

**Pleasant Grove City Council Work Session Minutes**  
**March 9, 2010**  
**6:00 p.m.**

**PRESENT:**

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy 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

Tom Paul, Police Chief

Degen Lewis, City Engineer

Karen Bezzant, Treasurer

Libby Flegal, NAB Chairperson

Excused:

Kathy T. Kresser, City Recorder

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

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**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 Harrison Wheeler.

**3. Opening Remarks**

Opening Remarks were given by Council Member Danklef.

#### **4. Downtown Advisory Board (DAB) to introduce themselves to the Mayor and Council**

Dale Warburton the Downtown Advisory Board Chairperson stated that their main purpose tonight is to have an opportunity to meet the new Mayor, City Council members and new staff members. Mr. Warburton explained that the DAB covers the downtown neighborhood and their mission statement is: *We exist to improve the downtown business and neighborhood environment; we strive to provide a vibrant downtown business atmosphere by implementing the downtown action plan, built with communication with the existing businesses, downtown neighborhoods and Pleasant Grove community.* The DAB consists of a board of nine voting members and we have four committees, the Organization Committee, the Design Committee, the Economic Committee and the Promotions Committee. Mr. Warburton next asked these Committee Chair people to come forward and introduce themselves.

Chris Brightenburg, Chairperson for the Organization Committee stated that he has been involved with the city over the past eighteen years, serving on the DAB as well as serving as president and as a member on the board of the Chamber of Commerce for ten years. Mr. Brightenburg said that he is currently a property owner along with Allred's Ace Hardware. The Organization Committee establishes consensus and cooperation by building partnerships among the various groups that have a stake in the downtown district, it will allow for the Main Street revitalization program and provide effective ongoing management and advocacy and our purpose is communications and membership and volunteering leadership development in fund raising. Currently our committee is working on putting together an action plan and timeline for accomplishments including getting media relationships built acquiring and training volunteers and creating a fund raising strategy. We plan for and prepare for communication items such as newsletters, fund raising events and we are also focused on training, developing and acquiring the Downtown USA manuals and handbooks, as well as committee member training and becoming a member of Main Street USA.

Jay Meacham, Chairperson for the Design Committee said that they have a good group with this committee, Richard Huish is a landscape architect and it is good to have his experience on board, in addition to him there are four others, Curtis Miner who is an architect, Bill West who is a contractor, Andrew Stewart who is an engineer and Laurel Backman-Riddle who is an attorney. Mr. Meacham said that they have chosen the first Thursday of every month and they meet with Director Young in his office at 5:30 p.m. Some of the things the committee is working on along with staff, is putting together a booklet with design standards and guidelines with the current city code standards, something that is friendly to read and easy to use.

Ron Beeson, Chairperson for the Economic Committee came forward and introduced their committee members, Steve Allred, Stan Smith, Joe Spencer and Jerry Smith. Mr. Beeson commented that three of their committee members are property owners downtown. The main purpose of the committee is to recruit new businesses downtown and to retain the businesses that are currently operating downtown and this committee works very closely with Economic Development Director Richard Bradford. Mr. Beeson added that they are all excited to be a part of this project to improve downtown Pleasant Grove.

Mike Chamberlain, Chairperson for the Promotions Committee stated that their committee is charged with trying to enhance the image of downtown as well as work with the retail establishments to support them in special events as well as develop our own special events. Some of the things that we did last year to try to enhance the image were to find a critical activity downtown and we started the Promenade, we also closed off Main Street and held a concert downtown and we foresee more of those types of events. Mr. Chamberlain then introduced their committee members, Jennifer Wright, Egan Tolman, James Hoffman and Geri Taylor; they also have several other volunteers that are available to help out with some logo development and other works to try to create an image that we

can all be proud of downtown.

Administrator Darrington said that it is his understanding that the DAB needs another Board member appointed as well as starting a new committee and wanted to verify if they had to bring this before the Council each time they needed to do this. Attorney Petersen stated that it requires City Council appointment of the actual Board members and that the subcommittees can do that on their own. Mayor Call stated that this is not a subcommittee; the appointment on the schedule for next week is for a new committee with a new voting Board member.

Mayor Call thanked Mr. Warburton and the DAB committees and expressed a deep appreciation for the efforts of these and all the volunteers who are expert at what they do and are willing to donate their time and expertise in making the City run better.

## **5. Scott Wells to discuss Utility late fees**

Administrator Darrington explained that Scott Wells approached him about our delinquent utility policy and how we handle the people that are not paying their bills on time, so I have asked him to put this presentation together because the recommendation will be possibly changing our late fee structure or how we handle these situations in the future.

Scott Wells, Utility Billing Specialist said that he first will explain how we approach our delinquencies and how we do our billing throughout the month and then explain what he feels we can do to change it. Currently the bills are created at the first of the month and the bills are out to the customers within the first five days, the payment is always due on the 20<sup>th</sup> of each month. Starting on the 21<sup>st</sup>, for those bills that are not paid; a ten dollar late fee is imposed, at that point if they are two months or over one hundred dollars late, a shut off notice is posted on the bill, an automated phone call is made the day of termination, we knock on the door giving a final chance for residents to pay or make arrangements and a twenty dollar turn off fee is charged. Mr. Wells said that he begins doing shut offs on the 25<sup>th</sup> and attempts to have the shut offs done in four days.

Mr. Wells pointed out that the problem with the current system and why it does not work is because people know and have learned over the years that they can call us, sweet talk us and we won't shut them off immediately, we have created a history of leniency. It is the same people every month and it's become a huge problem and a convenience for a lot of people, putting their water bill last knowing that it is easier to call us than to actually pay us. The result of our current mentality is that there are over one hundred and fifty shut offs every month, this number did go down when we initiated the ten dollar fee, we were doing around five hundred shut offs before that.

Mr. Wells stated that we will never get away from payment arrangements, that is just how it works there are always going to be people who need to make arrangements. He said that the way we can make this work, is that we can make people come in to City Hall and make arrangements, an agreement that lays out a plan of when and how they will pay their bill, and sign it indicating that they understand this plan, so if they are delinquent we can hold them to their responsibility and terminate their account until all is paid in full.

Mr. Wells explained that some of the things that he would like to change are that sometime between

the 21<sup>st</sup> – 25<sup>th</sup> of the month we would send out an additional mailer informing them that they are past due and this additional mailer will add five more dollars to the ten dollar late fee, so at this point the late fee would be fifteen dollars. This second notice will inform the customer that in order to avoid disconnection the past due amount must be made by 5:00 p.m. the day before the disconnection date on the notice, if a city employee is sent to service the address an additional twenty dollar fee will be added. In the case where the services are disconnected, a fifty dollar fee will be added to the account. Administrator Darrington interjected to explain that if the city employee is already dispatched to go out to the residence and the customer pays right there on the spot, we still need to charge them because we are paying the employee to make this call, if the customer is not there or they do not have the money to pay, we shut them off and before that water goes back on they need to pay fifty dollars at that point for the fact that we had to shut them off and then come out a second time to turn it back on.

Mr. Wells said that he looked into for comparison what other cities are doing and found that with this new proposed plan with the fifty dollar reconnect fee, that we are not that far off, for example, American Fork charges fifty dollars, Cedar Hill charges up to seventy five to one hundred dollars. Mr. Wells stated that in general what we are asking to do is to continue the late fee of ten dollars, send an additional late notice which adds an additional five dollars, customers to come in and sign payment arrangement agreements, a shut off/dispatch fee of twenty dollars and a reconnect fee of fifty dollars.

Council Member Boyd asked about making customers come in, on most utilities you can make those arrangements over the phone so she is concerned that is this making it an added burden. Mr. Wells stated that a lot of the other cities require the customer to come in, and if the customer is asking us to do this as a favor to them then they should be willing to come in. Administrator Darrington said that they need to come in so that we get their signature on the agreement. Mayor Call asked Mr. Wells what was the purpose for having them come in. Mr. Wells stated that he wants them to come in and sign the form so they understand that this is a contract and agreement that specifically lays out a payment schedule. Administrator Darrington added that we do payment arrangements right now over the phone and it is not working for us. Mr. Wells said that many times over the phone people make promises to pay and they never do. Mayor Call stated that what we are trying to do here is to change the behavior with some of our customers who do this month after month and if we continue to do things the same way, we are not going to change that behavior.

Administrator Darrington said that if the customer would like us to email or fax the agreement out to them we can do that, the intent is that once we have that signature then it makes it easier for us to say that they did agree to do this so when we go out to shut them off we have a written, signed agreement that has spelled out the options. By the City allowing them to make payment arrangements, we are saying that we understand that they may be having a tough time or difficult circumstances and we will try to stretch this out, but it is the habitual offenders in the past that are the ones we are trying to make a concentrated effort on.

Mr. Wells explained that there is a second part to this which is a payment relief program which will provide an opportunity for residents of Pleasant Grove to add an additional amount on their utility bill to a general fund to help those who are legitimately struggling; this process will include creating a

hardship committee. Mr. Wells said that the whole purpose in presenting this option is to get Council's approval to think and work on this program more and then bring it back for review. Where this differs is that normally a hardship committee would decide who gets what out of the fund, in this case the hardship committee will not give out funds, they will determine if someone is eligible for the opportunity to choose a city created job, all of this can be posted on our website. The city would not pay money for any job but would give a voucher to go towards a portion, or the entire city utility bill. Mr. Wells said that this way it creates a sense of not giving it, but that they will work for it and the public will see it and the public then gives more money because they are seeing the services and that Pleasant Grove is taking a step in not giving a hand out. Mr. Wells stated that he would like to have permission to look into this kind of program further and bring in some more ideas and details. The general consensus of the Mayor and Council was that they were in favor of him doing so.

Administrator Darrington said that in order to implement any of these changes we will need to change our rate structure which will come back to the Council either through an ordinance or resolution so this will be discussed again before we actually start doing this.

Mayor Call asked if anyone else had any questions, no one did. The Mayor then remarked that Scott Wells does a tremendous job, that he has seen him deal with customers and habitual offenders and is thorough and professional and that he deserves our gratitude in what is sometimes a thankless job.

## **6. Discussion on the Murdock Canal Trail**

Mayor Call asked Council Member Jensen to report on what was discussed at last week's regional meeting of the Mountainland Association of Governments (MAG).

Council Member Jensen reported that there had been a three hundred and six thousand dollar grant to Highland City for a project that didn't happen and they had made a request to see if they could apply two hundred and fifty thousand dollars from that grant that they received from MAG towards their share of the trail. It was proposed and approved that rather than have all the cities involved pay any portion of the monies being requested, that MAG will be using monies from some existing funds that they have acquired. Council Member Jensen stated that he was not exactly sure where their funding was coming from because it was unclear in how it was explained, but that MAG will be using those funds and no cities will be required to make their contribution to the trail fund and the money, the three hundred six thousand dollars that was allocated to Highland City would revert back to MAG.

Council Member Jensen said that when the question was raised about the cost on the utility relocation, there was no response. He said that he spoke with County Commissioner Ellertson on this and asked him about the utility relocation and his response was that the numbers are not ready yet, but that you will be contacted to support this, without knowing what the actual cost is. Council Member Jensen said that he then told Commissioner Ellertson that that is probably not going to get approved by Pleasant Grove because we cannot approve participating when we do not know what is being asked of us.

Administrator Darrington stated that he thinks that it is great that MAG is going to pay for the cities portion on the trail and that he will be following up on that to make sure that it does happen for us. Administrator Darrington said that on the utility relocations, the Provo River Water Users Association (PRWUA) who are the ones allocating the costs on the utilities, have contacted us to set up a meeting but they still do not have the detailed numbers, so we told them that until they have the numbers there is not much to talk about and what they are representing to us is that they don't really know until we start digging what the numbers are going to be. Administrator Darrington said that we are not comfortable with this so we will be sitting down and talking with them to find out exactly what they are requiring from us and to verify our position that we need a number that suggests some level that it is not going to exceed. Mayor Call said that they did give us the number of one point six million and that it could only go lower, but that we do need something more specific.

Mayor Call asked if we have or are we creating a list of all the utilities that we know are not ours and should not be paying the relocation fees on. Director Walker said that we do have that ready. Administrator Darrington said that our engineers have reviewed the list and have identified which utilities are ours and the ones that may not have to be moved, etc.

Administrator Darrington said that in regards to the trail, that next week we would like to have on the agenda the resolution to approve the agreement on covering the cost of the trail and the yearly maintenance fees that will accompany that. If we adopt the trail agreement, it does not lock us into the utility relocations, that is a separate agreement. Attorney Petersen said that she has some concerns with the language in the interlocal agreement and that she has not received the rewritten version yet, the language that is concerning says that each of the cities will enter into utility and relocation and reimbursement agreements with PRWUA, and that our ability to access the trail and even have the trail construction begin, is dependent upon our completion of those agreements and our paying of our portion. Administrator Darrington then said if we don't have that language taken care of then we will not have that in front of the Council next week, that we will need to sit down with Mr. Cain of PRWUA and get all of this situated.

Administrator Darrington said that we might be the last city at this point that hasn't signed any agreements, we have been very clear why and we have not received our answers.

## **7. Discussion on the proposed Ordinance regarding Accessory Apartments**

Mayor Call pointed out to the public that this is a work session meeting and no action will be taken on this item tonight, this is solely for the purpose of having a discussion with the Council and the staff on approaches that we may want to take. The Mayor then stated that in Pleasant Grove accessory apartments are not allowed, there is no ordinance that exists on our books that allows or disallows accessory apartments, and therefore accessory apartments are simply illegal.

Mayor Call stated that from our last discussion on this, we left off by learning that among the Council there is interest in at least addressing this in some way. The Mayor then asked the Council members who feel like we ought to be doing something in regards to accessory apartments to express their position and/or arguments.

Council Member Jensen started with wanting to clarify that in the absence of an ordinance, we have an ordinance. Attorney Petersen said there is an ordinance with the zoning; if they are not a permitted use or a conditional use in any single family residential zone, then they are prohibited, so there is an ordinance that prohibits accessory apartments in R-1 zones.

Council Member Jensen said that there are accessory apartments in the City to a fairly significant number, we have never been able to ascertain the actual number and that he feels that the City is better served if we firmly establish that they are either permitted or not permitted. If they are not permitted then there has to be some form of regulation or oversight so that if they are in violation of it then the City is doing something for those who violate it. If they are permitted then there needs to be some “teeth” in that as well. Council Member Jensen said that by default we have an accessory apartment issue, but we have never enforced it. Attorney Petersen stated to clarify any misconception that it is not that we have never enforced it; it’s that in the recent past while we were considering this accessory apartment question, the direction has been that we would not pursue violations. Attorney Petersen added that there have been occasions in the past where we have had over occupancy and accessory apartment violations with the zoning where we have pursued it, they are difficult to enforce and the evidence required to enforce it is substantial. Council Member Jensen commented that by not enforcing it, then what we are in effect saying to our citizens is that it is okay to have an accessory apartment.

Mayor Call responded by saying that the Council knows where he stands on this, that he is dead set against permitting accessory apartments, and that his rejoinder to the statement of let’s make it legal because we haven’t enforced it, is not a very compelling one and just because we have not come down on illegal behavior in the past, that alone is not a good enough reason to say let’s make it legal.

Council Member Wilson commented on that saying he has a concern in that the Zoning/ Community Development department cannot enforce this because of financial reasons/resources, so why aren’t we looking at the whole situation of how can we enforce it and help Community Development one way or the other. The Mayor asked then if we just don’t have the resources then what do you think we ought to do. Council Member Wilson said that we need to decide one way or the other and move forward from there. Mayor Call said that the reality is that we don’t have the resources. Council Member Wilson said that we can have the resources if we look at allowing it and have permit and licensing fees.

Administrator Darrington stated that we have not gotten that far with this, but the permits would cover at least a portion of the enforcements, ideally if we say that we are going to allow this and we are going to do it through the permitting process, if we do it the right way then the permit process needs to cover the cost of this to enforce the actual ordinance.

Council Member Boyd stated that if we try to legalize and police accessory apartments and use the permit process, there are still going to be people who will still have them without obtaining the permits.

Council Member Robinson expressed concern in what the enforcement will mean, and that she does agree with the Mayor in that if it is on the books then a law is a law. Council Member Robinson said that she has heard from several parents who are against them because of the impact this has on the school district. She said that she is also concerned with the education process on this; there are people who put these apartments in that don't understand that this is not a permitted use.

Administrator Darrington stated that fundamentally the one question that needs to be answered first is; are we going to enforce what we have now and whoever has accessory apartments now, are we going to give notice that they have a certain amount of time, i.e. sixty days, to end whatever relationship they have with these accessory apartments and just clean them out of the city. If not, then we go to part two which is how are we going to work on a permitting process to allow future accessory apartments. We have to decide if are we going to allow them or not, we won't discuss how we are going to allow them until we figure out if we are going to allow them or not.

Council Member Danklef commented that this is similar to the issue of parking on the street, are we going to look the other way or not. He said that he wonders about the education part, the impact on the schools and thinks that the schools have to know where these children are coming from that they are aware and know that there are many accessory apartments in this city. Council Member Jensen stated that we do not have actual data on accessory apartments or the number of children who live in them and are attending the schools and until we do have some kind of data then he feels that that is not an argument. Council Member Danklef added to that that there are numbers of grandparents who care for grandchildren who live with them and attend the schools or situations of divorced parents where the children live in both households.

Mayor Call expressed that we should focus the discussion on whether we as a Council think that we should have them, that there is a valid reason for allowing people to have accessory apartments in R-1 zones. The Mayor said that if we do allow them then we have got to realize that these will cease to be R-1 zones and that we have got to change the name of the zone and be honest about it.

Director Young commented as a qualifier on the issue of shall we allow or not, if we allow it then the option to consider is will it be forever more or for a two year time period and then cut it off. Director Young said that he thinks that makes a difference in whether or not you are going to decide to allow them. Council Member Danklef asked Director Young what he and his department feel about this issue.

Director Young stated that he feels that this issue needs to be decided and we have given a lot of information to the Council and they have all that they need to make that decision. We have given a good proposal on how to regulate them which does include a two year limited period of when we should approve them and feels that that is a good approach if it is decided to approve them. Mayor Call stated that it is fair to say that this came about from his group and that in your opinion our City should allow accessory apartments in some form. Director Young said that he is not going to step out on that because he is okay with it either way, but that his department are the front men when it comes to this issue and are dealing with it all the time so we need to know if we are enforcing it or not. Director Young added that his opinion is that we do something and not keep talking about it.

Fire Chief Sanderson said that from the safety aspect with fire, it is an impossible thing to regulate, if it is permitted then the addresses have to be identified with apartment numbers because it creates dispatch situations for emergency response and also for firefighting when they are sent out on a call and one part of the home has no warning or acknowledgement of the emergency. Chief Sanderson stated that from a fire, safety and emergency standpoint it is a nightmare and that he prefers to have no accessory apartments. Council Member Jensen asked him what he would recommend that we do for the ones that exist. Chief Sanderson said that in his opinion there is a homeowner that is responsible for that apartment and it would be their responsibility to evict them based on that we no longer allow it.

Director Young stated that these are good arguments for having illegal accessory apartments that we are not regulating that we are not aware of, for those that would be permitted and we are aware of and we are regulating, one of the things that is being proposed is that they are identified such as unit "a" or unit "b," we would know about them, the Fire Department would have that information. Director Young said that no matter which way we go we are still going to be dealing with illegal situations. Council Member Danklef asked that if we did adopt something like this would we go back and make the landlords do certain things to come into code. Director Young said that we would, they would have to come into compliance with what gets adopted or seek a conditional use permit if there is any part of it that they can't meet.

Mayor Call said that he would like to make a list and asked the Council and staff for reasons why accessory apartments are a good idea. The Mayor then wrote down the following reasons that were suggested by staff and Council: additional income; because it is an established existing situation; it is a tier of affordable housing; it's a safer way of having rental units; security for an elderly home owner; increases the population; wise land use/density.

Mayor Call next asked the Council and staff for reasons not to allow accessory apartments and wrote down the following reasons: too much population; parking issues; undermines our zoning or vision of the city; fire and emergency safety hazard; burden on utilities and services; allows people to live outside their means; consistency in the law; benefits only a few not the entire community; difficult for the school district to calculate; effects property taxes and impact/user fees.

Mayor Call stated that he hopes that this has at least helped us clarify the pros and the cons, and it is clear that we are going to have to take some kind of action. The Mayor then asked the Council if they wanted to have an ordinance placed before them with all of the regulations and vote on that or do they first want to vote on the simple question of do we want to allow accessory apartments in Pleasant Grove. It was decided that on the agenda next week would be the question of whether or not the Council would like staff to create an ordinance permitting accessory apartments.

## **8. Community Development Director Ken Young to discuss proposed ordinance amendments**

Director Young passed out a summary (exhibit A) of what his staff is working on as far as future proposed ordinance amendments and said that they have already designated what they feel are priorities or level of importance and if there is anything on this that the Council would like addressed differently than that can be changed.

Director Young next read the ordinances that are being proposed for amendments: 1) Signs; specific amendments to the sign exemption section; 2) Plan and Plat Requirements; requirements in the Standards manual that are not in the code; 3) Commercial Zones; re-evaluate the uses allowed; 4) Parking; determining minimum parking ratios; 5) Animal Rights (RR Zone); establish correct definition of what is allowed; 6) Animal Rights (R-1 Zone); requests for chickens/rabbits; 7) Fencing; standards that need to be updated; 8) Grove Approval Process; Planning Commission's role in approval process. Director Young stated that on each of these amendment proposals we will present much more detail and be open to discuss all of the questions and issues that arise.

## **9. Discussion on the CAPP agreement**

Administrator Darrington explained that CAPP is our consultants in Washington D.C. who help us secure appropriations from the federal government. They have helped secure the one million dollar appropriation for the Blue Energy Project and we got a one hundred and thirty four thousand dollar EDI grant which is for economic and community development.

Administrator Darrington said that back in September it was agreed that their fee went from five thousand dollars a month up to five thousand five hundred and that the City was going to pay an additional twenty five hundred dollars a month in regards to their helping with the Blue Energy Project and that is currently what we are paying them, however our agreement and contract with them does not stipulate that. Administrator Darrington said that we need to get this in front of Council to say that either we are going to amend the contract to show exactly what we are paying them or if we feel that what we are paying them needs to be adjusted then we need to have that discussion. Administrator Darrington stated that he does not know how the negotiations went last September or how it was agreed upon how much to pay or how involved the Mayor and Council were on that discussion, but we are paying them extra and the contract right now does not stipulate that.

Mayor Call stated that in his opinion in having worked with these consultants and seeing what they have done and continue to do, that he is okay with what they are being paid and wished that we had been consulted but we weren't.

Council Member Jensen stated that as he recalls this was not discussed by the Council at all, that it was unilaterally agreed to by somebody outside the Council and that he prefers that we have them on a fifty five hundred dollar a month retainer and they get some kind of an incentive. Attorney Petersen stated that they are not allowed to get a percentage or incentive and that is clearly laid out in their contract. Mayor Call added that they are very tightly regulated and they cannot do that.

Council Member Danklef stated that that seems inconsistent because in the contract it said that if we severed relations with them that they would get a percentage of whatever came to the city as a result of what they had done for us. Attorney Petersen stated that in her opinion there are some inconsistencies in the language in the contract but it is their burden to comply with their federal lobbying body of regulations and not really our responsibility to make sure that they are complying and that she is comfortable that our area of responsibility is covered and that she will let them worry about whether or not they way they have it set up covers their responsibilities.

Council Member Boyd said that initially she had questions as to their value and that expense mainly because it was increased without our knowledge, but after traveling back there and realizing the strength that they offer to us as a city is well beyond the two people that we are associated with, they have also brought in another attorney and someone with an MBA to add to the equation. Council Member Boyd stated that the Senator's actually commented that they appreciate a city that is forward thinking and has goals and a five year plan and looks to the future versus a city that comes to them in an emergency state asking for immediate help. Council Member Boyd stated that you can argue whether we should or shouldn't be getting the monies and their argument is that the monies are there, let's get our share, and that she can definitely see their value.

Mayor Call remarked that he didn't see their full value until he went to the different Congressional sessions and could see the relationships they balance and continue to develop.

Administrator Darrington said that the recommendation from staff will be that we continue the relationship at the level that we are currently paying them. We can't answer how this went down a few months ago other than we need to clean it up and make sure that it gets formalized and taken care of.

Council Member Boyd added that we also came into discussions of more expectations from them, more on them coming out here and working with us, directing us and educating us more as a city to acquire more grants, there is a whole spectrum of things that we can do that we are not doing to get our money's worth.

Council Member Danklef asked about their role in the Blue Energy Project and are we better served by having them in Washington do that for us, or to have someone here locally to do it for us. Administrator Darrington said that their role in Blue Energy is that at this point that we are actually trying to get the one million dollars in our bank account and they are the ones doing that to help us get that money, without them we are lost in this process they gave us a binder full of paperwork that we need to fill out and they are going to do most of it, and we are better served for them to do the greater portion of that because they have the knowledge and they know the language, how to use the key words and phrases that are essential for acquiring funding. Administrator Darrington said that for the twenty five hundred dollars a month that we are paying for the Blue Energy Project right now we are getting our money's worth in order to continue to handle the side where we have to interface with the federal government and if this project takes off and does well there is another appropriation right behind it and that relationship is being cultivated by them because they are there and they talk to that staff on a regular basis.

Council Member Jensen said that other than the retainer fee that he feels that we should know what other expenses that we are incurring with them, also that he feels that there should not be additional fees being paid to an entity just because they were successful in getting us funding, so why are we paying them an additional retainer for them to shepherd through something that we already have been awarded.

Attorney Petersen added that there is a difference about the Blue Energy Project itself that we need their continued assistance with and it is not just paperwork. These consultants are involved, they have conference calls with us every week; they have been out here several times meeting with the Governor's Economic Development and Energy offices trying to build a coalition. The project itself is more than just getting the money and trying to figure out the technology, the project involves policy changes, it involves lobbying local legislators in order to make it easier for us to take advantage of the power we are going to generate with the project.

Engineer Lewis added that this is an earmark directed to Pleasant Grove City, for grants and other programs there is a management program in place that takes care of that and there is a reason why when federal funds are earmarked for transportation projects, the Utah Department of Transportation administers those and they understand the paperwork. There is an additional risk here to the City that if you don't dot all of the I's and cross all the T's, you jeopardize keeping the money that you were granted, so the additional money they are being paid is not a bonus, we are hiring their expertise to help us administer the funds.

Council Member Jensen said that this conversation and the points brought up should have been brought before this group in July and August of last year, so the pushback is twofold, one that this explanation has never been made to the Council and secondly we need to make sure that in the future when these kinds of things come up, that that full disclosure and total transparency to the Council and the City whom we represent is made abundantly clear to everyone concerned and not six months later after the fact.

Administrator Darrington stated that it will be, and that is how we operate now. Attorney Petersen added that none of us knew that this even happened when it did.

Mayor Call said that the direction to staff is to create the agreement and have it on the agenda for next week.

## **10. Discussion of items for the upcoming March 16, 2010 City Council meeting**

Mayor Call reviewed the items on the Consent Agenda and next moved on to the Business items.

### **a. To consider appointing Veronica Chapman to the Downtown Advisory Board**

Mayor Call said that the DAB wants to create a new committee with a Chairperson that has voting power.

Director Young stated that this committee is focused on Main Street itself; it is called MOM or Marketing on Main, and focuses on the businesses on Main Street and that Ms. Chapman is definitely a resource that we need to take advantage of.

- b. **Public Hearing to consider Ordinance (2010-9) at the request of John Bensen, to amend Title 10 Chapter 9A Section 4 & 15, of the Rural Residential Zone (RR), to lower the lot width requirements to one hundred feet (100') and subsequently adjust the lot width minimum for lot size averaging to ninety five feet (95') in the zone, for the purpose of allowing greater flexibility for properties to have domestic farm animals (NORTH FIELD, BIG SPRINGS and MANILA NEIGHBORHOODS)**

Director Young said that Mr. Bensen lives right on the border of the RR zone and he is currently in R1-20, a zone that does not permit horses, so he would like to become a part of the RR zone. The problem with his lot now is that it is not wide enough according to the requirements for an RR zone lot; staff has looked at if there were reasons for requiring a one hundred and ten foot requirement versus one hundred feet and could not find a solid reason for the additional ten feet.

- c. **To consider a Resolution (2010-03) authorizing the Mayor to sign an agreement with Capitol Project Partners (CAPP) which will allow CAPP to serve as Pleasant Grove City's Washington Representative and provide strategic advice and counsel on Federal Governmental relation issues as directed by Pleasant Grove City and assist in managing the Energy Independent Community Project (CITY WIDE IMPACT)**

Mayor Call said that this was discussed earlier tonight.

- d. **To discuss for approval, Resolution (2010-014) authorizing the Mayor to sign an Interlocal Agreement with Utah County and Pleasant Grove City, Orem City, Linton City, Town of Cedar Hills, American Fork City, Highland City and Lehi City for the proposed Provo Reservoir Canal Rights-of-Ways to construct a public trail for recreation purposes over the canal and to participate with the County in funding, constructing, managing, policing, maintaining and using the Greenway**

Administrator Darrington said that we will pull this off of the agenda if we don't get the satisfactory language.

Mayor Call encouraged every Council member to go through their packet and review these items and know what needs to be discussed and if they have questions to take the time this week to review them with staff.

## **11. Mayor, City Council and Staff Business**

Mayor Call mentioned that we have the Political Caucus's next Tuesday the 23<sup>rd</sup>, which is when we are scheduled to have the joint Planning Commission meeting and thinks that it is appropriate to move

that meeting. It was decided to move the joint meeting with the Planning Commission to the work session meeting scheduled on the 30<sup>th</sup> at 6:00 p.m.

Mayor Call asked for an overview of the recent trip to Washington D.C.

Council Member Boyd said that as she mentioned earlier the value of CAPPAs, their assistance and what they offer to us and the idea of the importance of being forward thinking, forward planning and knowing where we are going as a City. There is a lot of value in being able to work with and direct these people to help us get where we need to go with their expertise and ability to pull in those monies and the connections that they have and are making for us. Council Member Boyd said that we met briefly with Senator Bennett and had lunch with Senator Hatch's aide and that the meetings went well and that it was well worth our time.

Administrator Darrington mentioned that with Senator Hatch's office we went for trail money to help with the Murdock Trail and if for some reason MAG does fund that, we will still push Senator Hatch's office for money to build our trailheads. Representative Chaffetz does not do appropriations or earmarks, we did ask but he was quite clear that he will not be helping us. With Senator Bennett we asked for further money for Blue Energy and also for an EDI grant, some more economic development money. The process was interesting, when we all sat down in the meetings the professional staff focused their attention on our elected official and Council Member Boyd was the one who presented and represented the City and did very well. That is where the focus was, it's the elected official talking to the elected official and that is the importance of having elected officials there. Administrator Darrington said that each year we will have to make this trip as it comes time for the appropriations and generally speaking we like to have the Mayor there and if he's not available then another elected official, but we possibly will have a rotation basis with the department heads so that everybody gets this experience at least once to go and see and understand the process. Mayor Call said that he and Administrator Darrington have talked about this because it is an important thing to do; it makes us more productive in getting things accomplished.

Attorney Petersen added that the relationships were interesting and that is part of the dynamics of being there. Senator Hatch's aide happened to be an old roommate of one of the CAPPAs people so that relationship was there and as we're presenting and talking to him, our CAPPAs representative is feeding more information into his ear and he knew exactly what words to use, what angles to take with this particular individual because of the relationship. It is an interesting dynamic to watch how it all works, our staff really does do most of the ground work, but the focus there is elected official to elected official.

Director Bradford said that one observation that he made was that there are probably about ten thousand doors you can go through to get appropriations and earmarks and grants and for us as a city to stumble around in the dark and try and find the right doors to go through would just be labor intensive and probably not fruitful. The value of CAPPAs is that they know which doors to knock on and so it makes the City very efficient in finding where those opportunities are.

- Engineer Lewis reported that in regards to the Mayfield project, he has given Trophy Homes a default warning letter, due in a month because they have done nothing and that is because they have been unable to work out a funding agreement with RBC.
- Attorney Petersen mentioned that there was a recent Utah Supreme Court case that might impact our municipal boundaries. David Harvey had filed a disconnection petition from Cedar Hills and they were actually ruled against but this has been winding its way through the court system and it was overturned by the Supreme Court so they are going to have another shot with their petition.
- Administrator Darrington said that we had filed for a loan from the Drinking Water Board about a year ago and we have found out that we have been recommended for funding for a one million dollar loan payable over twenty years at a two point seven percent interest rate. Our recommendation is that we do take this money it is about a sixty five thousand dollar payment that we make each year; the money will be used to replace some undersized and old lead joints within the culinary water system. Administrator Darrington said that we have an existing bond that will be matured in 2014 and will provide a revenue stream from there so there is a two or three year window in which we will have to figure out how to make that payment, so if there are any issues with the Council we will need to know because we are meeting with the Drinking Water Board tomorrow. If we give them the go ahead then it starts the process, we will have a public hearing and there is an actual agreement and loan papers that we will enter into and this will all be brought before the Council.

Mayor Call asked the Council what they thought and the general consensus was that they were in agreement to proceed on this.

Administrator Darrington mentioned that he and Finance Director Lundell are starting the budget process and will be meeting with the individual department heads starting next Monday and Tuesday. We will be situating where we are on this year's budget and then segue into next year's budget.

- Director Young reported that the pre-submittal meeting for the RFP on the Civic Center was successful, there was a good showing of the potential submitters and the proposals are due next Wednesday the 17<sup>th</sup>. We will be putting together a review panel and would like to include the City Council, Planning Commission, staff members and the DAB.
- Director Giles reported that he and Justin Rasmussen attended the Utah Parks and Cemetery Association conference, where Justin was put in as the President elect and that it was a very good conference.

Director Giles said that he has just returned from the conference for the Utah Recreation and Parks and that Jay Dee Nielsen is receiving an award for the Recreation Center tonight. This also was a good conference and provided a lot of good information especially regarding the trust.

- Chief Sanderson mentioned that the open burn window starts on the 15<sup>th</sup> of this month and runs for thirty days, this information was put on our website as well as in our newsletter.
- Chief Paul said they have applied for and received a grant for seventy three hundred dollars and will use the funds to redesign the evidence room.

Chief Paul reported that they had nominated Captain Michael Smith to go to the FBI National Academy which is really a prestigious thing. He interviewed and has been accepted and will be attending the Academy in Quantico, Virginia from July 10 – September 16. There is no expense to the City for this and we are proud that he has been selected for this great honor.

- Director Walker mentioned that the City Clean Up date has been set for April 9 – 18, that is the last week of the burn window and we will put this on the website and in the newsletter and will try to also use the Citywatch phone messaging system.

Director Walker said that he and three of his department went to the water conference last week, two were testing for their certification and that it was an excellent conference and they appreciate the opportunity to attend.

- Council Member Jensen reminded everyone of the TSSD public meeting with the County Commissioners this Friday the 12<sup>th</sup>, 6:00 p.m. at the Junior High School.
- Mayor Call reminded everyone that he will be out of town from March 11 -13.

### **Executive Session**

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 8:24 p.m. Council Member Jensen moved to go into executive session, a strategy session to discuss the purchase, exchange, or lease of real property (UCA 52-4-205(1)(d)). Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

PRESENT:

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

Others:

Scott Darrington, City Administrator  
Dean Lundell, Finance Director  
Tina Petersen, City Attorney  
Richard Bradford, Economic Dev. Director  
Colleen A. Mulvey, Deputy City Recorder

**ACTION:** At 9:12 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

**ACTION:** At 9:13 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

**12. Adjourn**

Meeting adjourned at 9:13 p.m.

This certifies that the Work Session  
Minutes of March 9, 2010 are a true,  
full and correct copy as approved  
by the City Council on April 6, 2010

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Colleen A Mulvey, Deputy City Recorder