

Pleasant Grove City Council Work Session Minutes
October 14, 2008
7 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Bruce Call

Jeffrey D. Wilson

Others:

Tina Petersen, City Attorney

Gary Clay, Finance Director

Lynn Walker, Public Works Director

Deon Giles, Leis. Services Director

Ken Young, Comm. Dev. Director

Richard Bradford, Ec. Dev. Director

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

Degen Lewis, City Engineer

Libby Flegal, NAB Chair

Sean Allen, Planner

Kathy Kresser, Comm. Dev. Secretary

The City Council Members met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah 84062 at 7 p.m.

1. Call to Order

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

2. Opening Remarks

Opening Remarks were given by Council Member Call.

3. Department Report (Public Works)

Director Walker introduced Mr. Eric Burgon and Mr. Gordon Raymond from Allied Waste. He said that they were going to present the preliminary results from a pilot program they had been running in the City of Mapleton for the last several weeks.

Mr. Gordon Raymond then came forward and passed a report (Exhibit A) to the Council. He said this was the results that were compiled from a recent experiment in Mapleton. It was done in one

portion of Mapleton.

In meeting with people in St. George, he said someone suggested that maybe it would be a good idea to just put the cans on one side of the street. At the time, he said they thought the idea was crazy. However, the more he said he “thought outside of the box,” the more sense the idea made to him. He said that it could be efficient and a lot of other benefits, if implemented.

He then said that in working with Mapleton City, the idea again popped up. As far as he knew no one else in the State was trying the practice. He said the City of Mapleton was interested in reducing their carbon footprint, amongst other concerns. So, he and his co-worker then brainstormed and went back to Mapleton City officials with the idea. He said his company started with a small portion of the city, then they went on to incorporate the entire city of Mapleton. It went extremely well. It reduced equipment time 10%. He said that this helped in the reduction of fuel use with their trucks.

Mr. Raymond said that the report they had provided covered a limited amount of time, but they could see a definite saving to the city. Additionally, he said that the less times a truck goes up and down the street, the safer everyone will be. Those that set up the routes for the trucks streamlined those routes for the large trucks so they would only have to go down each street once.

Also, the wear and tear on city roads is lessened. The carbon footprint is reduced. Also, if a recycling program is implemented, the other side of the street could be used on another day for that, so that one side is not always used.

He next said that a lot of the success was due to the fact that Mapleton was very supportive. He said they took the lead in many ways with the program.

Mr. Eric Burgon then came forward and explained that before starting the program in Mapleton, information was put out in their city newsletter. Also, he explained that the information regarding the pilot program was put on the website for residents prior to implementation. He said that they broke the city down into three areas. He said they were surprised that 96 to 97% of the residents complied and put the cans on the one side of the street. One third of the city was implemented into the program the first week. During the second week the first portion, plus a second portion of the city was picked up on one side of the street. He said by the third week, the entire city was being picked up on one side of the street. If people didn't put it on the correct side, they would put a tag on the can (after pulling it over to the correct side of the street) that explained the new practice to the residents.

Mayor Daniels then asked if Mapleton was the only city involved with this test of the new practice. He said he had heard Eagle Mountain had also been involved. Mr. Burgon said no, that only Mapleton had been involved. Currently, he said that Salem was in the process of talking about it.

Council Member Atwood asked how the company decides which side of the road the trucks will be picking up on. He asked if they just go up a road, stay on the right side, then go to the next road and do the same. Mr. Burgon said that most of the time they do stay on the right side of the road. However, he said due to several factors, including safety, they sometimes have to go up both sides of the road.

Council Member Call asked when they started the program with Mapleton. Mr. Burgon said they had started in August. Council Member Call then said that he had concerns about older residents having to take their cans across the road during the snowy winter months. Mr. Burgon said that they realize there might be some harder days during the winter for older citizens to try to drag their can over to the other side of the street. He said that drivers have to occasionally go to the other side of the street to empty a can.

Council Member Atwood asked how older people could have their cans identified. He asked if there could be a special green or blue tag on their cans it would be helpful. He said the City would want to make sure the elderly population would have not a greater chance of falling during inclement weather; and maybe the City could do something to help those people out that would have trouble hauling their can across an icy street. Mr. Burgon said there are stickers that are available for handicapped persons. He said the drivers know they will have to pull the can out for these particular residents.

Council Member Jensen then asked where the savings would be if the driver has to jump out and haul the can over to the truck. He said he wondered if that would eat up the gas savings. Mr. Burgon said that there were very few needing such help. Council Member Jensen then asked if the carbon footprint savings had shown much during the Mapleton program. Mr. Burgon said that there would be about a 10% less amount of time that the trucks would be in the City. He said this would be the carbon footprint savings that had been talked about.

Mr. Burgon said the program is relatively new, and it would be hard to quantify the reduction in time and gas. However, he said that they have been able to quantify the savings at about 10%, so far. Less wear and tear on the roads and less truck time has been the savings.

Council Member Jensen then asked what disadvantages they had seen. Mr. Burgon said that some residents would have to take the cans across the street. He said in Mapleton, he was scared to death about the complaints, and was shocked that there were little or no complaints in that city with the pilot program. He said they were very supportive, in fact.

Mayor Daniels said it sounded to him like there were some intangible benefits, not unlike recycling. Mr. Burgon said that was correct. Also, the Mayor asked how cul-de-sacs were handled safely. He said it might be difficult to go into them. He said that it would be easier for the drivers not to have to back up. He indicated that each cul-de-sac presents its own problems. Mr. Burgon said that the trucks would really prefer not to back up—particularly for safety reasons.

Council Member Jensen asked what the main cause is for accidents with the trucks. Mr. Burgon said that cars parked on the road present the biggest problems in trying to get to the cans. He said, however, there are very few accidents.

Mayor Daniels said it sounded like a one side of the road pick up would be more on the ecology side of things. Also, he said it sounded like it would have an unmeasured cost benefit. Mr. Burgon agreed. He also said that this program would also be a step above recycling, in that the one side of the street program would cost residents nothing, when the recycling would have a cost to them. The Mayor and Council thanked the Allied representatives for their presentation.

Director Walker then commented that it would help in that the less weight on one run, instead of two, would help in the wear and tear on the street.

Council Member Call said that mail delivery had evolved over the years to where it is now on one side of the street, in one station. Mayor Daniels said he thought about that too. He said he also wondered if a better way could be worked out in cul-de-sacs, etc. with the trash pick up.

4. Discussion of items for the upcoming October 21, 2008 City Council meeting

Mayor Daniels said that he and Director Young had interviewed Mrs. Heather Pack for the alternate position on the Planning Commission. He said she misses serving in the community since going back to school.

a. Public Hearing to consider an Ordinance changing the zoning on properties in the downtown Pleasant Grove area, from R1-7, R1-8, C-S, C-S(T), C-G and M-D to DV (Downtown Village); including the Transitional Sub-district and the Commercial Sub-district, to meet the objectives of the approved Downtown 2020 Action Plan and the Downtown Village Zone ordinance. (OLD FORT, LITTLE DENMARK, STRING TOWN NEIGHBORHOODS)

Mayor Daniels said this is the follow-up to implement the work done by Community Development. Director Young noted that was correct. He said he would consider this ordinance as the capstone of all of the work that had been done for the future of the downtown area.

Council Member Wilson asked if this item would take a lot of time in the upcoming Council meeting. Director Young said he didn't think so, based on the small number of people that had attended the discussion on this item during the previous week's Planning Commission meeting. He said he felt the process everyone had been through had pretty well ironed out any potential problems.

Council Member Atwood then indicated that he wondered if this proposed ordinance would allow these changes to all of the downtown area. Director Young said that all of the zones mentioned will now become the Downtown Village zone; one that is commercial and one that is transitional residential. Mayor Daniels said it would now be a lot more simplified.

b. Public Hearing to consider an Ordinance applying the Mixed Use Overlay Zone on certain properties in the Downtown Village Zone; to meet the objectives of the approved Downtown 2020 Action Plan and the Downtown Village Zone ordinance and Mixed Use Overlay Zone ordinances. (OLD FORT, LITTLE DENMARK, STRING TOWN NEIGHBORHOODS)

Director Young explained that this was basically the same as item "a," but was taking the step of mixed use overlay and applying it in the commercial sub-district. This area, he said, this area can have the overlay applied. It is already acceptable to those that have approved it.

c. Public Hearing to consider an Ordinance amending Section 10-21-6-A, "Major Home Occupations," for the purpose of excluding children for daycare and preschools from the definition of patrons or customers, and to also consider increasing the number of non-resident employees allowed to work at a home. (CITY WIDE IMPACT)

Director Young said this was an ordinance generated by the Planning Commission. He said the current restrictions on the number of employees and customers that come into a home occupation is problematic. The number of children in a day-care are considered customers. It was decided they are the students, not customers. They wanted to clarify this. Also, he said this would serve to expand the number of employees from one to two employees. He said this made it very difficult on many home businesses to only have one employee. It makes it a lot more flexible for the business owner.

Council Member Atwood asked if, for instance, someone operated a dance studio, and the parking taking place were just older students (that could drive) taking classes at the residence. He asked how this was regulated. Director Young said this particular ordinance amendment was for pre-school students—who are dropped off. Council Member Call said that it makes it easier to not define the pre-school students as customers.

Attorney Petersen said to clarify, day care and pre-school facilities are handled in a separate section of the business licensing, along with fire code, etc. Council Member Boyd added that state code also defines as to how many children one can have in the facility, etc.

d. Public Hearing to consider an Ordinance amending Title 11 Chapter 7, “Plan and Plat Requirements,” for the purpose of updating the municipal ordinance with new State legislation, under the direction of the Utah League of Cities and Towns, regarding the process of reviewing and approving subdivision plats; requested by Pleasant Grove City Staff. (CITY WIDE IMPACT)

Director Young said this is basically a housekeeping item, with staff wanting to update the code according to state legislation. Some of it is LUDMA related, he added.

e. To consider adoption of a Resolution amending Pleasant Grove City’s Articles of Incorporation for the Pleasant Grove/Cedar Hills Common Boundary Adjustment No. 3.

Attorney Petersen indicated that this item was a housekeeping item following the recent boundary adjustment. She said that anytime a city alters its boundaries of incorporation, the state must be notified, so they can keep accurate records.

5. Mayor, City Council and Staff business

- Director Walker said the bids would be coming in from the sewer project.
- Chief Paul said he thought that most would remember Mr. Chad Hymas that had spoken at the Christmas party as a motivational speaker. He said Mr. Hymas is in a wheelchair. He also said that Mr. Hymas and his wife had adopted a child from Guatemala, she is involved in a program with a 5 k run, and she was asking if the City would help to sponsor her for this run at \$300.

Mayor Daniels asked Director Clay what the City normally does when asked for a sponsorship such as this. Director Clay said that the City normally does not sponsor anyone for anything. He said he realizes there are a lot of worthy causes. Attorney Petersen said that in the past, it was common for cities to sponsor charity events. Now, she said that since a

recent court ruling, the city would have to do a market analysis showing that they were getting fair market value for a contribution. She said it is a difficult analysis. Mayor Daniels then suggested that perhaps if Chief Paul sent out an email asking if the employees of the City would like to contribute, the donations would be welcome. That way, it wouldn't be the City that was donating, but instead the employees of the City, he noted.

Mayor Daniels said he appreciated the daily reports that had been provided him to read on fire incidents. He said he had a few questions, and would work with the staff in finding out what they met.

- Council Member Boyd said that Mr. Dan Turner with the Eagles Club had called her and reminded her that they were going to again sponsor a downtown trunk or treat. She said they are coordinating with the Recreation Department. They had over 1,500 kids that came last year to the downtown park for the event. There are 25 businesses that will participate from 3 to 5 on Halloween.

6. EXECUTIVE SESSION TO DISCUSS IMMINENT OR PENDING LITIGATION (UCA54-4-205(1)(C)).

ACTION: At 7:45 p.m, Council Member Jensen moved to go into executive session to hold a strategy session to discuss imminent or pending litigation (UCA54-4-205(1)(c)). Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Wilson, Call, Jensen and Atwood voting, "Aye."

ATTENDING:

Mayor:

Mike W. Daniels

Council Members:

Cindy Boyd

Lee Jensen

Mark K. Atwood

Bruce Call

Jeffrey D. Wilson

Others:

Tina Petersen, City Attorney

Gary Clay, Finance Director

Ken Young, Comm. Dev. Director

Kathy Kresser, Comm. Dev. Secretary

ACTION: At 8:10 p.m, Council Member Wilson moved to go back into regular session. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen, Wilson and Atwood voting, "Aye."

Mayor Daniels told the Council that he had met with the Mayors and Financial officers as well as administrators of Pleasant Grove, Lehi and American Fork to discuss where they are regarding the overseeing of the management of the Fox Hollow Golf Course. He said he crafted an email that he sent to the three mayors, which was then forwarded to the Board, and then it was discussed by the

Board in their last meeting. He said copies of those minutes were sent back to him. He said in those minutes, members of the Board expressed offense to the Mayor's email. He said they felt it was, "accusational," in content, and was being propagated by himself, the Mayor of Pleasant Grove. He said that they said he should be grateful for the work they have done. Also, they said that certain people should be taking responsibility to get the information back to him about concerns that the Board has; as well as financial reports that are given at the Board meetings. He said that has not happened. He then said that he had organized another meeting the following evening to include the Golf Course Board, as well as Mr. Rick Roberts, the Golf Pro. He said his response back to Mr. Neil Miller, the Golf Board Chair, was that if his email ruffled some feathers, and it caused all three legs of a three legged stool to be addressed, rather than just two legs, then he has done his job as a representative of the owners of the Golf Course. He also said that it is important that the Course is not only being reported to be looking good and getting people to come out to the course; but it is also very important to be able to know what the financial aspects and accountability of paying the bonds back would be.

The Mayor went on to say that he is really disappointed that the members of the Board do not feel accountable to come back to the City Councils and Mayors and report what the financial status of the Course is. Also, he said they need to report how the course produces their budget, as well as why they need additional funding, etc. He said that so far, the City has received only a terse phone call from the financial officers of the Course saying, "I need this much money, send it over, you're obligated..." and not saying why. He explained that the Cities will be accountable, not the Course Board, in making sure that the bond payments are made. He said his position on this is that he will be congenial, but firm, in the fact that the reporting can no longer be sloppy, as it has been. Also, he said the City cannot continue to give the Course monies without accountability.

Council Member Atwood asked about the feasibility study that Mr. Jason Burningham had presented at a meeting (previous to the bonds being approved). Director Clay said that it wasn't Mr. Burningham's responsibility to make sure that all was running smoothly with the payments at this point in time. Council Member Atwood agreed.

Mayor Daniels then said that his concern was that the Council is not receiving any kind of financial information as to what was planned for the Course, and what was actually done for the Course; and how these would synchronize with one another. He said the people are choosing to be offended, and not understanding that they are to be accountable. He said the Golf Course Board is appointed. Mayor Daniels then turned to Council Member Jensen and said that he had volunteered to serve on the Board and bring the information back to the Mayor and Council. The Mayor told Council Member Jensen that he has not followed through on bringing that information back.

Council Member Jensen said that with the financial reports, the Board has recognized and told Mr. Wells that the reports have not been adequate. He said Mr. Wells said it would be better the next month, and it has not been. Mayor Daniels asked if Council Member Jensen had read the minutes. Council Member Jensen said he had not read the Board minutes from the last meeting. Mayor Daniels told him that there was action in those minutes that Council Member Jensen had been quoted in those minutes as having taken a certain position with responsibilities; and they passed those minutes.

Council Member Jensen said that he was at the meeting, and certain members of the Golf Board had

expressed the desire to, “lynch the Mayor Daniels.” He told the Board that it made no sense, and if they were offended, he would go back to Mayor Daniels and talk to him. He said they said, “no way.” Mayor Daniels then said that Council Member Jensen needed to read the minutes, in that the characterization of the responsibilities he (Council Member Jensen) took on, and how the other people reacted. The Mayor also said the minutes showed a disdain and lack of responsibility and accountability on the part of the Board back toward the three cities that own the golf course.

Council Member Jensen then said that there were two members of the Board that couldn’t even be talked to regarding the issues. The Mayor said that some of the representation might have to be “changed out.” He also said that the agreement was that millions of dollars in taxpayers money for certain improvements were being done to the course, and the Course Administration were to come back with adequately demonstrated ability to take on that responsibility. To date, the Mayor said, he feels he and the Council have not received sufficient financial accountability back from them.

Council Member Atwood asked who did the financial responsibility for the Course. Council Member Jensen said that this might be where the problem was. Council Member Atwood asked if this person was not competent, or if they simply did not care. Council Member Jensen said he does believe the financial person does care. Mayor Daniels said that Mr. Kent Wells is the financial person. He said Mr. Wells had been over the water billing for the City.

The Mayor went on to say that at this point, everyone’s intentions for the Course to be managed and producing well is fine. But, Mayor Daniels said that because the clubhouse and course have been nicely rebuilt, that those two “legs” of the three-legged stool are taken care of, that they think, “everything is okay.” He said the third leg is the accountability of the finances of the Course. He said that the accounts are either positive or negative. He added that this is the problem.

Council Member Call then indicated that the Council had an obligation to oversee the finances. He said that whatever needed to be done, would have to be done to provide the “proper oversight.”

Council Member Atwood said that currently, the clubhouse is doing well, the course is doing well, he wondered how to get the reports.

Director Clay said that the reports that he had received were really too complicated or messy. Mayor Daniels said that it had been like “pulling teeth” all along to get any accountability. Director Clay said that when (the Course) was not making the revenues it should, or the expenditures were higher than they were to be, there was never any explanation as to why, other than a sentence. He said there was never any written explanation as to the whys or wherefores.

Council Member Atwood said he wondered if it would help for the three cities to hire someone independently to go in and look at the accounting. He said if the current people are not competent, then there needs to be someone in there that can be competent, as taxpayer’s money is involved.

Mayor Daniels said that all three cities, Pleasant Grove, American Fork and Lehi, have assigned representatives on the Board. He said the Board may not understand this, but they are responsible to oversee management in the hiring and finances of the organization. He also said if they don’t understand that they report back to the three owners (the cities) they represent, then there is a problem. Council Member Atwood then reiterated that there needed to be a “bean counter” to take over the finances. The Mayor then said that rather than by-passing the Board, the Councils and Mayors needed to go to the Board and get the right people on there, so the right management was in place. Council Member Atwood noted that he was very concerned, in that it had just been said that the Mayors and Councils were accountable.

Attorney Petersen clarified the point that before there were any plans made for new people to take the place of those currently serving, the Council would have to remember back that when it was time to go out for the bonding, the cities drafted an interlocal cooperative agreement that set the Board up as their own entity. She said this was done, based on the advice of the financial advisors. She added

that this had to be done in order to qualify for the bonds. Additionally, she explained that some of the questions that were being asked could be answered by pulling out that interlocal agreement and reading what was written in that document.

Mayor Daniels said that the purpose of the three cities and the Chair of the Board and management in getting together was to go over the rules and regulations; and to make sure that it all functions properly. He said this will help all three “legs” of the stool to work together.

7. ADJOURN

ACTION: At 8:22 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Wilson, Boyd, Call and Jensen voting, “Aye.”

This certifies that the Work Session Minutes of October 14, 2008 are a true, full and correct copy as approved by the City Council on November 5, 2008.

Mary Burgin, Deputy Recorder