

Pleasant Grove City Council Minutes
May 4, 2010
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

Excused:

Tom Paul, Police Chief

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Degan Lewis, City Engineer

Sean Allen, City Planner

Libby Flegal, NAB Chairperson

The City Council and staff met at the Pleasant Grove Jr. High School 810 North 100 East, Pleasant Grove, Utah

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Justin Francis.

3. OPENING REMARKS

Opening Remarks were given by Director Lundell.

4. APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Boyd moved to approve the agenda. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson 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 and Work Session Minutes:
City Council Minutes for April 6, 2010
City Council Minutes for April 20, 2010
- b. To consider Payment No. One to Johnston & Phillips Inc. for the Pressure Irrigation Grove Creek Filter Station and 16-Inch Pipeline – Schedule 8
- c. To consider Payment No. Six and Seven to Vancon Inc. for the Pressure Irrigation Booster Pump Station – Schedule 7B
- d. To consider Final Payment and Change Order No., One to Instiuform Technologies for the 2009 Sewer Rehabilitation Project
- e. To consider approval of paid vouchers (April 23, 2010)

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

6. OPEN SESSION

Mayor Call 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. In that no one came forward the Mayor closed the meeting to the public.

7. BUSINESS

A. TO CONSIDER APPOINTMENT OF DEAN LUNDELL AS FINANCE DIRECTOR

Administrator Darrington stated that we have hired Dean Lundell as our Finance Director; he has extensive experience having been the Finance Director for South Jordan City for the last eight years. He has been working with us full-time for a couple of weeks and this action is to officially appoint him to the position.

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

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

B. TO CONSIDER AN ARCHITECTURAL FIRM TO PERFORM THE CIVIC CENTER FACILITY NEEDS ASSESSMENT AND CONCEPTUAL DESIGN STUDY

Administrator Darrington asked that we move this item to the agenda for the May 18th City Council meeting and explained that Director Young has some follow up information in regards to the emails that he received from those on the committee and we will discuss this further at that time.

ACTION: Council Member Jensen moved to continue this item to the May 18th City Council meeting. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

C. TO CONSIDER THE REQUEST OF SHANE BELLISTONE FOR FINAL PLAT RE-APPROVAL FOR THE SUN RIDGE ESTATES SUBDIVISION PLAT “A” LOCATED AT APPROXIMATELY 500 EAST 1100 NORTH, IN THE R1-10 (SINGLE FAMILY RESIDENTIAL 10,000 SQ FT LOT AREA) ZONE (BIG SPRINGS NEIGHBORHOOD)

Director Young explained that this plat has previously come before the Council and was approved but it was never recorded at that time and the approval had expired. The subdivision plat has not changed from the original plat that was approved. Director Young said that they have worked out some scenarios in regards to the back access road for the existing properties to the south and west of this subdivision that he feels will accommodate the parties involved.

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

ACTION: Council Member Jensen moved to approve the request of Shane Bellistone for final plat re-approval for the Sun Ridge Estates Subdivision Plat “A” located at approximately 500 East 1100 North, in the R1-10 zone. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

D. PUBLIC HEARING TO CONSIDER ORDINANCE (2010-10) AT THE REQUEST OF GRANT M. WILSON TO REZONE 4.17 ACRES FROM THE R1-8 (SINGLE FAMILY RESIDENTIAL) ZONE TO THE RM-7 (MEDIUM MULTIPLE RESIDENTIAL) ZONE, FOR PROPERTY LOCATED AT APPROXIMATELY 383 SOUTH, BETWEEN 300 AND 400 EAST (STRING TOWN NEIGHBORHOOD)

City Planner Allen explained that the owner of the property had tried to sell this to the LDS Church but they determined it would not fit their needs so that deal fell through. The owner has approached us about rezoning this property which is currently in the R1-8 Single Family

Residential zone to the RM-7 Medium Multiple Residential zone. Planner Allen pointed out that the majority of this area is zoned R1-8, but just south in this same vicinity there is RM-7 designated zoning so the applicant's request to rezone does comply with this land use designation. Planner Allen stated that whatever questions there may be as to whether the City has acted in the same interest that we are acting today and that is to follow the RM-7 zoning with the High Density Residential designation, the answer to that would be "yes," and that is why staff is recommending to follow the City's planning specification for this area.

Mayor Call asked if there were any questions for staff, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment.

Sherrie Hunter, 385 South 300 East came forward and said that it does not make any sense to her that they are trying to put multiple housing right in the very middle of this block of single family homes. Ms. Hunter said that this will throw off the whole neighborhood and is not a "right fit" for our neighborhood to have apartments right in the middle of it.

Mindy Dryer, 412 East 420 South came forward and said that her point is similar in that this rezone does not meet with the current characteristics of their neighborhood which is the single family zoning. She said that she thinks that many people are not aware that RM-7 is allowed for zoning possibility in our area because of mistakes within Pleasant Grove's General Plan (Exhibit A), particularly the map posted on page twenty, the way the legend describes the area, it does not have the RM-7 option, R1-7 is what is described for our area. Mr. Dryer said that when she moved here she understood that it was a high density area, but with only five to six units per acre.

Diane Kukahiko, 505 South 400 East came forward next and questioned how a multiple apartment complex could be accessed from this location because of the current street situation in this area. Planner Allen said that all of the access to and from this area is something that we will look at and plan when this area gets developed. Ms. Kukahiko said that the City recently put a little jog or short little road in around 420/450 East that many of our children use to walk to school and asked if that would need to be taken out to access the area that may become apartments. Mayor Call said that that road would not need to be taken out. Planner Allen added that when this area develops we will plan it so it aligns this existing road properly so that it will eventually access 300 East. Ms. Kukahiko said that with all of this surrounding area being single family dwellings, with putting in this multiple family zone, how would this improve the area and would the rest of the zoning around this multiple area stay as single family or does the whole block convert to multiple. Mayor Call stated that what is before the Council right now is to only consider the rezone for the 4.17 acres. Ms. Kukahiko asked how that kind of change improves the R1-8 zoning all around it. Mayor Call stated that that is a question that a lot of the residents here tonight have and the Council is going to discuss that.

Sandy Blackhurst, 424 East 420 South came forward and stated that in this area that they live in there are at least twenty seven children and many of them are under the age of five. She said that they already have a whole lot of traffic coming through their area especially during the time when school is starting and letting out and that she is concerned that with opening this to

multiple apartments that it will add a lot more traffic in front of her house. Ms. Blackhurst said that she is also concerned that if the City allows this they are going to have a lot more rental properties in their neighborhood because they don't want to live in that type of high density neighborhood. Ms. Blackhurst added that she loves the way her neighborhood is now and that she doesn't want her neighbors to move and that she wants her kids to be safe.

Dan Preece, 563 East 820 South came forward and said that he is opposed to this proposal and if you look at it strictly from the maps it appears that it might fit, it is only one zone off. Mr. Preece said that if you were to drive through the String Town neighborhood you would see that the majority of the neighborhood is single family homes, there are some apartments and condominiums but most of them are along the State Street corridor. He said that for some reason when the City did the Master Plan, they "sold us down the river," they determined that high density residential had to go somewhere. Mr. Preece said that he feels that the high density belongs closer to State Street, the traffic doesn't fit, and it doesn't blend, it devalues property and that he submits that we look at the whole zoning issue and see if the high density even fits at all for String Town.

Brain Ross, 310 South Locust Avenue came forward next and said that he doesn't think that when the General Plan was done that it was the intent to sell anybody down the river. He said that when he looked at it he did notice the discrepancy on page sixteen when it identified what they intended for the high density housing, it lists the R1 single family residential zone and where it lists the zones on page nineteen, it lists RM-7 in the high density zoning. Mr. Ross said that in the General Plan where it explains the intent of the policy (page nineteen) it says that the intent is still single family residential and feels that the intent of the General Plan was to keep this area single family and to be consistent with that plan is to maintain this as a single family residential zone.

Doug Bezzant, 376 South Locust Avenue came forward and stated that he knows the history of the area and it's planning very well and when the General Plan was modified it was the City initiated General Plan modification and not really the residents in the area asking for a change. Mr. Bezzant said that the plan modification was a design to facilitate commercial development along 300 East to about 200 South and down to State Street and the intent was to maintain the single family character of the area. Mr. Bezzant said that the typical tools of realtors and developers is to package the property and maximize the density in order to increase the value per square foot, but that comes at a cost to the residents who banked on the protection of the zoning to promote a life style that they are buying into which is single family. He said that the zoning is intended to protect people who acquire property knowing what that is going to be now and in the near future based on the development/general plan. Mr. Bezzant said that recently the General Plan was changed but it wasn't in accordance with the desires of the residents, it was something the City initiated to help commercial development and when that happens our property values depreciate in order for them to increase their property value for marketing. Mr. Bezzant said that there are a lot of us who banked into the residential quiet, open space type of single family zone and this owner knew what this zone was when he acquired the property and let him be like the rest of us and develop it under the R1-8 zone.

Darren Jensen, 320 East 300 South came forward and presented a neighborhood petition (Exhibit B) with one hundred and seventy two signatures opposing the rezoning of this property. Mr. Jensen pointed out that even though this area is high density residential, prior to 2007 the RM-7 zoning was not allowed in this area, it was only allowed in the outskirts. Mr. Jensen said that 300 East is a main thoroughfare going through Pleasant Grove and with this four and a half acre parcel if it is made into duplexes then that will give a visual impact to anybody who is thinking about moving here. Mr. Jensen said that this area is one of the most beautiful areas of Pleasant Grove, there are lots of trees, it's older and putting duplexes or six-plexes does not fit. Mr. Jensen stated that he wants to stop this now and not allow RM-7 in his neighborhood or any other vacant lot.

The applicant, Mr. Wilson came forward next and stated that he appreciates the concerns; he said that he did try to turn this property over to the LDS Church but it didn't meet their needs. Mr. Wilson said that he would sell this property to anyone who wants to buy it so it doesn't have to be rezoned. He said that several options have been considered such as the church and he also checked with the City and was told that for a city park or fire station it is also a wrong location. Mr. Wilson said that in regards to the rezoning he thinks the City has some responsibility to provide low income housing and in R1 zoning duplexes are allowed with a conditional use permit and with RM zoning the high density apartments and those types of units could not occur unless the City approves them as a conditional use. Mr. Wilson said that it was suggested that when this area gets developed that single family homes could be put around the perimeter with the multiple units inside but that the feasibility of doing that has not yet been established. Mr. Wilson added that the property does not have to be rezoned if anyone wishes to purchase it for their asking price of six hundred and fifty thousand dollars; the rezoning is just an attempt on his part to improve the marketability of the property. He said that he and his wife are getting older and need to sell the property, that is all and that they are open to ideas.

Shaun Olsen, 354 South 420 East came forward and said that he feels the biggest concern here is the concept of keeping single family homes and doesn't think that it's Mr. Wilson problem, that anyone who buys the property will want to be able to improve the marketability. The area in question is all single family and we would like to keep it that way. Mr. Olsen pointed out the discrepancy in the City's General Plan and that he feels that we should table this for now until this issue can be clarified. Mr. Olsen said that this rezone isn't the right fit and then polled the audience asking for a show of hands how many were for or against this rezone (the majority of the audience indicated that they were opposed and no one raised their hand in favor of the rezone).

Verlyn Olsen, 350 East 300 South came forward and stated that she has talked to everyone around this area and no one wants this rezone. She said that they don't mind if a road runs through it or there is a cul-de-sac, but that they don't want multiple family homes in it. Ms. Olsen pointed out that Mr. Wilson is not a citizen of Pleasant Grove but that the rest of us are and that she votes in favor of leaving the zoning the way it is.

Mark Richards, 401 South 420 East came forward and stated that when they purchased their property they were impressed that it was all single family homes. He said that he is not opposed

to the idea of development or of developing slightly smaller lots but that they do want to see that we do maintain our single family units and that they stay owner occupied so that we won't have the risk of a lot of rental homes.

Brain Ross came forward again and wanted to point out that the way the law is going now, the conditional use permit is basically a permitted use just with conditions put on it and if we change the zoning any of those uses that are conditional, we are almost going to have to let those in here.

Doug Bezzant questioned whether the minimum number of five acres was required for a rezone.

Mayor Call said that before we have staff clarify any questions was there anyone else who wished to come forward and comment, no one else came forward. The Mayor then closed the meeting to the public.

Mayor Call asked the staff if anywhere in the code is there a requirement of five acres for rezoning.

Attorney Petersen stated that in some zones such as the CN zone (Neighborhood Commercial) there is a requirement of a minimum of five acres to rezone property. Attorney Petersen said that the R1-7 zone has no such requirement so it is not applicable here.

Attorney Petersen said that on the comment about the conditional use permit, that in the old days conditional use permits could be a fairly tight handle for the City to control uses. Recently with statutory and case law changes it is basically a permitted use and all you can do is regulate the aesthetics, parking, health and safety or possible nuisance issues, so to think that the conditional use process would be a good handle to control the type of housing that was allowed is a misconception.

Mayor Call asked the Council if they had any questions or comments.

Council Member Wilson stated that from day one this rezone did not make sense to change an R1-8 to an RM-7, it doesn't fit or make sense.

Council Member Danklef stated that he is not in favor of changing the zone and as we clean up the discrepancies that he would like to see some language inserted in there stating our desire of keeping this primarily a single residential area.

Council Member Boyd said that she agrees with Council Member Danklef and there are a lot of areas in the City where we need to keep with the integrity of the area. Council Member Boyd said she feels that this is one of those areas and thinks this would be spot zoning and she doesn't see the wisdom in doing that.

Council Member Jensen asked that on the current zoning of this area, does it preclude duplexes or are they allowed. Director Young said that they are allowed.

Council Member Jensen then said that he wants to make sure that the public is aware of this and whether this stays the way it is or moves to the zoning request being made, that somebody is going to come in and develop the property and whoever develops the property is going to bring in traffic and that whole area could be altered by this. Council Member Jensen said that he is not in favor of this zone change but his concern is with what he is hearing in a lot of the comments in that somehow if this rezone is denied that everything is going to be great and nothing is going to change. Council Member Jensen said that it is going to change because when development comes, change comes and when the change comes the lifestyle that you have now is going to be impacted by that.

Council Member Robinson asked the applicant Mr. Wilson if he ever resided in the area. Mr. Wilson stated “no,” they have only rented the property. Council Member Robinson then stated that she has had some confusion as she went back and forth from the General Plan and asked for clarification on spot zoning.

Mayor Call stated that when we are talking about spot zoning we are talking about creating an island of one kind of zone being completely surrounded by another kind of zone.

Director Young pointed out that spot zoning used to be considered illegal according to State code. It is no longer considered to be illegal; there are situations where spot zoning can be considered a good thing, so when we talk about spot zoning it is not necessarily a negative connotation or negative definition.

Council Member Jensen commented that that is all in the eye of the beholder, this spot zoning or island issue comes up frequently and we wrestle with this issue on a regular basis.

Mayor Call asked if there was any other discussion or questions, there was none. Mayor Call then expressed his appreciation to the public for being active and involved, stating that it’s good to have communication; it’s a valuable part of our representative democracy. The Mayor then read Ordinance 2010-10 and asked for a motion.

ACTION: Council Member Wilson moved to deny Ordinance 2010-10, the request of Grant M. Wilson to rezone 4.17 acres from the R1-8 (Single Family Residential) zone to the RM-7 (Medium Multiple Residential) zone, for property located at approximately 383 South, between 300 and 400 East. A public hearing was held. Council Member Danklef seconded and the motion to deny passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

E. PUBLIC HEARING TO CONSIDER A RESOLUTION (2010-020) PROVIDING A SCHEDULE OF MONTHLY WATER SERVICE CHARGES FOR MANILA CULINARY WATER COMPANY CUSTOMERS WHO DO NOT HAVE ACCESS TO THE PLEASANT GROVE CITY PRESSURIZED IRRIGATION SYSTEM FOR OUTSIDE WATERING (MANILA NEIGHBORHOOD)

Administrator Darrington explained that in the Manila area for those who do not have access to the secondary water system in order for them to water their lawns it would be a substantial cost to them if they were to pay the regular rate. The Council has asked staff to come up with a proposal on what can be done to have a different rate structure for those who need to use culinary water to irrigate. Administrator Darrington said there are residents in our City that are on the Manila Water system that do have access to secondary water so these rates do not apply to them and for those who have access to Pleasant Grove's Irrigation water, they will not be charged this base rate for the secondary, they will be irrigating with PG water and not with the Manila culinary water. Administrator Darrington explained that we did some research and took the average gallons of waters used during June, July and August and crafted a chart and established a rate. Basically they pay the base rate of ten dollars for culinary water and sixteen dollars and twenty cents for the secondary water for the first forty five thousand gallons if they go over the forty five thousand gallons then one dollar and twenty six cents is charged per one thousand gallons used. Administrator Darrington said that these rates will go into effect right away and the intent is also that this base rate will be charged to them year round.

Council Member Boyd stated that on behalf of the people that live north of Manila, including herself, that she would like thank the City because there are the issues of not being able to get the secondary water out to us above the canal and thinks the City administration has gone above and beyond the call to make us equal with the other residents of Pleasant Grove.

Mayor Call asked if there were any questions for staff, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment.

Marshall Johnson, 4606 N Wedgewood came forward and said that they have been caught in the middle of this and it's been very frustrating because they don't have access to secondary even though Cedar Hills' is set up into their front yard. Mr. Johnson said that being able to come to some sort of resolution where we are able to have a decent rate is a very positive step in the right direction and that he appreciates the efforts and the Council's consideration.

Another resident from Wedgewood Drive came forward and wished to commend the Council and the City for the action that has been taken. He also had the green box placed in his yard and was told by the contractor that they were instructed to put them in on our street and if we hooked our hose up we would be obligated to become part of Cedar Hills which he does not want to do. He said that he is grateful for the ability to maintain his yard at a level that is representative of the whole city of Pleasant Grove, that he is proud to be a part of this city and wants his home to reflect that pride.

Ms. Ahern, 4634 Wedgewood Drive came forward and asked what happens if they go over the forty six thousand gallons.

Administrator Darrington explained that if you go over the forty five thousand gallons the rate of one dollar and twenty six cents is charged per thousand gallons used, so this is not a free for all on just flooding your yards, you will need to be responsible as far as watering is concerned, we cannot just give the water away for free.

Mayor Call asked if there was any other public comment, no one else came forward. The Mayor then closed the meeting to the public.

Council Member Jensen asked for a clarification on the comparison of the current Manila Water rates and the proposed rates. Administrator Darrington said that on the comparison what it is trying to show is that if we don't adopt these rates then that is the difference that will be charged between those with secondary water and those without. Council Member Jensen then said that he wants to make sure that what we are voting on is the rate of twenty six dollars and twenty cents for everybody who does not have secondary water. Administrator Darrington said that that is correct; it's the ten dollar base for water and the sixteen dollars and twenty cents for the secondary water.

Mayor Call asked if we knew approximately how many residents we are talking about. Administrator Darrington said that it was figured at approximately sixty households.

Mayor Call asked if there was any other discussion, there was none. The Mayor asked for a motion.

ACTION: Council Member Boyd moved to approve Resolution 2010-020, providing a schedule of monthly water service charges for Manila Culinary Water Company customers who do not have access to the Pleasant Grove City Pressurized Irrigation System for outside watering. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

F. TO CONSIDER A RESOLUTION (2010-021) AMENDING FESS CHARGED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND ESTABLISHING AN EFFECTIVE DATE

Director Young explained that in reviewing some of the needs that we have in the Community Development Department it has been determined that there are some costs that we need to cover and also some "teeth" needed in our code enforcement. What we are suggesting to change with this Resolution is adding the new heading of *Code Enforcement Fines*; this is a new category for fees which includes dirt and rocks in the road, excessive weeds, illegal yard sale signs, accumulation of junk and garbage receptacle removal and under the heading of *Other* we are adding a couple of more items. Director Young said that on the *Code Enforcement Fines*, these areas are determined to be areas that are in constant need of enforcement and are areas in which there is difficulty in having enforcement, so having fines associated with them will help the enforcement efforts. In regards to the *Other* category it was determined that we wanted to decrease the amount for Commercial Temporary Use Signs from one hundred dollars to twenty dollars, this is for banners or special signage and we felt that one hundred dollars was excessive.

Mayor Call asked about the garbage receptacle removal charge. Director Young said that in some areas there are constant problems with residents not removing their trash receptacles from the street within the allowed timeframe.

Council Member Danklef asked if he were to leave eight cubic yards of dirt dropped on the street for use in his yard he would then be fined one hundred dollars. Director Young said that normally what we are going to do is leave a warning, but we have had some contractors that take advantage of that and leave it there for several days and this does cause a problem especially if it rains. Council Member Danklef asked if they were aiming this primarily at contractors or is it the homeowners. Director Young said that it will be for anybody who dumps and leaves it there, initially we will give a warning but if it is not removed within a certain timeframe we will have a fine.

Council Member Jensen asked if included in this was there something as far as code enforcement fines for abandoned homes that are an eyesore and the building itself is a potential danger. Director Young said that we do not have a particular fee for that but there is a nuisance category and we will give a citation, but when it gets to some of our larger type of code enforcement issues it is preferable that we be able to take them to court, however we don't wish to go to court for every little thing so that is why we prefer to issue fines.

Mayor Call stated that these fines that are being suggested are for intermediary things between doing nothing and going to court. Director Young stated that that was correct.

Council Member Robinson wanted to clarify that on these code enforcement items that they would first be given a warning. Director Young said that it would initially be a warning and then a follow up with a fine. Council Member Robinson asked that on the Commercial Temporary Use Signs, is there a permit that they come in for. Director Young stated "yes."

Mayor Call asked if there were any other questions, there were none. The Mayor read Resolution 2010-021 and asked for a motion.

Council Member Boyd had temporarily stepped out of the meeting and did not vote on this item.

ACTION: Council Member Robinson moved to approve Resolution 2010-021, amending the fees charged by the Community Development Department. Council Member Danklef seconded and the motion passed unanimously with Council Members Danklef, Jensen, Robinson and Wilson voting, "Aye."

Council Member Boyd rejoined the meeting.

G. TO CONSIDER A RESOLUTION (2010-022) FOR THE ESTABLISHMENT OF AN ICMA-RC 457 DEFERRED COMPENSATION PLAN FOR PLEASANT GROVE CITY CORPORATION

Administrator Darrington stated that items "G" and "H" go hand in hand so he will explain both of them at the same time but they require two separate actions. He explained that what we are proposing is to set up a 457 Deferred Compensation Plan for the employees, right now we have a 401K available to them and the 457 is another mechanism for deferred compensation, retirement

pretax savings and it is common in a lot of cities to offer both plans. Administrator Darrington said that right now the City does contribute to some employee's 401K plans and this will not change that as far as the automatic contribution that the City puts in. If an employee chooses to elect to have their automatic contribution go to the 457, we still have not researched what our current contract is with our 401K provider so we do not have all of the answers on this. Administrator Darrington said that the 457 allows for more flexibility for employees to be able to access this money then a 401K plan does

Administrator Darrington explained that what the Resolution does is adopt the Deferred Compensation Plan and Trust and follows the Federal guidelines regarding the contribution limits, provisions, maintenance of the account, etc. Item "H" is the Administrative Services Agreement between the City and the ICMA Retirement Corporation that says that they are going to be the group that handles our plan, there is a plan administration fee a mutual fund service fee and the basic legalese for us to have this plan.

Mayor Call stated to clarify that if the Council adopts this there is no additional cost to the City and it is nothing other than offering another form of retirement savings for our employees. Administrator Darrington said that that was correct.

Council Member Jensen asked if the employee opts only for this 457 plan and not the 401K does that then allow participation on the part of the City. Administrator Darrington said that by contract we can do that, but that right now he does not know what our contractual obligation is on the 401K plan. Council Member Jensen said that if the 457 allows participation by the City the City will not participate in both plans it is either or. Administrator Darrington said that that is correct. Council Member Jensen next said that it is his understanding that on the 401K plan, as long as the employee is still employed, they may not withdraw funds or loan against the 401K whereas on the 457 plan they can loan against it but not withdraw.

Director Lundell said that you can get loans out of your 401K and your 457; the big difference on a 457 is at the time the employee is leaving employment with the City, they can withdraw that money without the same penalties as the 401K but that it does depend on the 401K plan individually and what the plan allows.

Mayor Call asked if there were any other questions, there were none. The Mayor read Resolution 2010-22 and asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2010-022, establishing an ICMA-RC 457 Deferred Compensation Plan for Pleasant Grove City Corporation. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

H. TO CONSIDER A RESOLUTION (2010-023) TO AUTHORIZE THE MAYOR TO SIGN AN ADMINISTRATIVE AGREEMENT BETWEEN PLEASANT GROVE CITY CORPORATION AND ICMA RETIREMENT CORPORATION REGARDING

A 457 DEFERRED COMPENSATION PLAN FOR PLEASANT GROVE CITY EMPLOYEES

Mayor Call asked if there were any questions or further discussion on this item which is the agreement to the Resolution that we just voted on, there was none. The Mayor then read Resolution 2010-023 and asked for a motion.

ACTION: Council Member Jensen moved to approve Resolution 2010-023, authorizing the Mayor to sign an Administrative Agreement between Pleasant Grove City Corporation and ICMA Retirement Corporation regarding a 457 Deferred Compensation Plan for Pleasant Grove City employees. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

I. TO CONSIDER A RESOLUTION (2010-024) AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT FOR NON-DISTRICT USE OF DISTRICT LANDS AND INTEREST IN LANDS WITH THE METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY AND PLEASANT GROVE CITY

Administrator Darrington said that in order for us to do the work on our secondary system, we need to work out this cooperative agreement in order to have this happen and Attorney Petersen has reviewed this and is okay with it. Director Walker added that it is just the easement to cross their line.

Mayor Call asked if there were any questions or discussion.

Council Member Jensen asked if there are any costs to the City for doing this and is there more than one crossing. Director Walker said that it will cost us three thousand two hundred dollars and there is only one crossing, the one coming out of the canyon.

Mayor Call then read Resolution 2010-024 and asked for a motion.

ACTION: Council Member Boyd moved to approve Resolution 2010-024, authorizing the Mayor to sign a Cooperative Agreement for non-district use of district lands and interest in lands with the Metropolitan Water District of Salt Lake and Sandy and Pleasant Grove City. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

J. TO CONSIDER A RESOLUTION (2010-025) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH MARGIN ENTERPRISES LLC; MARK AND GINA WHITE AS JOINT OWNERS FOR A PARCEL OF PROPERTY, .72 ACRES IN SIZE, LOCATED AT 795 EAST GROVE CREEK DRIVE, PLEASANT GROVE, UTAH (GROVE CREEK NEIGHBORHOOD)

Administrator Darrington said that this was discussed a couple of weeks ago and we have agreed on the price and this is the purchase agreement with them so that we can finalize the purchase.

Mayor Call asked if there were questions, there were none. The Mayor read Resolution 2010-25 and asked for a motion.

ACTION: Council Member Robinson moved to approve Resolution 2010-025, authorizing the Mayor to sign a Purchase Agreement with Margin enterprises LLC; Mark and Gina White as joint owners for a parcel of property, .72 acres in size, located at 795 East Grove Creek Drive, Pleasant Grove, Utah. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

K. TO CONSIDER ADOPTION OF A PARAMETERS RESOLUTION (2010-026) OF PLEASANT GROVE CITY, UTAH (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2010 (FEDERALLY TAXABLE – ISSUER SUBSIDY – BUILD AMERICA BONDS) OF THE ISSUER, FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS

Administrator Darrington explained that this is money that we are obtaining for the Drinking Water Board to upgrade our water system, it is one million dollars payable over twenty years at two point seven one percent interest, this is money that has been approved for us but it is treated as a bond. Administrator Darrington said that the first step in the bonding is the Parameters Resolution, we are borrowing one million dollars, and we have the Resolution for one point five million dollars just in case there is something unforeseen that comes up.

Council Member Jensen asked for a more specific explanation for the purpose and use of these funds for upgrading. Director Walker stated that this money will be used to upsize the several small lines which we have on the culinary system throughout the city, this money will only allow us to do about twenty percent on this project. Council Member Jensen asked what the length of the project would be and once you are through with this project does that mean that we will need to come back for another million dollars for the next twenty percent. Director Walker said that this work will be done within the next year and that we are going to have to come up with the funding somewhere down the line for the next twenty percent.

Administrator Darrington stated that when we adopt this, we will need an amendment because we originally said that we would be holding a public hearing on June 1, 2010 and we will now be holding that public hearing on June 22, 2010. The reason for the change is that we have to put notice of this in the water bill stating that we are bonding for this and we missed the window to have that go out in time to notice the meeting for June 1st.

Mayor Call asked if there was any further discussion, there was none. The Mayor read Resolution 2010-026 and asked for a motion.

ACTION: Council Member Wilson moved to adopt a Parameters Resolution 2010-026, of Pleasant Grove City, Utah (the “Issuer”) authorizing the issuance and sale of not more than \$1,500,000 aggregate principal amount of Water Revenue Bonds, Series 2010 (Federally Taxable – Issuer Subsidy – Build America Bonds) of the Issuer, fixing the maximum aggregate principal amount of the Bonds, the maximum number of years over which the Bonds may mature, the maximum interest rate which the Bonds may bear, and the maximum discount from par at which the Bonds may be sold; providing for the publication of a Notice of Public Hearing and Bonds to be issued; providing for the running of a contest period; and related matters, and changing the Public Hearing date from June 1, 2010 to June 22, 2010. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

L. TO CONSIDER A RESOLUTION (2010-027) TENTATIVELY ADOPTING THE PLEASANT GROVE CITY BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011

Finance Director Lundell explained that we are a little bit behind the curve on this and that is because he has only been with the City a few weeks and by law we need to present a budget to the City Council by the first Council meeting in May and at that meeting we need to tentatively adopt that budget. Director Lundell said that this initially starts the budget process and that we will have our budget work session next week. Director Lundell passed out copies of the tentative budget (Exhibit C) to the Council and then briefly reviewed the contents and explained that he looks at this as a workbook and encouraged the Council to take notes and in preparation for the work session next week that any questions that they may have to please call or email him during the week so that he can do the research ahead of time.

Council Member Boyd stated that she likes the format that it is very clear and easy to read.

Administrator Darrington stated that we do have to have a public hearing before we adopt our final budget and right now we have that set up for June 1st, with the adoption of the final budget on the agenda for June 22nd.

Mayor Call asked if there was any further discussion, there was none. The Mayor read Resolution 2010-027 and asked for a motion.

ACTION: Council Member Boyd moved to approve Resolution 2010-027, tentatively adopting the Pleasant Grove City Budget for Fiscal Year beginning July 1, 2010 and ending June 30, 2011. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

M. MAYOR CALL TO SIGN A PERMIT TO EXCEED THE NOISE RESTRICTIONS FOR PROVO RIVER CONSTRUCTORS FOR THE UDOT I-15 CORE PROJECT

Administrator Darrington stated that in order for the construction of I-15 to be done some of the work will be done during the night and we have a noise restriction ordinance and what is being asked is that we amend that for the purpose of this project.

Tim O'Dell the Deputy Director in charge of the overall construction for the Provo River Constructors explained the reasons why there are some activities that do have to happen at night, and that is that it is part of our contract with UDOT and there are some limited impacts that we can have to the traffic and public on the main I-15 freeway. From 9:00 p.m. to 5:30 a.m. we are allowed lane closures and we are not allowed longer durations of lane closures or partial closures during the day and due to the rapid pace of this project we will be doing work at night.

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

ACTION: Council Member Jensen moved to approve the Mayor to sign a Permit to Exceed Noise Restrictions for Provo River Constructors for the UDOT I-15 CORE Project. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

8. STAFF BUSINESS

- Chief Sanderson announced that the Fireman's Breakfast will be on May 29th, this will be the 50th consecutive year for this event and tickets are available at the Fire Station.

The flyers for the 1st Annual Strawberry Days Guns & Hoses 5K Run are ready and being distributed, the Fire and Police Departments are hosting this event this year on June 19th.

- Engineer Lewis reported that we did receive a draft from RBC regarding the Mayfield contract.

There are three more test patch colors for the State Street concrete wall project available for viewing, so far no one has liked the colors that have been selected, they are at the same place over at the Rodeo grounds.

- Director Giles expressed his appreciation for all those who came out to support them on Arbor Day, they planted twenty two trees in two hours, and it was a successful event.
- Director Walker said that they will be going after the request for money for the safe sidewalks which is available again; there is one hundred thousand dollars available for six counties.
- Administrator Darrington said that they are still working on the accessory apartment ordinance and will present it as soon as they have it completed.

Administrator Darrington said that there was a meeting this morning with Steve Cain of

Provo River Water Users to talk about our utility relocation costs. We had our engineer go through the list and it was cut in half price wise, there were three major utilities that equaled about three hundred thousand dollars that we are saying predate the canal and so it is their responsibility to take care of them. Administrator Darrington said that we gave them our list and we had some other issues that we discussed, there are two sections of road that they don't have easements on in order to put the pipe and we let them know that we saw the value in that and that we are having it appraised right now and will put that on the negotiation table and we are figuring out what the value of those are. Administrator Darrington said that the initial one point six million dollar amount is going to be dramatically reduced; there is no number right now but that he does feel good that this will be less of an impact than we initially thought.

- Director Young said that he has compiled the comments that were generated from the discussion on the RFP's for the Civic Center and passed it out to the Council (Exhibit D). Director Young explained that this is a very comprehensive review of what we are looking at and what we want to approach VCBO with, it is broken down into two categories, the Project Objectives and the Project Scope of Work, and then he briefly reviewed the items. Director Young added that on the Downtown recommendations he questions if it is a little bit beyond the scope of what we are talking about in the housing in the downtown and revitalizing Main Street, these are important issues but not necessarily exactly in the scope of the Civic Center so do we want to include those for the Civic Center Architects to address.

Mayor Call asked that on the section regarding the Downtown recommendations if it can be softened by making it a consideration and how does our Civic Center project impact the Downtown and what are some considerations to think of.

Director Young said that if there are any questions or if something needs to be changed or added to please let him know, he will be meeting with Administrator Darrington and they will be using this format to negotiate and interview with VCBO.

Mayor Call asked if they had the timeline on this. Director Young said they do not at this time, they have not communicated with VCBO and at this point they do not know that they are the number one choice. Mayor Call asked how much time would they like to give the Council in terms of sending their feedback on this. Director Young said that he hopes this can be done soon, like within two days. The Mayor commented to Director Young that this was a great synopsis on this proposal.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Boyd reported that the Heritage Festival meetings will be starting next week, it will be on September 11th this year and she would like to implement something with the Fire Department. Our English ancestry will be celebrated this year.

- Mayor Call asked Director Giles about his request for Memorial Day. Director Giles said that in the last couple of years the Memorial Day program has been handled by Mayor Daniels, so he is just offering this to the Mayor to see if he would like to continue to organize the program. It is basically a flag ceremony and the Fire Department handles that and generally someone like Miss Pleasant Grove will sing the anthem for us, and then a keynote speaker the program usually lasts about twenty to thirty minutes and we get a lot of public attendance.

Mayor Call asked the Council if anyone was interested in dedicating the time to oversee the Memorial Day program. Council Member Robinson said that she would be glad to.

- Council Member Robinson said that she got her recycling bin delivered yesterday and asked if there had been a lot of calls from the residents.

Administrator Darrington said that he is aware that Allied has started delivering the bins but we have not really heard much at City Hall and that we will be having a staff meeting tomorrow morning with the Administrative staff to get everybody prepared so that they know how to handle the calls as they come in. The process is that they can still opt-out but there is a fifty dollar fee and paperwork to fill out at City Hall.

Mayor Call mentioned to the Council that we have all agreed to have a united front on this, so if you have citizens who approach you the best thing is to have them contact the City Administrator.

10. SIGNING OF PLATS

No plats were signed at this time.

11. REVIEW CALENDAR

The 50th Annual Fireman's Breakfast will be held on Saturday, May 29th starting at 6:00 a.m. to 11:00 a.m.

12. APPROVE PURCHASE ORDERS

Mayor Call asked if the Council had reviewed the purchase orders.

Council Member Danklef questioned the four thousand eight hundred dollar cost for a copier contract and asked if that was one contract that covered all of the copiers.

Director Giles said that that charge is for the maintenance agreement for the copier at the Recreation Center.

Council Member Jensen asked what was included, was it a lease. Director Giles said that it is a lease plus the maintenance.

Administrator Darrington said that we can take this item off right now and get some further answers.

Mayor Call asked that in the motion we amend it to omit the charge for the copier.

ACTION: Council Member Jensen moved to approve the purchase orders for May 4, 2010, omitting the \$4,800.00 charge for the service agreement for the Sharp copier at the Recreation Center and directing staff to report in further detail what the service agreement would entail. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

15. ADJOURN

ACTION: At 8:17 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

This certifies that the City Council
Minutes of May 4, 2010 are a true,
full and correct copy as approved by
the City Council on May 18, 2010

Colleen A. Mulvey, Deputy City Recorder

(Exhibits are in the City Council Minutes binders in the Recorder's office)