

**Pleasant Grove City Council Minutes**  
**October 20, 2009**  
**7:00 p.m.**

**PRESENT:**

**Mayor:**

Michael W. Daniels

**Council Members:**

Cindy Boyd

Bruce Call

Jeffrey D. Wilson

**Excused:**

Mark K. Atwood, City Council Member

Lee G. Jensen, City Council Member

Tom Paul, Police Chief

Richard Bradford, Economic Dev. Director

**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

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire 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

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**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Director Giles.

**3. OPENING REMARKS**

Opening Remarks were given by Director Walker.

#### **4. APPROVAL OF MEETING'S AGENDA**

Mayor Daniels asked if there were any changes or additions 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. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Call 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. Work Session Meeting minutes for September 29, 2009
- b. City Council Meeting minutes for October 6, 2009
- c. To approve Pay Request No. One to Noland & Son Construction for the State Street Sewer Improvements
- d. To consider approval of paid vouchers (October 8, 2009)

The Mayor asked if there were any other questions or comments on the consent agenda items. Deputy Recorder Mulvey stated that the minutes for the October 6<sup>th</sup> City Council meeting are not yet ready for approval.

**ACTION:** Council Member Wilson moved to approve the consent agenda items, removing item "b" the minutes for the October 6<sup>th</sup> City Council meeting. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call 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.

Nathan Criman, 1718 N 1200 W came forward and stated that he wished to express how impressed he is with a City employee, Jerry Phillips who has gone above and beyond in his efforts on their street, helping during multiple water breaks and with the street cleaner, etc. Mr. Criman stated that he has already passed this information on to Director Walker. Mr. Criman stated that he is a teacher and a scout master and that he wanted say thank you to Allred's Ace Hardware for being a huge supporter of Mt. View High School's Drama Department, and for their willingness to always help out with the scouts. Mr. Criman stated that he wants the City to know that they have got some tremendous people here in the City of Pleasant Grove. Mr. Criman then added that he has some concerns about some reports that he has been reading about the City and has done some research into the City Council minutes regarding where money is being spent, there are people receiving raises without the City Council's approval and it doesn't look right, and stated that these things need to be above board and questioned where the documentation is.

Mr. Criman stated that if these types of things are happening without approval, then what else is happening.

Mayor Daniels stated that he would like to address the comment about the raises, by law those raises have to be put into the minutes, they are prepared by Ordinance and they are approved as a group. There have been two cases this year where we have gone back and corrected a situation where our Ordinance did not reflect some increases that had taken place and also with this past budget cycle we went through and made sure that we had our Ordinances in place. Mayor Daniels said that if our minutes do not reflect that then perhaps you are not looking in the correct place, we do have that documentation and it is publicly available and that he is certainly welcome to come and spend some time to go over the records with the staff and the Council to get more informed on those kinds of details.

Mr. Criman then asked the City Council if they knew about any raises without any approval. Council Member Wilson stated that he has only been on the City Council for two years so he can't answer for everything.

John Winget, a teacher at Oak Canyon Junior High School came forward next and wanted to compliment the City for their integrity and the move forward to implement the curbside recycling program. His students have worked on a "Push Program" to develop a concept which was important to them on recycling; they worked with the school, their neighborhoods and families and targeted the idea of sharing this with Pleasant Grove. They came and presented their program to the Council last May, it was received well and the students have been watching the progress through the papers and the community and they are so proud that Pleasant Grove City has made the effort to make this available to their residents.

Bob Anderson, 1711 N 1300 W came forward next to introduce himself and said that he wanted to do his duty as a citizen by attending the meetings and finding out what the City is about. Mayor Daniels welcomed him.

Mayor Daniels asked if there was anyone else who wished to come forward and address the Council at this time, 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 APPOINTMENT OF JERI MISDOM AS NEW LIBRARY BOARD MEMBER. CARL SEDERHOLM TO PRESENT**

Library Board Chairperson Sederholm introduced Jeri Misdom and began by reading her biography and stated that she has a great love of books and reading and is very excited about

becoming a member of the Library Board and being able to contribute more to the community. Chairperson Sederholm stated that after interviewing her, the Board was impressed with her enthusiasm and recommends that City Council appoint her to the Library Board.

Mayor Daniels asked for a motion.

**ACTION:** Council Member Call moved to approve accepting the appointment of Jeri Misdom as a member of the Library Board. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting “Aye.”

Library Board Chairperson Sederholm announced that the Library would like to thank the Council and staff for their support with the City Wide Read program this year, many people participated and it has been successful. Council Member Call asked if they knew how far this program has reached out. Board Member April Harmer stated that they gave out two hundred books and only four have come back to the library and they had about six names on each of them, there have also been a few comments on the library website.

Chairperson Sederholm next announced that on Thursday, October 22<sup>nd</sup> at 7:00 p.m. the Library will be hosting a Meet the Candidates Night and the format will be brief introductions and then questions and answers.

**B. MERRELL JOLLEY, DEPARTMENT PROJECT DIRECTOR FOR UDOT, TO UPDATE COUNCIL ON THE I-15 INTERCHANGE PROGRESS**

Merrell Jolley, Engineering Director of the Utah County I-15 Corridor Expansion Project said that this project has been in the works for a long time and it is now close to the point where it is becoming a reality. This project will essentially expand and reconstruct I-15 from American Fork to Provo Center Street. We are in the process of selecting a design-build team; we are accepting proposals from these teams and will make the selection in December and then begin the construction next spring. We are pursuing this project as a fixed price best design approach which establishes a set budget, and allows a flexible scope and fosters a lot of innovation and competition. Mr. Jolley explained that the three companies proposing the design build are, Flatiron-Skanska-Zachry, Provo River Constructors and Timpanogos Transportation Constructors, they are very large well known teams and are all committed, competent and competitive. Mr. Jolley said that one of the goals of this project in regards to maintenance of traffic is to minimize the inconvenience to the public, so each of the proposing teams will submit a plan on how they are going to deal with traffic during the life of this project, which is likely to be three to four years long. Mr. Jolley mentioned that one of the things as we work through this project that is very important is that the public knows what is going on and there are a number of ways that we are trying to accomplish this, we have a website: [www.il5core.utah.gov](http://www.il5core.utah.gov) and e-mail: [il5core@utah.gov](mailto:il5core@utah.gov), and a toll free number (1-888-415-2673) to call with questions, we will also be using the news media and roadway signs.

Mr. Jolley concluded by saying that they are looking forward to this project as it advances and appreciates the good working relationship we have ongoing with your staff and City. Mayor Daniels asked what the total dollar value of the CORE project was. Mr. Jolley said that it is one point seven two five billion dollars. The Mayor then asked how much widening will take place. Mr. Jolley said that it will be two lanes in each direction.

Mayor Daniels asked if there were any other questions, there were none. The Mayor thanked Mr. Jolley for his presentation.

**C. TO CONSIDER A RESOLUTION (2009-039) EXPRESSING PLEASANT GROVE CITY COUNCIL'S SUPPORT FOR THE UTAH CROSSING BRIDGE PROJECT ACROSS UTAH LAKE**

Mayor Daniels read the Resolution which basically states that the City Council supports the proposed Utah Lake Crossing in that it would serve a much needed, economic necessity and emergency travel access from one side of the Lake to the other, linking Saratoga Springs on the west side to Vineyard on the east side which is adjacent to a proposed transportation hub.

Attorney Petersen pointed out that all of the information used to prepare this Resolution came off the Utah Crossing website.

Mayor Daniels asked if there were any questions or comments on this item. There were none, the Mayor asked for a motion to approve.

**ACTION:** Council Member Call moved to approve Resolution 2009-039, expressing Pleasant Grove City Council's support for the Utah Crossing Bridge Project across Utah Lake. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting "Aye."

**D. TO CONSIDER DALE WARBURTON'S REQUEST ON BEHALF OF THE REVA FRAMPTON TRUST, FOR FINAL PLAT APPROVAL FOR A PROJECT CALLED REVA FRAMPTON SUBDIVISION, COMPRISING TWO (2) LOTS, LOCATED AT 10 NORTH 700 EAST IN THE R1-7 (SINGLE-FAMILY RESIDENTIAL) ZONE. (MONKEY TOWN NEIGHBORHOOD)**

Director Young explained that this is a simple subdivision request to divide this property into two lots. One of the concerns and what we are asking to put on here as a condition of approval is that the portion of the existing driveway south of the home that connects to 700 East will need to be abandoned in favor of another one due to its proximity to the corner. Drive entrances must be a minimum of fifty feet from the corner of a public street and the applicant agrees to comply with this regulation. Mayor Daniels asked with the movement of the access, what is the impact to the usability of the garage. Director Young stated that it does have some impact. Engineer Lewis pointed out that the family has already changed the driveway and the impact has been minimal.

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

**ACTION:** Council Member Wilson moved to approve Dale Warburton’s request on behalf of the Reva Frampton Trust, for a final plat approval for a project called Reva Frampton Subdivision with the understanding that the driveway that connects to 700 East is to be abandoned. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting “Aye.”

**E. TO CONSIDER MADELYN KNUDSEN’S REQUEST FOR A ROAD DEDICATION PLAT TO BE CALLED KNUDSEN ROAD DEDICATION – A RECORD OF SURVEY MAP, LOCATED AT 350 EAST 600 SOUTH, IN THE RM-7 (MEDIUM MULTIPLE RESIDENTIAL) ZONE. (STRING TOWN NEIGHBORHOOD)**

Director Young stated that this request is to provide for the future existence of a roadway in front of the property which is being planned for a multi-unit development. The area being dedicated will provide the City with the standard residential street right-of-way and at some point in the future when the applicant is ready to sell the units proposed to be built on this site, a condominium plat shall be required to be submitted for Council’s approval and recorded prior to the sale of any of the future units. Mayor Daniels wanted to clarify that this was an area that was re-zoned earlier this year. Director Young indicated that it was. Mayor Daniels expressed that he is glad to see that we are doing something in this area, that it is a positive sign.

Mayor Daniels asked if there were any questions on this item, there were none. The Mayor asked for a motion.

**ACTION:** Council Member Call moved to Madelyn Knudsen’s request for a road dedication plat to be called Knudsen road dedication – a record of survey map with the conditions noted in the staff report. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting “Aye.”

**F. DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED MODIFICATION TO THE CURBSIDE RECYCLING PROGRAM**

Mayor Daniels explained that since the initial launch of this program we have been getting a lot of feedback from residents and that there are a number of things that were not foreseen in the logistics of implementing this curbside recycling program. The Mayor stated that it was decided that we would bring this up for further discussion and entertain some public input if the Council is agreeable to that. The Council Members indicated that they were fine with listening to public comment.

Mayor Daniels said that there have been a number of concerns expressed about how to opt-out, on whether or not they are getting information correctly and why they have to come down to City Hall in person and take care of this and there have been comments about not being

thoroughly informed. The Mayor stated that he is concerned that this needs a little more time to think through, promote education, discuss and change some of the parameters around which action is taken. The Mayor expressed the reason being is that when January comes around and these recycling totes show up at residents homes in the snow and many people don't know about the program, for whatever reason, the brand new Council and Mayor and staff will have an on slot of citizens who are uninformed, unaware and very concerned, this is something that we do not need to go through, let's learn from the experience of others and do this properly. The Council and staff were handed a summary sheet of statistics (Exhibit A) provided by American Fork City outlining the number of participants and some of the issues that they have encountered. The Mayor said that with the number of people who have opted-out so far, and with the type of changes that American Fork has had to go through, it could radically have an effect on the contract that we have negotiated and accepted, that could create a different problem for us financially. Mayor Daniels stated that he feels we need more time to work through some of these issues.

Council Member Call asked if we had the number of residents who have signed up to opt-out. Administrator Mills stated that he checked the count this morning and there were around seven hundred and fifty residents with another fifty or so who signed the forms just today.

Attorney Petersen pointed out that there are some things that we are doing that American Fork did not do in their notification process that we are doing such as the automated telephone information messaging, also a separate mailer. Attorney Petersen stated as far as our contract, we will need to have two thousand participants to keep the pricing that was agreed upon and that if we are going to choose a different deadline for the opt-out, that we will need to stick to it.

Council Member Call pointed out that American Fork shows that they had a fine of fifty dollars for not opting out by the deadline and that after the that they could still opt-out for the fifty dollar fee. Attorney Petersen stated that that amount is basically the cost of the tote.

Council Member Boyd stated that she feels that the comments are not so much against having the recycling program as they were about the amount of time that we've allowed for people to opt-out and the information about it and did we do our due diligence enough to make sure that all of our citizens were aware of it. Council Member Boyd said that if we were to extend the opt-out deadline then we would have more opportunities to get this information in our newsletters. Another concern is that we have forced people to have to come down to opt-out and we might want to make it easier by allowing them to do it via email or faxing it in, there are a lot of seniors who have a hard time making it down to City Hall. Attorney Petersen said that idea of having them come in to City Hall in person is to avoid some of the issues that American Fork had with people saying that they faxed the form but it is not on record, another part is to make sure that we are dealing with the owner on record, the person who has the authority to make that decision, so if we are going to allow them to do this by email or faxing then we are going to have to have some proof that they are the person authorized to decide.

Administrator Mills stated that he has learned from discussions with other cities about the opt-out choice, that it causes problems if they do not come in because the people are using that as an excuse, saying that they called, faxed or emailed the information and the city is the one who didn't record the information. There have also been situations where groups of citizens brought in petitions with names of those who wanted to opt-out that ended up having names of people who did want to participate, so those are some reasons why we put in the recommendation that the authorized person needs to come in to City Hall.

Council Member Call stated that he agrees that we need to have these individual opt-out forms and we need to communicate that we are more than happy to go out and collect these forms from the elderly or those individuals who are unable to come in to City Hall.

Mayor Daniels stated that that would really help and then mentioned one of the comments that was written on one of the forms that said that usually if people want something, they have to sign up for it, not opt-out. The Mayor said that from the discussions we had on this and how to make the program more feasible, we went for an opt-out versus an opt-in, we did discuss putting it on a ballot or making it mandatory. The objective with the opt-out was not to force everyone to participate, but there is still a perception that by being so restrictive on the method of opting-out that it is forcing them.

Mayor Daniels next turned the time over for public comment.

Sherry Taylor came forward and stated that when she first heard about this program she remembers the price being five dollars and now the information is showing five dollars and ninety cents, is it going to go up and are there going to be increases, what are we looking at in the future? Mayor Daniels stated that built into the contract there is a mechanism for changing what they charge us, so the reason we established the five dollars and ninety cents fee was to avoid raising that price for the foreseeable future.

Bob Anderson came forward next and asked what was the motivation or germination on this, what started the idea of having a recycle program, was it because other cities do it or some other higher level of government says to do it or was it just a good idea. Mayor Daniels stated that some members of our community had expressed interest in this program to our Council Members and as it was studied and looked at more, the Council voted to go ahead and approve moving forward with it. The Mayor added that this is not a Federal government mandate.

Kathy Phillips next came forward and stated that she had lived in Magna for twenty years and was skeptical of the idea of curbside recycling when it first started there but that now she loves it. She said that the company left notices on the totes that included the calendar with the pickup days marked and a list of recyclable items and at the beginning she felt that they did not have enough to even fill the tote but they did and they appreciate and love the program.



Council Member Call stated that as far as getting the word out, we could find out if Allied Waste would be willing to place stickers on the lid of the current garbage totes with information on the program.

Council Member Wilson asked if there was anything else that we could do to make the notification process better. A member of the audience said that she hadn't even heard of the program until just a couple of days ago and that was because someone else had told her that they had read it on the water bill. She did add that it is partly her fault because she did not read what was included on the bill, but that was the only information that she was ever made aware of and that she did opt-out because the information she got was that she had to opt-out now or she never could.

Mayor Daniels stated that this started with a move in the direction of curbside recycling, and the thought process also lead to some decision making that may have needed a little more planning and thought into the practically of what would happen once we tried to implement the program. The Mayor said that he thinks now is the opportunity, before any crisis happens, that we readdress the implementation plan and spend a little bit more time in education, getting more information out, making sure that there are avenues to get the opt-in or opt-outs signed and that the January start date is too soon, we may be setting ourselves up for more issues. It is a good idea to spend more time to put more time and effort into reaching as many people as we can with the information before we actually start.

Laurel Backman-Riddle asked if the City would be considering a fee for opting-out, such as the fifty dollars fee that American Fork had adopted. Mayor Daniels stated that what we have learned from American Fork's situation is that this was a reactive approach and we want to be proactive in our approach and can avoid what they went through by putting more effort into it now. Council Member Call asked if by putting out further education up front would that alleviate the surprise of people finding out that they are in the program when the totes shows up. The Mayor stated that we have got to figure out how to get this information out there in a more visible way so that if people miss this, then they were looking to avoid the information.

The Mayor asked if there were any other comments or questions.

Mike Petersen remarked that a point made earlier was the reason for opting-out was that it was now or never. Mayor Daniels stated that that is also another point that needs to be addressed, it is not just educating but also information on what the restrictions are that are going to be put on this.

Frances Lyman stated that she likes the idea of recycling but it was put to her that you either do it or you don't. The Mayor said that she is correct that is how it was put.

Mayor Daniels stated that we could entertain a proposal that we postpone this item for some time, giving the new Council, Mayor and staff an opportunity to think through all of those issues that our citizens are raising with us now. That we increase our information campaign over this

time and modify things until we get down accurate information and pricing. Mayor Daniels said that we have a deadline right now of November 16<sup>th</sup> for opting-out. Administrator Mills said that he has talked with Allied Waste and they will be fine with us pushing back the date for the opt-out only for another thirty to ninety days.

Council Member Boyd stated that she is in favor of postponing the deadline so that we can work on these issues that we have discovered. Council Member Call added that we can dedicate some time in one of our upcoming work session meetings to discuss this because we need to have all of the Council Members present to make these decisions. Council Member Wilson said that he was fine with postponing the deadline and discussing these issues more.

Mayor Daniels asked if there was any other discussion or questions, there were none. The Mayor then stated that we are going to postpone the opt-out deadline for ninety days, to February 16<sup>th</sup> and we will schedule discussion for one work session when all of the Council Members are present to address the issues that have been raised, including input from other cities and use this time to increase our information campaign.

## **9. STAFF BUSINESS**

- Treasurer Bezzant mentioned that Bosses Day was this past week and that she would like to express her appreciation to all of them.
- Fire Chief Sanderson said that it is Fire Safety Month and they have made available a Home Fire Safety Checklist that can be downloaded from our website or may be picked up at the Fire Station.
- City Recorder Kresser stated that early voting started today at City Hall and will go through to Friday, October 30<sup>th</sup>.

## **10. MAYOR AND COUNCIL BUSINESS**

- Mayor Daniels explained that some of the applicants for the City Administrator's position have expressed their concern about their staff and the general public in their area becoming aware of their interviewing prior to them knowing whether or not they are going to make the cut. The Mayor said that this was discussed among the Council and that it was his feeling from the majority of the Council that we should go ahead and allow this first round of interviews to be closed to the general public and continue to have the Application Review Committee, the Directors and the Council present in the closed interview meetings. Mayor Daniels stated that we apologize to any public who were expecting to attend, but under the circumstances looking at this from the applicants' perspective we have made this decision.

Laurel Backman-Riddle asked if the candidates for City Council will be invited to join the interview sessions. Mayor Daniels asked the Council what they thought; the Council indicated that they are in favor of the candidates being allowed at the interviews.

Mayor Daniels said that we will hold an executive session after our last interviews this Saturday to discuss narrowing the applicants down to the top three or four and then will proceed to schedule the second round of interviews in mid November.

### **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 October 20, 2009. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting "Aye."

### **14. EXECUTIVE SESSION**

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

**ACTION:** At 8:18 p.m. Council Member Wilson moved to go into executive session, a strategy session to discuss pending or reasonably imminent litigation. (UCA 54-4-205(1)(c)) and to hold a strategy session to discuss the purchase, exchange, or lease of real property (UCA 52-4-205(1)(d)). Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting, "Aye."

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Cindy Boyd

Bruce Call

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator  
Gary Clay, Finance Director  
Tina Petersen, City Attorney  
Kathy Kresser, City Recorder  
Ken Young, Comm. Dev. Director  
Deon Giles, Leis. Services Director  
Lynn Walker, Public Works Director  
Marc Sanderson, Fire Chief  
Colleen A. Mulvey, Deputy City Recorder

**ACTION:** At 8:48 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting “Aye.”

#### **15. ADJOURN**

**ACTION:** At 8:48 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Call and Wilson voting “Aye.”

This certifies that the City Council  
Minutes of October 20, 2009 are a true,  
Full and correct copy as approved by  
The City Council on January 19, 2010

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Colleen A. Mulvey, Deputy City Recorder