

**Pleasant Grove City Council
Special Meeting Minutes
April 24, 2007
7 p.m.**

PRESENT:

Mayor: Mike Daniels (Pleasant Grove)

City Council Members: Excused:
 Darold McDade Bruce Call
 Lee Jensen
 Cindy Boyd
 Mark Atwood

Mayor: Mike McGee (Cedar Hills)

City Council Members:
 Gary Maxwell
 Eric Richardson
 Charelle Bowman

Others:

 Frank Mills, P.G. City Administrator
 John Schiess, Horrocks Engineers Utility Engineer
 Ken Young, P.G. Supervisor of Community Development
 Konrad Hildebrandt, C.H. City Manager
 David Bunker, C.H. City Engineer
 Kim Hollinger, C.H. City Recorder
 Mary Burgin, P.G. Deputy Recorder

The City Council and staff met at Deerfield Elementary, 4353 W. Harvey Blvd, Cedar Hills, Utah, at 7 p.m.

1. OPENING REMARKS

The Opening Remarks were given by Council Member Atwood.

2. PLEDGE OF ALLEGIANCE

The Pledge was lead by Council Member Gary Maxwell.

3. PRESENTATION ON PROPOSED BOUNDARY ADJUSTMENT BETWEEN PLEASANT GROVE CITY AND THE CITY OF CEDAR HILLS

Mayor McGee explained that the meeting had been called by both cities in order to explain what was being proposed as a boundary adjustment between the two cities. He noted that discussions with prior councils and mayors had taken place over the years. He said this proposed agreement was put together by the city engineers from both Cedar Hills and Pleasant Grove. He said John Schiess from Horrock's Engineers was representing Pleasant Grove. The City Engineer from Cedar Hills was David Bunker, he noted. The Mayor then said Mr. Schiess would give a presentation on the proposed boundaries.

Mr. Schiess then came forward. He explained that he and Mr. Bunker had been given the task to make the boundaries between the cities based on logical boundaries with respect to utilities. He then showed the proposed boundary changes on the overhead screen. Given certain considerations, including political considerations, he indicated that each city logically had the ability to serve several areas better than the other city. He then stated that it was the engineer's feeling that Pleasant Grove City could better service the green-hatched area as marked on the map.

Mayor McGee asked about the safety element of the proposed adjustment. Mr. Schiess said that sometimes it has been confusing for residents in that area to know who best to call for emergencies. He said the map was an attempt at making the lines more easily understood.

Mayor Daniels asked what the possibilities were for Pleasant Grove to extend services. Mr. Schiess said although it was possible that some services could be extended, Pleasant Grove simply wanted to end at that point. He noted that both cities wanted to make sure that there wasn't a duplication of services, due to the ever-increasing cost of such projects.

Next, Mayor Daniels observed that many people who currently own property in Pleasant Grove have come before the Planning Commission and the City Council in the last several years requesting development. He said that typically, what has happened has been that the City has been unable to provide many of these people with services, as the services available to them are from Cedar Hills. Additionally, several of those that have asked to disconnect and go to Cedar Hills have cited the fact that Pleasant Grove will only allow nothing smaller than one-half acre lots and Cedar Hills allows smaller lots. He said this fact maximizes the money the land owners can make in developing their land. Traditionally, Pleasant Grove has stayed with larger lots north of 2600 North in order to maintain the rural atmosphere of the area, he said.

Mayor Daniels then went on to say that he had requested that Supervisor Young and Administrator Mills compile statistics that would give the amount of time it takes the City for the one-off requests. He said between the applicants appearing before and research done by staff as well as the Planning Commission, City Council and the County, a total of six months is generally taken per request. Each request, he said, is "nickel and dime-ing" staff time. A better approach was agreed upon. He indicated that if those that would actually be affected by such a change be approached in a public meeting, it was felt that important feedback would come into the Councils.

He next said it was important that the residents know that this was, in no way, an effort to simply force them out of the City. He said Pleasant Grove officials simply wanted to put the question out there in order to get information back. He indicated that residents needed to know that in addition to the map that was created by the engineers, that the cities were governed by State Law. He said the decision would be made by the affected residents of the area. Additionally, the Mayor asked that the affected residents please remember that there is perspective that is both short and long-term in looking at the solutions needed.

4. PUBLIC COMMENT (COMMENTS LIMITED TO 3 MINUTES PER PERSON)

The cards that were handed out, Mayor Daniels explained, were numbered and had the names on those parties that would be affected by the proposed change in boundaries. He asked that those that did come forward please keep their comments brief.

Mayor McGee then asked that those that came forward to please keep their comments to

three minutes. He also noted that he would follow the sign-up list that had gone around and call people's names that had signed up to speak in order. He said that the decision to be made is not only governed by city and county statutes, but is also impacted by State Law in that islands or peninsulas cannot be created by a boundary adjustment. The Mayor also noted that he felt the current boundaries between the two cities were in violation of the spirit and the letter of the law. Additionally, the Mayor said he is very concerned about the safety of residents. He indicated that the current addresses are very confusing to emergency personnel as well as others.

Mr. Dennis Hullinger (#13) at 637 West 4000 North, Pleasant Grove was the first resident whose name was called. He observed that it seemed that every time new councils come into power, the issue of boundaries comes forward. He also said that he was not in support of the proposed boundary adjustment.

Mr. Hullinger said that he had passed around a petition asking resident in his area if they were in support of the petition. According to his figures, 79% affirmed that they wanted to remain in Pleasant Grove; with 21% not "firm" with a stance.

He indicated that several of the residents he spoke with were unhappy that they were paying double fees to Cedar Hills. He said a dual addressing system was also of concern. He went on to say that the Pleasant Grove lines could easily service himself and his neighbors with water and sewer as the main "trunk line" runs down his road. He also alleged that Cedar Hills just wanted to get "control" of the resident's property. He said he had some personal problems with Cedar Hills because the development around him had destroyed his fences and the city had ignored his complaints, and then the City turned around and cited him for his honey bees. Additionally, he said he felt that Cedar Hills Mayor McGee wanted the additional impact fees, which he described as very high. He also said that Cedar Hills had no recreation services, but had a golf course that he felt most residents did not use. Additionally, he noted that the City does not have snow removal or emergency services, but instead has to contract it out for those services.

Mr. Hullinger observed that Cedar Hills was only giving up four lots. However, he said Pleasant Grove would be giving up 61 lots. He then showed a map that he indicated would be a better border between the two cities. With his suggested map, he said that 108 properties would be disconnected from Cedar Hills. He explained that he felt an interlocal agreement was the answer to the problems with the boundaries; but that city officials had "stubbornly refused" to have an interlocal agreement for over 20 years.

Mayor McGee asked if could address a couple of issues that Mr. Hullinger had brought up. He said that the impact fees of \$4,500 were very average in the county. He also explained that the whole point was that those that had built in Cedar Hills had paid their impact fees. Additionally, the Mayor explained that there are five full time employees at the fire station, including both EMT's and Paramedics. He also explained that these services are certainly not substandard. Also, he said residents can get their library fees reimbursed by Cedar Hills City. The Mayor then explained that with the rapidly rising cost of the installation of water and sewer lines in roads, it does not make economic sense to duplicate services when residents already have the lines available.

Mayor Daniels said it would also be very important to note that Pleasant Grove City is discouraging cutting up Cedar Hills's roads for Pleasant Grove citizens when there are already services there for that particular area. Mayor Daniels also explained that Cedar Hills residents did not need a service agreement, but that Pleasant Grove residents would need such an agreement.

Mr. Hullinger then alleged that the line by his home was old and deteriorating—and that

he felt Cedar Hills was trying to force him and his neighbors to hook into that line. He then handed out a map that he said contained a blue-colored area of residents that he said he had spoken with and had expressed their desire to stay in Pleasant Grove City.

Mr. Maurice Millett (#59), at 4621 Wedgewood Dr, Pleasant Grove, was the next person on the sign up list. He came forward and indicated that he had several concerns. He said he wanted to underscore the issue of an interlocal agreement. He noted that he knows that there are interlocal agreements between local communities that work. However, he said that despite efforts made, an interlocal agreement between Pleasant Grove and Cedar Hills has been deadlocked. He also noted that he doesn't understand why Pleasant Grove would "give away" 60 residents in exchange for only 6. He said that the impact fees were not germane to the discussion. He was concerned that if he was to become part of Cedar Hills, if he would again be charged impact fees. He was told that would only happen if he was to develop in Cedar Hills. In conclusion, Mr. Millett observed that such a move as being presented at the current meeting would be equal to "taxation without representation."

Mr. Tom Freeman (#70), 3401 N. Mahogany Dr, said he wanted to not rehash what speakers before him had said. He said that in buying his home in the area, he didn't realize he would be fighting an on-going battle with the cities to stay in Pleasant Grove. The key point, he said, was that the mayors and councils were elected to serve the citizens. He said he didn't feel he needed to subsidize others so they can develop into smaller lots. However, he said he really didn't have a problem with people making money, if they could.

Mr. Charles Headman (#11), 4628 Canyon Rd, said he was concerned that the country atmosphere that he had moved to in the area would be going away with the proposed changes. He noted that he was a retired Provo City employee and was surprised that after watching Orem, Provo and Springville cities watch out for one another, that this was a "cattleman and sheep man fight" between Pleasant Grove and Cedar Hills. Mr. Headman asserted that he did not want to be part of Cedar Hills because the city has not encouraged commercial development to come into the city.

The next speaker was Mr. Gary Beagley (#8), 9540 Canyon Rd. Mr. Beagley told the group that he was actually representing his mother, Mrs. Heather Beagley. He said his mother would like to develop her land. He felt that there were many factions that were not allowing an agreement to take place. He said he hoped there would be a way to get around the "road blocks."

Mr. Dan Stuart (#71), 4611 N. 900 W, said that like his neighbors, he had moved to the area expressly for the rural atmosphere. He said that he wants to remain in Pleasant Grove, as he feels it is his home. Additionally, he said that if one looks at the map, that Pleasant Grove is including "giving" one of their wells away. He addressed Mayor Daniels and said he would like to see the discussion not be contentious. He said he thought he understood Cedar Hills motivation, but didn't understand the motivation of the officials from Pleasant Grove in creating the map. He also said he felt this was sending more tax base into Cedar Hills and was not about safety and services issues that had been mentioned. He also said he was not asking for new services, and would like to be "let alone in peace."

Mr. Bruce Hatch (#24), 9894 N. 4100 W, claimed he has lines from both Pleasant Grove and Cedar Hills in front of his home. He said he felt like he was an annoyance with Cedar Hills, but has felt that officials in Pleasant Grove have worked to help him. He also said that he felt Mayor McGee had been acting "smug" during the hearings, but that Mayor Daniels seemed to be genuinely concerned.

Mr. Steve Graham (#33) at 9876 Wedgewood, said he had lived in his home for the past 24 years. He said that his neighbors had all expressed their complete opposition about going to Cedar Hills. He asked that the cities leave things the way they are and leave he and his neighbors in Pleasant Grove.

Ms. Nancy Girard (#15), 725 W. 4430 N. said he likes the feeling of open spaces and does not want change. She also said that the engineer's map showed her property being partially in Cedar Hills, with another portion in Pleasant Grove. She asked that this discrepancy be corrected. Mr. Schiess said it would be.

Mrs. Mary Jo Hall (#56), said she didn't believe the map was created for utilities and emergency services. She said it was "obvious" that Cedar Hills just wanted more "revenue" by taking them into their city. She went on to say she didn't want to go into Cedar Hills, and "never would." She suggested that all of the homes in the area have county addresses for the sake of emergency services. She said that she was close to Pleasant Grove sewer lines. Also, she said that Pleasant Grove officials saying there were several people asking to disconnect and go into Cedar Hills was, "not honest." She also said her daughter had a home in Cedar Hills and her taxes had just gone up. Mrs. Hall said she felt that if people wanted to make money by developing, that was their business—but they shouldn't be allowed to make money "on anyone else's back." She then asked Mr. Schiess what he met by saying that there were "political considerations" that were part of the decisions regarding the map.

Mayor Daniels explained that the political considerations that were referred to the fact that people have been coming into Pleasant Grove on a one-by-one basis, and the proposed boundary adjustment would stop that current practice.

Council Member Boyd also added that when some of the area was a township, some of the residents paid \$287 to Pleasant Grove for eventual sewer hook-ups into the city. She also noted that in the many years that different scenarios had been discussed, the current map that was being presented was the best she had seen.

Mrs. Hall then asserted that if the proposed map was put to a popular vote, it would go down in defeat. She said she knew that all of her neighbors in the affected area would not want to go into Cedar Hills. Mrs. Hall then went on to say that Mayor Daniels seemed to be interested in what she was saying. However, she felt that Mayor McGee was being, "smug."

Mayor Daniels explained that the determination will be done by the law. He explained that the current meeting was only informational. He also said that there were two determinations that had to be made with those that were in the affected area and could vote. Attorney Petersen further explained that the State Statute criteria involves; that 1. The area involved is located within the area proposed for adjustment; 2. That it covers at least 25% of the total private land area within the area proposed for adjustment; and 3. That it is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment. She said the determination was not made by secret ballot, as had been mentioned. Mr. Millet said that from what he understood, land mass and assessed evaluation of property were the determining criteria.

Mayor McGee stated that he felt that people had misread him. He said he hadn't at meant to have appeared "smug;" but, in fact, had only smiled due to a comical comment that was made. He said he was actually a pleasant guy and apologized if he had appeared smug. In fact, he said he was very concerned with the current hearing. He told the group that his son was leaving the next morning to serve a two-year mission for his church, and

he had really wanted to have been home spending time with him. However, he felt the hearing was very important to his city and his neighbors.

Mrs. Virginia Woods (#55), 3824 Canyon Rd, was the next name called from the sign-up list. She came forward and said her property was pretty much surrounded by those that were developing small lots. She said she was told she could not sell her property if she didn't hook into the sewer system. She added that she wanted to subdivide, and was hoping that Pleasant Grove would allow smaller lots. She asked that the cities please work together in a joint agreement.

Cedar Hills City Recorder Kim Holindrake explained that she had spoken with Mrs. Woods and explained to her that she needed to hook into the sewer in order to subdivide her property.

Mayor McGee then explained that Utah County requires anyone who has a failing septic must hook into the sewer. Also, he said the County does not allow any new septic systems to be installed.

Mrs. Holly Nielsen (#53), 4392 Canyon Rd, next addressed the Mayors and Councils. She said they bought the property they live on in 1998. She said she wants to be in Pleasant Grove, but thought neither city could service her property with sewer. Mayor McGee said that whichever city was within 300 feet would be the one she would hook into. After expressing other concerns, she commented that after calling Pleasant Grove emergency crews, she felt they responded in a very fast and timely manner. She asked that she be allowed to stay in Pleasant Grove.

Mr. Delbert Atkinson (#22), 4633 Canyon Rd, said he had no desire to go into Cedar Hills. He explained that he and his wife's forbearers were some of the first settlers in Pleasant Grove, and they felt it was their home and where their roots were. He also said he is weary of the subject coming up every few years.

Mr. David Burgonje said he didn't have a card, but has property on 4000 North. He said he would like to be in Cedar Hills so he could develop his land in smaller lots. He said Cedar Hills would provide the services, such as emergency, etc, in a timelier manner than Pleasant Grove, due to Pleasant Grove's distance away. He said he has almost an acre and would like to develop into 18,500 sq. ft lots.

Mayor Daniels explained that Mr. Burgonje had recently come before the Council asking to disconnect from Pleasant Grove. The Mayor said the Council had denied his request. Additionally, the Mayor said he found it very interesting that several people had said that there was only one opinion in the room. However, he said there were actually other opinions being expressed.

Mr. Don Wadley also explained that he did not have a card or number. He said, however, that he wanted to make sure that the engineers were aware of the need for retention of storm runoff. Mr. Schiess said they were aware of the need for retention.

Mr. Fred Levine came forward and said that he was actually better off in Cedar Hills because he could develop a smaller flag lot on his property.

Mayor McGee then read two more names on the sign-up sheet. These were Mr. Gerald Boyd and Mr. Dennis Zupan. Mr. Boyd said he declined to speak and Mr. Zupan had left.

Mayor McGee indicated that he would now like to address some of the points that had

been made by speakers during the meeting. He said he had made a list and wanted to correct some of the misconceptions that had been expressed.

First, the Mayor said that the impact fees that had been paid to Pleasant Grove were not going to the infrastructure in Cedar Hills; and vice versa. Second, in reference to the tax rates (including the golf course assessment in Cedar Hills), he said that the two city's rates were very close. Third, the Mayor said Cedar Hills reimburses their citizens \$50 in library fees from other cities. He then said that someone had mentioned that one half of the golf course was owned by Highland. He said this fourth point was incorrect. He also said the golf course debt to the city would be gone within 12 to 24 months. Fifth, he said that someone had said that most of the water for Cedar Hills came from Manila water. He said that was incorrect, and that very little of the city's water was from Manila water. He noted the city owns their own well, and was developing another well.

His sixth point was what he called a huge misconception on the part of residents. He said that if 60 new residents came into his city, it would actually be a drain on the city. He said residential properties use 127% of the taxes they pay and that commercial ventures bring a positive flow into communities. Seventh, he explained that if a person has a sewer hook-up within 300 feet of their stub, and their system is failing, the County requires they hook into the sewer.

Eighth, the mayor noted that Cedar Hills has not asked for any water from the Manila Water Co. well. Ninth, there is current discussions regarding a countywide address system.

In his tenth and last point, Mayor McGee said he took exception to patrons saying the Pleasant Grove officials were somehow getting something out of being on board with the proposed map. He said this was grossly unfair and untrue. He said again that he felt the map reflected the safety concerns previously explained.

Mayor Daniels agreed. He asked what Pleasant Grove would be getting out of the plan. He said it came down to the fact that people had been before the legislative bodies of Pleasant Grove requesting their property being disconnected from Pleasant Grove and being able to go into Cedar Hills. He said that a proposed interlocal agreement had been drawn up and failed over a year before. He explained that this was a new attempt.

Additional safety issues were to considered, he said, that had not yet been discussed. These would include the fact that if septic systems did fail, they could possibly affect water wells. He said this could be a very serious health, welfare and safety issue.

The Mayor also explained that some people that had spoken expressed their desire to continue to be on large lots. Others had come forward wanting to develop with smaller lots. He then asked the question might be where one person's right outweighs another? He explained that Pleasant Grove Council had made a decision not to allow anything smaller than one half acre lots north of 2600 North.

In regard to one comment made, the Mayor explained that Pleasant Grove City does not go through people's backyards to put sewer and water lines in. He said they have learned in the past that if there is work to be done on the system, if they are installed in yards, it means people have their landscaping ripped up.

The Mayor said that the plan presented was based on resident's proximity to utilities. He said several people that had spoken had expressed their opposition to the plan. However, he said he observed that the main concern that had been expressed by residents in the meeting was their perception of how they had been treated by the respective cities. He

assured residents that Pleasant Grove wasn't trying to "kick people out." He said the impetus was to give services to those that needed them. He thanked those that expressed their opinions.

Mr. Headman asked why the sewer was Pleasant Grove or Cedar Hills. He said it all went to the same place, right? Mayor McGee said it did go to the same plant, but that there were metering devices on the sewer going to the plant, and the cities were charged according to those measurements.

Mayor Daniels then said there was another concern. He said some people were hooked up to Cedar Hills and wouldn't pay their bill—and because they were in Pleasant Grove, Cedar Hills had no recourse. He said this was also a problem that would be solved by the boundary adjustment.

At this point, Mayor McGee asked if both councils would make some comments.

Council Member Atwood said he felt it had been a good meeting. He thought the concerns had been well-noted. He added that in his service on the council for five years, he had hoped that an agreement would be finally be ready to come together. He said he wanted residents to know that the agreement was not an effort to push people out of Pleasant Grove, however.

Council Member Charelle Bowman said she thought Pleasant Grove, as well as Cedar Hills, was a great city. She said that assuming that the information she had from the one and one-half years she had been serving on the Cedar Hills Council had been correct, she understood the emotions involved. She said the "puzzle pieces" that was the boundary between the two cities really needed to be cleaned up. She said she would look into those that said they were paying double sewer charges, which she didn't agree with.

Council Member Jensen simply said that the City Councils could not be the problem because they were at the meeting to solve the problems. He said they had been elected to resolve, not create problems.

Council Member Eric Richardson said a lot of emotions had been expressed. He said that some of the residents had felt historically wronged in one way or another. On behalf of Cedar Hill City, he said he wanted to apologize for past wrongs. He said he was committed to making the situation better than it had been in the past. He added that the intention was not to force anyone, but to work together in a unified manner.

Council Member Boyd said she had lived in the Manila area for most of her life. She said there was a feeling of comradery in the area where people raised their families and went to church together. She indicated that she had believed for 10 years that a service agreement was possible in the area. She recommended that perhaps an overlay zone would be helpful.

Council Member Gary Maxwell said he felt that both cities were really great, and he could see them working out a solution to the current quandary. He said his business partner was living in Pleasant Grove, and he felt as though they were neighbors.

Council Member McDade observed that several months worth of work had "gone down the tubes" this evening. He said he felt this was mainly due to several misunderstandings. Other than people saying they were "true Vikings," he said he felt Mayor McGee had carefully addressed several incorrect statements that had been made. Over the years of his tenure on the Council, he said many people had very serious reasons they needed to disconnect from Pleasant Grove. He said the Council had to turn them

down; all the time wishing there was a boundary adjustment that would answer these problems. He said that he felt the residents that had spoken had not really looked into the whole issue—and he said the Councils could not get the job done without those residents. Additionally, he explained that residents needed to look farther ahead and realize that the area would eventually build out. He said residents needed to think more clearly of the future and what their children would eventually need to accomplish with the land.

Mayor McGee thanked the Council Members for their comments. He noted that the meeting had gone past the time they were to complete their business in the room they were in. He asked that the meeting only go another 10 to 15 minutes longer.

Mr. Millet asked Attorney Petersen the process again. She explained it again, and added that the current meeting was purely informational. She said a protest period had not started to run. She said protests were submitted to the City Recorder. A date has not yet been set for a resolution, she explained. Mayor Daniels said that all affected properties would be mailed a form for potential protests.

Administrator Mills then came forward. He said legislation by the State Legislature would affect the proposed boundary adjustment. He said that when interlocal agreements are set, residents outside of the city limits have no say as to rates. He said the legislature is looking putting communities that have interlocal agreements under the umbrella of the Public Service Commission.

Mayor Daniels then commented that he had once lived in the affected area. He said that he had been involved with the Scouts in the area, and helped with luaus and other activities that involved the parents and kids in that area. He said he has been a part of many people's lives, as well as his family. However, he said he was totally shocked to hear from residents that he was some kind of traitor because of the suggestions of the boundary adjustment. The Mayor indicated that he puts over 40 hours a week in serving the community, and did not have other's discomfort in mind; but instead, a solution to a growing problem in that area.

With the statements that had been made in the meeting, the Mayor expressed his frustration that the current boundary adjustment would not at all go through. He asked the residents to think more clearly of the future, and not just the present. He said that the past does need to be preserved, but the future must be looked to, also. "If you have ideas to solve the problem," he said, "come and meet with us privately, calmly, and don't make irrational decisions." He also suggested that they volunteer and step up and not just sit back and criticize. "I do not take anonymity at all. Don't pre judge me! I have put my money where my mouth is," he concluded.

3. ADJOURN

At 9:55 p.m. the meeting was adjourned.

This certifies that the Special City Council minutes of April 24, 2007 are a true, full and correct copy as approved by the City Council on May 1, 2007

Signed _____
Mary Burgin, Deputy Recorder