

Pleasant Grove City Council Work Session Minutes
November 24, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Excused:

Lee G. Jensen, City Council Member

Jeffrey D. Wilson, City Council Member

Frank Mills, City Administrator

Kathy T. Kresser, City Recorder

Lynn Walker, Public Works Director

Tom Paul, Police Chief

City Recorder:

Colleen A. Mulvey, Deputy Recorder

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Marc Sanderson, Fire Chief

Degen Lewis, City Engineer

Libby Flegal, NAB Chair

The City Council Members and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah 84062 at 7:00 p.m.

1. Call to Order

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

2. Opening Remarks

Opening Remarks were given by Director Bradford.

3. Continued Public Hearing to consider an Ordinance (2009-17) amending Title 10, Chapter 15, Section 36 “ Low Power Radio Communication and Antennas” for the purpose of updating the code with the Federal Communication Commission (FCC) guidelines and establish height and setback restrictions for radio towers in all zones throughout the City. (CITY WIDE IMPACT) (Continued from the November 17, 2009 meeting)

Director Young explained that this item was continued from last week’s meeting with the request that City Planner Allen be present to clarify and explain a couple questions that were raised. Director Young said that unfortunately City Planner Allen is out of town this week, but that he did ask him to

address these questions in an updated report. Director Young stated that he would be reviewing those questions tonight. The first question is: What is the rationale behind the fifty five foot tower height in residential zones? City Planner Allen's report states that the rationale for the fifty five foot height maximum in a residential zone is supported by the technology itself and its effectiveness. City Staff referred to a study provided by the American Radio Relay League, Inc. and the opinion of a licensed professional. The study was based on a three height comparison of thirty five feet, seventy feet and one hundred and twenty foot tall towers. In summary, the study determined that as the tower gets taller, the power and overall performance of the signal greatly improves. The tower at thirty five feet suffered from "poor transmission" of its own signal and if the transmission power is boosted to the legal limit to compensate, then they showed a significant increase in interference to neighboring televisions, telephones, VCR's and other audio equipment. So restricting the tower height too much can be counterproductive for all parties. In speaking with the licensed professional, he said that even though seventy feet is an ideal height, fifty five feet will still perform well, but any lower than that begins to degrade the signal.

Director Young then reviewed the second question: Why the lattice tower design, do we need them in residential zones? City Planner Allen's report states that lattice towers have come a long way since the days of large and obtrusive looking structures with a wide base, Lattice towers are now designed to have as small as a twenty four foot base, which is designed to have skinnier sections as it goes up in height, because most of these are now retractable. This means that an operator can crank the tower down when it is not being used. This makes the tower more aesthetically pleasing and less obtrusive. Operators prefer the lattice structure because it has proven to be more stable and able to withstand earthquakes and strong winds better. In terms of safety and tower stability, Staff recommends allowing lattice towers, and if there is ever a concern with the look or location, the conditional use permit review process will greatly mitigate those concerns.

Mayor Daniels stated that that answers that question as to where it came from, but the question still remains of why we need them in residential zones, it was explained that primarily these lattice towers would be in City parks. Director Young stated that that is where we would like to see them but there are "ham" radio operators that would like to have the ability to extend their towers for that use. Mayor Daniels then wanted to clarify that by allowing the tower to be higher, you don't have to increase the amount of power that the radio is using, and it is just more effective. Director Young stated that is what he understands to be correct. Mayor Daniels said that the question then is more towards the aesthetics and the concern with the lattice design in a residential neighborhood and does having a higher tower necessitate going to the lattice design? Director Young said that he does not know if it necessitates it, but that he does know that it is a preferred use.

Mayor Daniels invited George Oates, a "ham" radio operator to help clarify and answer some of the questions being posed.

Council Member Call asked if "ham" radio operators preferred to have a tower that is based on the ground or something that would be on top of the house. Mr. Oates said that his preference is to have a tower, which he does, because they work extremely well and can withstand high winds, if they are attached to the roof that brings in other structural problems that need to be dealt with.

Mayor Daniels stated that he lives in Mr. Oates' neighborhood and except for the period of the first year that he lived there, he does not even notice that there is a tower there anymore. The Mayor said that his real concern is with cell tower type structures going into residential neighborhoods. Mr. Oates said that the huge cell towers that you see such as the one in Cedar Hills on Canyon Road towards the golf course, those are not the type of structures that amateur radio operators need.

Mayor Daniels asked Director Young that when we contemplated this Ordinance, did we look at the commercial cell tower usage in the residential zones. The Mayor explained that he wanted to make sure that we can accommodate amateur radio operators with their type of design and need, without having these commercial, large lattice type structures. Director Young said that this was anticipating

a commercial use for private radio operators. Mayor Daniels said that if technology advances and they come up with a cell tower that is not obtrusive, is that something that we should be concerned about. Director Young stated that the biggest concern we do have at this time is the aesthetic element, so if it does fit within the height limit and it is not some big obtrusive, unattractive structure, then we may not care where it is located. Council Member Call added that these would all be subject to the conditional use process. Director Young stated that that was correct.

Mayor Daniels stated that this is a public hearing and then opened the meeting to the public for comment.

Darryl Hazelgren, 4332 Chestnut Oak Dr., Lehi came forward and stated that he has been involved in amateur radio for about fifty years and has been a member of the governing body of the largest amateur radio club in the state, the Utah Amateur Radio Club. Mr. Hazelgren said that he is currently on the Board of Directors of the Utah DX Association and this club comprises of individuals who use these lattice type towers, most of the members have towers in the range of seventy five feet. Mr. Hazelgren referred to a document provided to the Council (in the staff report) by the American Radio Relay League that deals with effective height of antennas and they recommend heights of up to one hundred and twenty feet and that sixty to sixty five feet is considered a minimum for the type of installation that members of the club require in order to support international communication. Mr. Hazelgren stated that he feels that the changes the City is making to the Ordinance are being made in the wrong place, he explained that the installations are amateur installations and not by a commercial enterprise and that all of the language in the current Ordinance deals with cell phone towers and paging systems, it has nothing to do with an amateur radio installation. Mr. Hazelgren stated that his recommendation would be that the City not change the Ordinance at all and do not attempt to regulate amateur radio installations and added that the height limitation of fifty five feet is just not sufficient for what most of these radio operators want to accomplish. Mr. Hazelgren mentioned a Federal regulation called PRB1 which delineates rules for local municipalities to follow in regulating antenna structures and the Utah State Legislature has passed a statute that reads: That a city may not enact or enforce an ordinance that does not comply with the ruling of the FCC, related to amateur radio service; if a city adopts an ordinance involving placement, screening or height of amateur radio antennas based on health, safety or aesthetic conditions, the ordinance shall reasonably accommodate amateur radio communications and represent the minimum practical regulation to accomplish the City's purpose. Mr. Hazelgren stated that as amateur radio operators they are very concerned about safety and that their installations have been engineered properly. Mr. Hazelgren pointed out that in regards to aesthetics, in the FCC rulings and documents they state that beauty is in the eye of the beholder and that he agrees that aesthetics take a back seat to health and safety.

Attorney Petersen stated that we are well aware of what the Federal law states and that the proposed text amendment to this Ordinance is to bring us into compliance with the current FCC requirements and to allow reasonable accommodations for these types of towers in residential zones. The debate about whether it needs to be fifty five feet or higher is a technical issue that would be resolved between the City Planner and the Planning Commission. If the Council would like to increase that height based on the testimony here tonight, they are certainly welcome to do so.

Mr. Hazelgren added that lattice towers are the primary type of towers that are put up, the monopole tower is not what is usually used in the "ham" community, the lattice type is almost always a crank up type of tower and will nest down to about twenty feet and then extend up to whatever height they

are built for. They also are always engineered to the weight load standards set by the County and the seventy to ninety mile per hour wind load standard of each structure. Mayor Daniels clarified that what he is articulating here is that these towers are planned to be safe and they are designed to be retractable. Mr. Hazelgren said that many are motorized and remotely controlled and it usually takes about three minutes to retract.

Council Member Atwood asked how often do the towers get retracted and do they get raised and lowered every day. A member of the audience, Ross Hunter stated that he has a motorized crank for his sixty foot tower and it takes about five minutes to go up or down and that he leaves it up most of the time and only takes it down if there is a storm or high winds in the forecast.

Mayor Daniels pointed out that understanding technology the way it is today, it is going to continue to advance and the quality or availability of different types of equipment is going to become more available to the common consumer and if we have ordinances, federal, state or local that grandfather the ability for the non commercial to have a carte blanche, then we start to really infringe upon property rights for both parties. It is not just the rights of the amateur radio operator; it is also the rights of that person living next door. The Mayor stated that his concern is with having an ordinance that allows any kind of amateur radio structure to go up that may actually infringe upon the site or aesthetics of the neighbor and do we have enough information here to actually make a change to our ordinance or do we need to think this through more.

Attorney Petersen stated that when the ordinance amendment was suggested, that City Planner Allen and she went over the Federal law, and cities have the right to reasonably regulate aesthetics and health, safety and well being. What City Planner Allen has proposed here is what he considers a balanced approach to the City's interest and the interest of the amateur radio operators. Attorney Petersen said that if the Council is not comfortable with what is being proposed, then let's have City Planner Allen come back and explain how he came up with his recommendations.

Mayor Daniels asked Director Young that in the drafting of the amendments to this ordinance, did City Planner Allen consult with any amateur radio operators. Director Young stated that the applicant who actually brought this issue forward is an amateur radio operator.

The applicant, Mr. Radmall came forward and said that he had talked with City Planner Allen about being able to put up a fifty five foot tower, the reason for this was the cost, it is what he could afford. Mr. Radmall added that this was the minimal that was possible to use and that he understands that he would not have as good as a signal with this shorter height of the tower. Mayor Daniels said that then he was compromising, but only because of his personal affordability. Mr. Radmall stated that that was correct, going to a tower that was seventy five foot tall tower was just out of his range as far as cost, but that he did make it clear in his discussion with Mr. Allen that other operators would probably want more.

Doug Reneer, 1327 N 1520 W came forward next and stated that he is in charge of emergency communications for the LDS church, he is not here on assignment of the church, but as a resident he wanted to make a few comments. Mr. Reneer said that one of the things that may help in resolving the issue of tower height, is the rationale behind PRB1, the FCC is the federal agency authorized to license amateur radio operators. They authorize the amateur radio operator to operate on certain

frequencies; the laws of physics govern what sort of antenna and what height the antenna needs to be above ground in order to function reasonably. Mr. Reneer added that it is more than a personal preference; it is actually related to the laws of physics, different frequencies of antennas work optimally at different heights above ground and that is why typically amateur radio operators choose fifty five to seventy five feet because that is where the antenna works most effectively. Mr. Reneer stated that the idea behind PRB1, since the FCC is the only one authorized to license, jurisdictions such as counties and cities cannot infringe upon that. Mayor Daniels asked to clarify, is the FCC authorized to issue the radio frequencies or are they authorized to just blanket license types of towers, etc. Mr. Reneer said that they do not license towers, they license frequencies. The “ham” radio operators are given multiple frequencies and the idea behind PRB1 is that no jurisdiction has the right to alter the ability to operate as “ham” radio operators, or to impose restrictions that keep them from operating in a reasonable manner. Mr. Reneer added that “ham” radio operators have to operate within the frequencies that are assigned to amateur radio operators and it would be a violation of the FCC rules and regulations if they are to interfere or go beyond those frequency bands.

Mayor Daniels stated that what we are trying to address here is height and aesthetics in residential areas and from what has been given, we do have that authority to regulate that within our locality, the question is, does the ordinance that we have come up with address practical use for the “ham” radio operator and yet protect the rights all of the other property owners. The Mayor added that he does not know the answer to that. Mr. Reneer commented that on the aesthetics, he does not know of an area along in the Wasatch front that has a higher concern for aesthetics than Temple Square and the downtown campus of the LDS church and if you look on the roof of the church office building there are two lattice type towers and they are there because of the importance of radio communications in an emergency situation. Mayor Daniels stated that in a large city you are going to have those types of uses on top of buildings, here we are specifically addressing a residential neighborhood, we are trying to get down to something practical here.

Cory Riley, 819 N 1450 W came forward and said that he has been a “ham” radio operator for three years and that it is a wonderful community of volunteers who donate their own personal resources and a lot of time in order to be of service to the community in emergencies. They work with multiple agencies to help them work together and communicate effectively. Mr. Riley said that as part of the regulations that they have to review in order to certify as “ham” radio operators is that they have to understand the regulations and be in compliance with them. Mr. Riley said that the maximum tower height limit that they are able to put up is two hundred feet assuming that there are no other ordinances or limitations, and he feels that the limitation of fifty five feet is limiting as far as what is needed for the physics of it, to be able to communicate effectively in times of emergency and suggests that more consultation be done to come up with a reasonable height that would fit our needs well and make sure that we are able to assist the community as best we can. Mr. Riley said that many cities have an Emergency Operations Center (EOC) and the “ham” emergency communications group participates with them and “ham” volunteers will go and staff them and provide emergency communications which is a vital service when cell phones go down and network switches get overloaded. Mr. Riley stated that he recommends that as a citizen and a “ham” radio operator, he would like to see a Pleasant Grove EOC set up.

Bob Rusick, 2083 Woodbury Dr., Lehi came forward next and stated that he has been licensed for

fifty five years as an amateur radio operator. Mr. Rusick said that the thing that is confusing to him is that the ordinance seems to be being modified on behalf of the amateur radio operators, and that it really does not need to be modified because it deals with pagers, cell phones and commercial entities. Mr. Rusick suggested that an ordinance be written specifically for the amateur radio service; that includes the height and setback requirements and other provisions that would work well for the community.

Mayor Daniels asked that in the current ordinance, did it only regulate the commercial use prior to this modification or was it for both? Attorney Petersen stated that it tried to regulate both, it is titled as "low power" radio communication and the intent in this modification is to handle both commercial and amateur use.

George Oates, 974 N. Murdock Dr. came forward again and pointed out that the laws of physics are not going to change; therefore the height above ground needs will remain constant. So even if technology gets better and we may use faster equipment, it will not change the height in its relation to the frequencies that we use.

Mayor Daniels stated that we are trying to figure out how to accommodate everyone within the guidelines of the FCC and according to the rights of the City, and we are learning that fifty five is not optimal for a "ham" radio operator. The Mayor asked Director Young if we consulted any other cities ordinances when we crafted these amendments. Director Young stated that he does not believe that we did, we were going by the information from the applicant, the ordinance, a model ordinance and the Federal guidelines; we were satisfying the request of an applicant believing that perhaps that would satisfy others and we were also concerned about the aesthetic appearance and was this justifiable. Mayor Daniels stated that it seems that there are some areas where we might look at where the language is written and whether it is in the right place based on some of the observations that were made. The Mayor said that maybe there are numerous cities that have addressed the amateur radio piece and successfully addressed it within the scope of the FCC and the aesthetics for a community and that he is not fond of trying to separate out the commercial versus residential because if the law physics do not change then there is not much difference if you are looking at this from an aesthetic perspective.

Mayor Daniels asked if there were any other comments from the public, there were none; the Mayor then closed the meeting to the public.

Council Member Call stated, that as he mentioned last week, he would like to see how other cities are handling this.

Council Member Boyd stated that she would like to have further discussion on this, that she would like to see this item separated. We have this group of individuals in our City and area that can provide an incredible service to our community in case of emergency, if this is separated then we can have some type of knowledge of where these operators are and we can solicit their help. Attorney Petersen added that there is a book called the Pleasant Grove City Emergency Response Plan, and part of that emergency response plan is identifying and knowing where the amateur radio operators are.

Mayor Daniels then directed staff to go back and work with a designated representative from the amateur radio operators and involve our Community Emergency Response Team (CERT) from emergency services and take a good practical look at the ordinance and the amendments from the perspective of the health and safety and our concern with the aesthetics. Take a look at what has been used in other cities clear up some of the technical questions on language and where it is located in the ordinance and determine if we need to separate the commercial use from the residential. Council Member Boyd stated that she would like to be involved in the process and discussions on this ordinance and asked Director Young to copy her in on this. Director Young indicated that he would.

Mayor Daniels stated that unless there is no urgent need to move forward on this and have it passed, then it will be brought back in the new year with the new Council and Mayor. Director Young said that urgency is not the issue, but there is interest on behalf of the applicant who has suggested the ordinance change. The applicant, Mr. Radmall said that he would prefer to get this ordinance right to where everyone is satisfied.

Mr. Riley asked if he could add another comment and said that many cities have an Emergency Operations Center (EOC) and the “ham” emergency communications group participates with them and “ham” volunteers will go and staff them and provide emergency communications which is a vital service when cell phones go down and network switches get overloaded. Mr. Riley stated that he recommends that as a citizen and a “ham” radio operator, he would like to see a Pleasant Grove EOC set up and that he would be glad to volunteer and get involved with this. Mayor Daniels asked him to get in touch with Director Young and work with him along with Chief Sanderson and Chief Paul and their CERT people to organize this.

Mayor Daniels thanked the amateur radio operators for their patience, time, research and interest in this ordinance. Mayor Daniels stated that staff will have to report back with information from the directive given tonight, the Mayor then asked for a motion to continue.

ACTION: Council Member Boyd moved to continue this item indefinitely. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting “Aye.”

4. To consider a Resolution (2009-044) authorizing the Mayor to sign a development agreement with Peck Ormsby Construction, regarding the temporary access for the Quail Run Charter School, located at approximately 550 West 3300 North (MANILA NEIGHBORHOOD)

Attorney Petersen stated that this is a time sensitive item in that the school is anxious to get started. The Development Agreement is straight forward; it is based upon the needs of the school and the City with regard to access, both permanent and temporary access. There are some adjustments on the bonding that we have just received this evening, calculations for the bond, so it will be no more than one hundred and sixty five thousand dollars instead of the one hundred and fifty thousand. The provisions of the Development Agreement are in accordance with the conditions of approval that came from both the Planning Commission and the City Council. Attorney Petersen said that in the packet provided to Council, she has included a copy of the proposed temporary easement, it has not been finalized yet and the applicant is here to answer any questions you may have.

Council Member Boyd asked that on the road that eventually goes over the canal to Valley View Drive, it is not all a part of Pleasant Grove and have we dealt with the fact that part of it is in Cedar Hills? Attorney Petersen stated that we have left that to the applicant to work out, that will be their responsibility.

Mayor Daniels asked that on the easement language, is it the agreement with Mr. Schow that is not finalized. Attorney Petersen stated that that was correct. Mayor Daniels then asked why we are proposing to enter into an agreement now, without having that resolved. Attorney Petersen said that it was finalized and we objected to the language. One of the applicants, Erin Preston stated that the new agreement will be finalized shortly; the only change that was made was one paragraph that she has reviewed with Mr. Schow that he has agreed to, we just have not put it all together and gotten it in front of him because this just happened today. Attorney Petersen added that the issue on this is the control over the gate, the blocking of that temporary access, as a condition of approval the Council and the Planning Commission said that they had to be crash gates and they had to be open during school pick up and drop times and anytime that the school exceeded two hundred and fifty average daily trips. The language in the easement with Mr. Schow did not specify crash gates and appeared to give Mr. Schow ultimate control over when the access would be open or closed rather than the school having that control.

Mayor Daniels wanted to clarify that the new language is in the agreement. Attorney Petersen stated that the new language is in their temporary access agreement with Mr. Schow, the language that we required is in our Development Agreement, so we are covered.

Mayor Daniels then said that as long as they meet that requirement then the agreement can go forward, if they do not meet it then the agreement is not valid. Attorney Petersen stated that that was correct. Attorney Petersen added that she is assuming that no building permit will be issued until the City Planner and Engineer are satisfied that all of the conditions are met.

Mayor Daniels asked if the Council had any questions for the applicant, stating that he believes that our issues have been addressed by the agreement and as long as the applicant is able to produce what we have required within the agreement then he does not have any objections.

Council Member Atwood said that he feels that we should not sign the agreement until the agreement with Mr. Schow is signed.

Attorney Petersen stated that she prefer that the Mayor not sign the agreement until the conditions are met.

ACTION: Council Member Call moved to approve Resolution 2009-044, authorizing the Mayor to sign a Development Agreement with Peck Ormsby Construction, Quail Run Partners, LLC., and Quail Run Primary School Foundation regarding access for the Quail Run Charter School, to be located at approximately 550 West 3300 North, when the conditions on the temporary access are fully executed according to the language required. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting “Aye.”

Mayor Daniels stated that the motion carries and the Mayor will not sign until we’ve had the

production of the document.

5. Mayor Daniels to update the Council on the Pleasant Grove Blue Energy project

Mayor Daniels stated that we had previously talked about the possibility of generating electricity off of our culinary water system and that tonight he would be presenting an overview and slide presentation updating the Council on this Blue Energy project. Mayor Daniels explained that in the 1850's to the 1870's, there used to be a power station/electrical generation system at the base of Battle Creek Canyon, that power plant was dismantled and they started generating power out of American Fork Canyon and since then we had the grid, so the whole idea of generating power at a community level has been lost. In taking a look at this energy that is being created here and stored up in the mountains, we are looking at how it comes down through our community in the springtime, we have to kill the speed of that water using Pressure Reducing Valves (PRV) in order to slow it down so it does not rip apart our culinary and secondary systems. The PRV just dissipates the energy, it gets rid of it, it's gone, and it's lost.

The Mayor explained that we are taking a look at a project that we are going to call Blue Energy, not green but blue, because it's dealing with water. With the help of Council Member Call, we have branded this project and have called it Project Blue Energy for Pleasant Grove. We are taking a look at every PRV in the City, starting at the top where it first comes down into the culinary system and then every other valve after that, and possibly some that are not pressure reducing such as the ones right after the water gets into the reservoir and comes out, there is a great amount of pressure there that can be captured to generate electricity. Looking at the historical volume flows for water coming out of the canyons, what we see is that the majority of the water from the snow melt is at a crucible in the months of July and August; it peaks during the summer months. Typically the summer months are when people use the most energy and the water melt and flow crests in these spring and summer months, so there is a natural match here for peak energy production.

Mayor Daniels then explained that when you take a look at estimated annual power production in kilowatt-hours, we estimate that we can produce about one million kilowatt-hours a year from the following five sources in Pleasant Grove: Battle Creek Canyon, Wade Springs, PI PRV 850 East, Culinary PRV 500 North, additional PI PRV's and additional Culinary PRV's. We have engaged the services of Horrocks Engineering, Waterworks Engineering and Power Innovations International to help us look at electronics versus electrical versus water and bring those together to come up with the numbers provided in the Feasibility Study, *In-Line Hydroelectric Power Generation* (exhibit A). The Mayor commented that it is astounding and astonishing that this much energy could be generated out of new technology out of our community here and be used to offset the needs of the City.

Mayor Daniels stated that the bigger picture here is if we are able generate one million kilowatt-hours a year here in our community, what would the impact be if we could do that across ten, twenty or a hundred communities. Now you are starting to talk about energy generation from a renewable source that for the magnitude that gets the attention of Rocky Mountain Power and the State of Utah. We took this idea to Senator Bennett and he liked the idea so much that he stuck a one million dollar appropriation for Pleasant Grove in the 2010 budget; it has passed the House and the Senate and was signed into law on October 29, 2009.

Mayor Daniels explained that next week he and Council Member Call will be heading to the Department of Energy to discuss with them the rules and regulations on starting to draw on that one million dollars so that we can actually deliver this power plan to the City of Pleasant Grove. We have also discussed this with Governor Herbert and will be meeting with him again on December 7th to apprise him of where we are with our Feasibility Study and the Coalition we have established, he has assigned us the use of the Governor's Office of the Energy Policy. There are several companies, municipalities and entities that we have enlisted the support of and are participating with us.

The Mayor then reviewed the next steps that they will be looking at, so far there is one million dollars to do the project, there is a group of people that are excited about making this happen and we have a source and a Feasibility Study that says that this thing is actually doable. We now need to take this to the next level and actually produce the technology model. We have a Technology Committee that is working on the actual project that will go here into Pleasant Grove; their responsibility is the Technical Model, the pricing of all components and to standardize the production of the actual turbine that so that it can be mass produced. The next thing is the Financial Model, we know that there is one million dollars for us and we will be determining what are the best ways to make use of this energy after you have captured it. Would the best thing to do be to sell it or put it into use into your own City, how much should you expect to get for it, what should these things cost and compare the cost versus what you can get from the sale or use of the energy, are you getting a return on investment? We are fortunate in that our Feasibility Study shows that it should be less than a ten year pay back, normally projects in a public setting have a fifteen to twenty year pay back. The third thing is the Policy Model, regulations about power companies or generators are handled at the Federal level there are also regulatory issues about permitting that have to be dealt with as well as policy issues at the State level.

Mayor Daniels stated that this is responsible and renewable energy from existing community water resources; and the project is about how we get it working flawlessly with a return on investment for the City of Pleasant Grove. It is about how we replicate that model for every other community that has this type of infrastructure already invested across the Wasatch front, the State of Utah, the western United States, maybe in other parts of the Country or the World. The Mayor stated that Pleasant Grove is the leader in this endeavor right now and according to the State Energy Policy Advisor to the Governor, Dr. Nielson, they are totally excited about this project. Mayor Daniels said that Dr. Nielson said that from the moment that she heard about this project she was excited because this addresses a section of renewable energy that is not addressed anywhere else.

The Mayor concluded by saying that this is wasted energy today and we are going to recycle energy that is currently being wasted, we are going to capture it and use it in the City of Pleasant Grove.

Mayor Daniels asked if there were any questions, there were none.

6. Discussion of item for the upcoming December 1, 2009 City Council meeting

The Mayor explained that next week, he and Council Members Call and Jensen will be out of town and would like the Council to consider this as we look at the agenda to see if we should be doing these approvals without the full Council in attendance.

Attorney Petersen stated that the Council will need to elect a Mayor Pro Tem to serve for those days, there is one official function, the tree lighting ceremony on the 30th, so we need to make sure that we have an elected official assigned to cover that and also to act in case of any emergencies while both of you are gone.

Mayor Daniels asked for a nomination for Mayor Pro Tem while he and Council Member Call are out of town.

ACTION: Council Member Call moved to appoint Council Member Atwood to serve as temporary Mayor Pro Tem. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting “Aye.”

Mayor Daniels then stated that Council Member Atwood will be the Mayor Pro Tem from Sunday, November 29 to Tuesday, December 1, 2009.

The Mayor then reviewed the items on the agenda for December 1, 2009 City Council meeting.

- a. **To consider appointment of Jane A. Walter and Robert M. Walter to the Beautification Advisory Commission. Lori Houston to present.**
- b. **To discuss for approval, Resolution (2009-045) authorizing the Mayor to sign an Interlocal Agreement with Utah County, Pleasant Grove City, Orem City, Lindon City, Town of Cedar Hills, American Fork City, Highland City, and Lehi City, the proposed Provo Reservoir Canal Right-of-Ways to construct a public trail for recreation purposes over the canal and to participate with the County in funding, construction, managing, policing, maintaining and using the Greenway.**

Mayor Daniels stated that it was decided to pull this item from the agenda, they are not ready and we do not feel that the document is appropriate.

- c. **To consider a Resolution (2009-046) to authorize that Mayor to sign an Independent Service Agreement with Jeremy Roos, dba: RTODDY, to provide data systems, sales and service, such as assessments, planning, design, installation, projects, training, upkeep, maintenance, support and problem resolutions.**

Mayor Daniels said that this is the renewal of our service agreement with Jeremy Roos who provides the network and technological services for the City.

- d. **To consider a Resolution (2009-047) to authorize the Mayor to sign approval of the agreement with Capitol Project Partners (CAPP) that will allow CAPP to serve as Pleasant Grove City’s Washington Representative, and provide strategic advice and counsel of federal government relations issues as directed by Pleasant Grove City and assist in managing the Energy Independent Community Project.**

Mayor Daniels explained that this is the renewal of the contract with our Capitol Project partners in Washington, D.C.

Mayor Daniels stated that these items are not urgent and can be dealt with in January, and that it will not limit us from continuing to operate. The Mayor asked if the final payment item “e” on the consent agenda could wait. Director Clay stated that we would be fine with postponing that.

The Mayor stated that there really is not anything pressing on this agenda and that he is asking for a motion to cancel the City Council meeting for next week.

ACTION: Council Member Atwood moved to cancel the City Council meeting scheduled for December 1, 2009. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting “Aye.”

7. Mayor, City Council and Staff Business

- NAB Chairperson Flegal stated that they will need a couple of new Chair people in January.
- Director Giles mentioned the City Christmas Tree Lighting Ceremony at 6:00 p.m. on Monday, November 30th in the Downtown Park.
- Engineer Lewis explained that he is in the process of looking at revising all of our Bonding Ordinances. One of the things that has come up is that in the requirements on the curb, gutter and sidewalk, the issue of those who live on corner lots, it becomes extremely burdensome and is there a possibility of giving them any credit, would that be something that the Council would be willing to consider. Mayor Daniels asked Engineer Lewis to put together the information with the numbers and present these scenarios to the new Council.
- Council Member Atwood mentioned that the new Mayor will need to assign someone to sit in his place at the meetings for the Utah Lake Commission.
- Mayor Daniels said that December 7th, is the Mayor’s dinner with the Directors and their spouses at the Senior Center. On December 15th, the City’s annual Christmas party starts at 6:00 in the Grand Ballroom at UVU, and to please RSVP to the Recorder’s Office by December 3, 2009.

8. Executive Sessions

Executive Session to hold a strategy session to discuss the purchase, exchange or lease of real property. (UCA 52-4-205(1)(d)), and an Executive Session to hold a strategy session to discuss the character, professional competence or physical or mental health of an individual. (UCA 52-4-205(1)(a)).

ACTION: At 8:46 p.m. Council Member Call 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)). Member

Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting, "Aye."

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Colleen A. Mulvey, Deputy City Recorder

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Marc Sanderson, Fire Chief

Degen Lewis, City Engineer

Kim Robinson, Electoral Candidate

ACTION: At 8:52 p.m. Council Member Call moved to go into executive session, a strategy session to discuss the character, professional competence or physical or mental health of an individual. (UCA 52-4-205(1)(a)). Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting, "Aye."

Deputy Recorder Mulvey was excused from the Executive Session at 8:52 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Marc Sanderson, Fire Chief

Kim Robinson, Electoral Candidate

ACTION: At 9:14 p.m. Council Member Call moved to close the executive session and return to regular session. Council Member Atwood seconded and the motion passed unanimously with

Council Members Atwood, Boyd and Call voting “Aye.”

ACTION: At 9:15 p.m. Council Member Call moved to direct staff to proceed forward on negotiations for the Christensen property. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting “Aye.”

ACTION: At 9:15 p.m. Council Member Atwood moved to approve officially extending the offer to Scott Darrington for the position of City Administrator according to the contract that was discussed. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting “Aye.”

ACTION: At 9:16 p.m. Council Member Boyd moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd and Call voting, “Aye.”

9. Adjourn

Meeting adjourned at 9:16 p.m.

This certifies that the Work Session
Minutes of November 24, 2009 are a true,
full and correct copy as approved
by the City Council on January 19, 2010.

Colleen A Mulvey, Deputy City Recorder