north of the canal area, their lots are typically larger than the lots in town and the amount of water that they use is far greater and during the heavy water use time of year will pay more, but during the winter months they will drop down but someone in town with the smaller lot will continue to pay the same amount.

Mayor Daniels added that water is an Enterprise Fund in the budget so it has to operate at a break even, so if you have a situation where in this case, the Manila Culinary Water Company who is operating at a deficit, their rates must increase in order to cover their deficit, we cannot subsidize that with the General Fund.

Mayor Daniels asked if there was any further discussion or questions, there were none. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2009-023, a resolution providing a schedule of monthly water service charges for Manila Culinary Water Company. Council Member Boyd seconded and the motion passed with a four to one vote with Council Members Atwood, Boyd, Call and Wilson voting "Aye" and Council Member Jensen voting "No."

G. TO CONSIDER ADOPTION OF A RESOLUTION (2009-024) AUTHORIZING THE MAYOR TO SIGN A MASTER UTILITY AGREEMENT WITH PLEASANT GROVE CITY AND UDOT FOR THE I-15 CORE PROJECT (CITY WIDE IMPACT)

Engineer Lewis stated that we have discussed with the I-15 CORE team about utilities that the City has that are impacted by the project and whether or not there are any improvements that the City desires. For Pleasant Grove City this would involve water, sewer, storm drains and irrigation that are located throughout the project corridor, in either case whether or not UDOT simply replaces our systems as is or it makes the improvements that we have discussed with them, they will need an agreement in place to modify the things that the City owns. This agreement outlines the general terms by which the City and UDOT are bound in dealing with this, each individual project will generate a sub-agreement that will have specific numbers attached to it that will have the calculations of what it would cost to replace the item and also have the cost to improve it to the capacity that we want. Engineer Lewis stated that in the Master Agreement there are no specifics about projects.

Mayor Daniels clarified that this Master Utility Agreement is just purely the agreement that we enter into with UDOT establishing and laying out the terms. Engineer Lewis stated that this is basically outlaying the terms, what UDOT wants to do with each City is agree to terms between them and the municipality and not have the individual municipalities have to deal with the contractor on board. Mayor Daniels stated that what we are agreeing to here is that UDOT becomes the negotiator with the contractor. Engineer Lewis added that it also outlines our rights to inspect and that they have to follow our specifications and we have the right to see and review their designs.

Council Member Atwood asked how far does UDOT reach out. Engineer Lewis said it will be to the extent that they need to change it to make it work, so they will identify the scope of the work and that is what the sub-agreement will have in it, the actual scope of the work. Council Member Atwood asked if that bids out like the City bids out because sometimes when UDOT does projects the cost is higher and how to we curb that cost. Engineer Lewis stated that this agreement outlines that, that they are bound by the City's specifications. Administrator Mills added that part of the reason we have this agreement is because this is a design build and they cannot tell us exactly how they are going to affect us, but if we do not agree to the price that the contractor has, then we do have the right to go out and ask another contractor for a price and if we like their price better the State is going to have to hold their project up to let our person do it or they have got to match that price.

Mayor Daniels asked if there were any other questions, there were none. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve Resolution 2009-024, a resolution of the governing body of Pleasant Grove City authorizing the Mayor to sign a Master utility Agreement between Pleasant Grove City and UDOT for the I-15 CORE Project. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

9. STAFF BUSINESS

- NAB Chair Flegal inquired about the swimming pool passes for the volunteers; she said that the information did not get to everyone. Mayor Daniels asked Director Giles to resend the information.
- Treasurer Bezzant mentioned that the new timesheet that was adopted and approved with the Policy and Procedures manual tonight should be used starting this week, as of yesterday, July 6th.
- Engineer Lewis stated that the paving on 2000 West is almost complete, the re-opening of the road should occur on the last Friday of this month. Council Member Boyd asked if there was going to be some sort of re-opening ceremony or ribbon cutting. Engineer Lewis said that he would ask the County if they are planning one.
- Director Bradford thanked the Council and the staff for supporting the Promenade. The twenty two vendors who participated will all be coming back this week plus six more, and it continues to grow. Director Bradford mentioned their website PGprom.com where information about the events is posted. They are welcoming more vendors and are looking for more musical acts and magic shows. Director Bradford specifically thanked Director Giles for his continued assistance with re-hanging the banners that keep blowing down. Council Member Jensen asked what would be the maximum number of booths that they could accommodate. Director Bradford stated it's estimated at about one hundred and eighty.
- Director Walker stated that they are currently working on some micro surfacing test sections.

- Fire Chief Sanderson stated that they are on schedule with the new fire truck; there will be a four day final inspection and then hopefully a delivery date of August 9th.
- City Recorder Kresser reminded everyone that up until next Wednesday, July 15th we are still accepting candidates for the upcoming election. Mayor Daniels asked how many individuals have come in so far. City Recorder Kresser stated that so far there have been two candidates file.
- Administrator Mills stated that the date they have worked out for the Summer Party is Tuesday, August 18th, which is also a City Council meeting night. Administrator Mills stated that it is about the only date still available to reserve the pavilion. The Public Works and Leisure Services departments will be taking care of setting it up and doing the cooking. Mayor Daniels asked the Council Members if they were in agreement with the August 18th date and moving the City Council meeting start time to 5:00 p.m. All of the Council Members indicated that they are in favor of that.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen stated that Fox Hollow Golf Course reported their largest single month in their history; they brought in one hundred and twenty two thousand dollars for the month of June. The advertising promotions have brought in about thirty three percent more business than normal and they plan to continue the promotion throughout the summer. Council Member Jensen mentioned that the Golf Course in conjunction with Chase Media are showing movies on Tuesday nights and had around one hundred and seventy five people show up last week.
- Council Member Boyd stated that the preparations for Heritage Days are going fine. Mayor Daniels stated that he will be forwarding her some information from the committee that puts on the Colonial Days in Provo because they are interested in participating.
- Council Member Call commented that he enjoyed attending the Promenade that it is a great event.

Council Member Call reminded the Council that next week's Work Session will be starting early at 6:00 p.m.

11. SIGNING OF PLATS

No Plats were signed.

12. REVIEW CALENDAR

Nothing was reviewed on the calendar at this 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 Call moved to approve the purchase orders for July 7, 2009. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

ACTION: At 8:35 p.m. Council Member Wilson moved to go into executive session, a strategy session to discuss the purchase, exchange, or lease of real property (UCA 54-4-205(1)(d)). Member Call seconded and the motion passed unanimously with Council Members Atwood, 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

At 8:41 p.m. Mayor Daniels, Administrator Mills, Finance Director Clay, Attorney Petersen and Deputy City Recorder Mulvey were all excused from the executive session.

ACTION: At 8:44 p.m. The Council Members went into an executive session to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205(1)(a).

PRESENT:

Mayor Pro Tem:

Bruce Call

City Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Jeffrey D. Wilson

ACTION: At 8:55 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, Call, Jensen and Wilson voting "Aye."

The Mayor and Council Members were in agreement with allowing staff to go ahead on the contract with the owners for the purchase of the property at 429 S. Locust Avenue.

14. ADJOURN

ACTION: At 8:55 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood 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 July 7, 2009 are a true, Full and correct copy as approved by The City Council on August 11, 2009

Colleen A. Mulvey, Deputy City Recorder