

Pleasant Grove City Council Minutes
September 16, 2009
7:00 p.m.

PRESENT:

Mayor Pro Tem:

Bruce Call

Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Jeffrey D. Wilson

Excused:

Mayor Michael W. Daniels

Kathy T. Kresser, City Recorder

Lynn Walker, Public Works Director

Tom Paul, Police Chief

City Recorder:

Colleen A. Mulvey, Deputy City Recorder

Others:

Frank Mills, City Administrator

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

Sean Allen, City Planner

Libby Flegal, NAB Chair

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Jordan King.

3. OPENING REMARKS

Opening Remarks were given by Director Clay.

4. APPROVAL OF MEETING'S AGENDA

Mayor Pro Tem Call stated that there is a change on the agenda, item "A" will be removed from

the agenda, Miss Utah is unable to be here tonight.

Mayor Pro Tem Call asked if there were any other changes to the meeting's agenda, there were none. The Mayor Pro Tem then asked for a motion to approve.

ACTION: Council Member Boyd moved to approve the agenda, removing item "A." Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, "Aye."

5. CONSENT AGENDA (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

MINUTE REVIEW AND APPROVAL:

- a. City Council Minutes for September 1, 2009
- b. To consider application for final Payment Twenty-Four and Change Order Sixteen for Pressurized Irrigation System Schedule 6 to HDX, LC
- c. To consider approval of paid vouchers (September 9, 2009)

The Mayor Pro Tem asked if there were any questions on the consent agenda.

Deputy Recorder Mulvey stated that item "a", the City Council minutes from September 1st are not yet ready for approval.

Mayor Pro Tem Call remarked that on item "b", there was quite a savings on Schedule 6, of close to a million dollars. The Mayor Pro Tem then asked for a motion to approve.

ACTION: Council Member Jensen moved to approve the consent agenda items, removing the minutes listed in item "a." Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

6. OPEN SESSION

Mayor Pro Tem Call explained to those present that if an item was not a public hearing or not on the agenda, they were welcome to come forward and address the Council.

Andrew Stewart came forward; he stated that he is a member of the Design Committee for the Down Town Advisory Board. Mr. Stewart explained that at their last meeting they were working on the idea of a photo contest. The photo contest will be citywide and they will be asking for photos taken within the City boundaries. Currently, Macey's grocery store holds a monthly photo contest and they have had a good response to theirs. Mr. Stewart mentioned the website flickr.com that is used by amateur photographers, and that he has seen some terrific shots of Pleasant Grove posted. Among the benefits of a photo contest are that it has people out looking for the good things about Pleasant Grove, it builds a sense of pride for the City, also what the City, the Council and the Down Town Advisory Board gains is a library of photos. Mr. Stewart stated that he will continue to work with Director Bradford on this project, trying to find

sponsors and finalizing the details. Mr. Stewart added that he would be happy to hear any feedback or suggestions, he can be contacted through his email address: a.stewart@gmail.com.

Mayor Pro Tem Call commented that this is a terrific idea.

Council Member Boyd said that she thinks it's a great idea too; she has gotten a lot of suggestions from citizens about doing some type of photography as art display at the Heritage Festival.

Mayor Pro Tem Call suggested that Mr. Stewart and Director Bradford get together with Attorney Petersen and come up with some wording that says that we own the rights to the photographs. If we are to have this, we should be able to use it in multiple ways and have it set up some way for people to electronically get it to us and to figure out a way to do this through our website.

In that no one else came forward, Mayor Pro Tem Call closed the meeting to the public.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Chairperson Libby Flegal stated that there was nothing to report at this time.

8. BUSINESS:

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2009-16) AMENDING TEXT IN TITLE 10-9B-2 FOR THE PURPOSE OF REWORDING ITEM E, REGARDING ACCESSORY STRUCTURES TO GENERALLY BE PERMITTED IF SMALLER THAN THE DWELLING, BUT TO ALSO ALLOW AN ACCESSORY STRUCTURE TO BE ON A LOT OR PARCEL BY ITSELF IF APPROVED WITH A CONDITIONAL USE PERMIT; TITLE 10-9B-7 "YARD REQUIREMENTS" BY ADDING LANGUAGE THAT PROVIDES REDUCED SETBACKS FOR LOTS WITHIN THE RE-7 (SINGLE FAMILY RESIDENTIAL) ZONE, INCLUDING NEW LANGUAGE DEFINING PERMANENT AND TEMPORARY STRUCTURES ALONG WITH DESIGN REGULATIONS FOR THESE STRUCTURES; TITLE 10-9B-10 BY ADDING TEXT TO INCLUDE A DISTANCE REQUIREMENT BETWEEN MULTIPLE ACCESSORY BUILDINGS; PLEASANT GROVE CITY APPLICANT (CITY WIDE IMPACT)

City Planner Allen explained that there are three sections that are proposed for change and that he would like to reduce that down to two sections. The first section in the staff report, Section 2, that after meeting with Council Member Call and Attorney Petersen, we felt that there is no need to actually make a change here, the Ordinance as it was written will satisfy and take care of the concerns that staff had, which was basically the uses that are allowed in the zone, they did tie in well with the accessory buildings. Mayor Pro Tem Call added that after reading the code it became clear that it is virtually impossible to build a garage, shed, whatever accessory structure you want to call it, on a lot that is empty, so additional changes are not needed to the code.

Attorney Petersen stated that the Title 10-9B-2 Section E, will be removed from this ordinance. City Planner Allen stated that he has prepared the ordinance and it eliminates that particular section.

City Planner Allen went on to explain the next part, Section 7, regarding the yard requirements and that the proposed change here is to reduce the R1-7 zone setbacks because the lot size has been reduced. It did not make sense requiring the same setbacks for a seven thousand square foot lot as one that is nearly half an acre. As proposed in the ordinance, the front yard setback would be reduced by five feet from twenty feet, the side yard would go down from ten feet to eight feet, and the rear would go down from twenty five feet to fifteen feet. City Planner Allen said that the other part to this section deals with the design of accessory structures and how they are defined. The definitions are specified as permanent, semi-permanent and temporary accessory structures. City Planner Allen explained that on the last part, item "D," the current code established that structures larger than five hundred square feet had to match the home, so we are proposing that a waiver be added to this language so that the Planning Commission can look at these on a case by case basis. City Planner Allen added that a lot of these structures are made of steel and are very nice, but masonry cannot be applied to the exterior. On the last part of this ordinance, Section 10, will add a setback requirement between multiple accessory structures, upon the recommendation of the Fire Marshal and the Chief Building Official.

Council Member Atwood asked about the awning, frame type structures that residents use for their boats, we have discussed this before and are they going to be grandfathered in. City Planner Allen stated that unless they are anchored to the ground, they would be treated as either a semi-permanent or a temporary structure depending on the type of material it is made of and they will have to get a permit and meet the setback and height requirements. Council Member Atwood said that there are a lot of them and people will just replace them as they wear out. City Planner Allen added that they would have to be grandfathered in, but the moment they make a change they will have to apply for a permit and meet the current code regulations.

Mayor Pro Tem Call asked if there was a fire safety element to having a reduced side setback. Fire Chief Sanderson replied that fire spreads easier the closer the structures are.

Mayor Pro Tem Call then asked if you were to maximize the size of the setbacks on an R1-7 lot, what would the footprint of that house be. City Planner Allen stated that it would definitely fit most of the builders standard form plans.

Council Member Boyd stated that she has a concern with item "d" on the design guidelines with the structures over five hundred square feet, that they may request a waiver of one or more of these design requirements. This leaves this really open, plus the fact that they all may or may not be approved. City Planner Allen stated that they have to go through the conditional use process which is pretty strict. Most of the cases involve the steel structures and they are having to spend five to ten thousand dollars just to have it match the design of the house.

Council Member Atwood then asked what are we looking for on a case to case basis with these steel structures, what gets weighed to determine if it is considered good or not, because this

opens it up to a lot of questions and controversy. City Planner Allen said that a lot of these steel structures are very nicely done, have a good shape to them and the only process we came up with to determine if these are appropriate was the conditional use permit process.

Mayor Pro Tem Call commented that one thing to consider here is that these do have to go before the Planning Commission and a Public Hearing which gives the residents the opportunity to weigh in on it. City Planner Allen stated that the intent was to allow these steel structures to be considered by going through the conditional use process. City Planner Allen added that he trusts the Planning Commission and thinks that they make good decisions.

Attorney Petersen wanted to clarify that the conditional use permit process is not a legislative function, so public clamor of neighbors coming in and complaining would not necessarily be considered, plus the State Legislature changed the presumptions for conditional use permits so they are presumed to be granted unless we come up with specific reasons of why not. Attorney Petersen stated that the conditional use permit process does not give us complete control, in fact the burden has shifted and it is actually harder to say no than yes.

Council Member Atwood stated that it sounds like we should put something together, some standards that we can agree on. City Planner Allen added that we then may want to avoid the conditional use process and give this some more thought.

Mayor Pro Tem Call suggested that at this point we ought to table this as an ordinance until staff can come back with some suggested re-wording.

Council Member Jensen commented that the word usage is inconsistent throughout this ordinance with the words “building” and “structure.” If there is no difference in the meaning of the two in this ordinance then we should use one, preferably “structure.” City Planner Allen stated that he will work through this ordinance with the changes that were suggested.

Mayor Pro Tem Call asked if there was any further discussion, in that there was none, the Mayor Pro Tem asked for a motion to continue this item to the October 6th City Council meeting.

ACTION: Council Member Boyd moved to continue this item with the suggested changes to the October 6th City Council meeting. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting “Aye.”

C. TO CONSIDER A RESOLUTION (2009-033) RESCINDING RESOLUTION 2009-023; PROVIDING AN INTERIM SCHEDULE OF MONTHLY WATER SERVICE CHARGES FOR MANILA CULINARY WATER COMPANY; AND PROVIDING AN EFFECTIVE DATE

Attorney Petersen stated that this formalizes the direction given to staff after the Public Hearing on the Manila Water rate increase, it rescinds Resolution 2009-023, re-establishes the water rate back to what it was on July 1, 2009 and implements a new rate structure as of October 1, 2009 with a base rate of ten dollars for five thousand gallons, anything over five thousand gallons will

be charged at one dollar and twenty six cents per gallon. Included with this were instructions for anyone who had been billed at the new rate in July, that they will receive a credit.

Council Member Atwood asked about the study that will be conducted on the water rates, will that take place at the first of the year, and do we know if they have a Board of Directors yet. Director Clay stated that the rate study will take place during the off peak of the watering season and will probably go into early next year to be completed. Council Member Boyd stated that the Board will be decided at their meeting on the 23rd. Council Member Wilson stated that he wanted to commend Kent Wells for the good job he has done in handling all of the comments and complaints on this. Council Member Boyd added that she has heard feedback from residents and with getting the credits, things seem to be okay and are moving in a positive direction.

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

ACTION: Council Member Jensen moved to approve Resolution 2009-033, rescinding Resolution 2009-023; providing an interim schedule of monthly water service charges for Manila Culinary Water Company. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting “Aye.”

D. TO CONSIDER A RESOLUTION (2009-034) OF THE CITY COUNCIL OF PLEASANT GROVE CITY TERMINATING THE INTERLOCAL COOPERATIVE AGREEMENT BETWEEN LINDON CITY AND PLEASANT GROVE CITY REGARDING THE COMMON PLANNING AND REVENUE SHARING DISTRICT IN THE GATEWAY DEVELOPMENT DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE (SAM WHITE’S LANE NEIGHBORHOOD)

Attorney Petersen stated that this resolution was drafted at the direction of the Mayor and Council to staff. Attorney Petersen said that she was contacted today by Lindon City’s Attorney, Brain Haws and he would like to address the Council before we move forward on this item.

Attorney Haws stated that he got this information last week and forwarded on to the City Administrator but failed to let him know that it was on your agenda for tonight and he has left on vacation. Attorney Haws stated that he then contacted Mayor Dain and spoke with him regarding this and he asked me to come tonight to express Lindon City’s desire to sit down and talk about this agreement a little bit more before it is rescinded to see if there is some way that we can resolve it. Lindon City is interested in looking into this, we have made some progress when we met with Jason Burningham and our Mayor wants to see if there is any way that we can continue making progress.

Director Clay wanted to clarify if he had said that he had only gotten this information a week ago because there has been communication, emails that are dated from well over a year ago that have been going back and forth between Lindon’s elected officials; this has been ongoing for a long, long time. Attorney Haws agreed that it has, the discussion on how we want to do this and what is the equitable way and that we do recognize that Pleasant Grove has a lot of development out

there and Lindon's development is lacking behind but we think with the corridor opening up now all the way through, we have interests developing in that area.

Administrator Mills stated that he understands what is being said by Lindon but as a City we need to look at that this has gone back and forth for some time and the cleanest way right now may be to terminate and then if the two cities want to sit back down together to see if there is some common ground and come up with one clean copy rather than trying to make one out of two or three different ones.

Attorney Petersen stated that this is up to the Council, the current termination clause provides that it can either be mutually terminated by resolution of both City Councils or either City Council can terminate their end with understanding that if there are any obligations ongoing that we will be able to make sure that those are taken care of for two years.

Mayor Pro Tem Call stated that we did discuss this at our Work Session and then asked the Council for their thoughts.

Council Member Atwood stated that he agrees with Administrator Mills, also with a new Council coming on it will probably be better to start anew, they can review it and see if they wish to continue and come up a new clean copy.

Council Member Jensen stated that he appreciates that fact that they had a representative come from Lindon, but that we've had enough discussion about this and does not think that their appeal is compelling enough to persuade us from taking the proper action that we think that we need to for the City. Council Member Jensen said that he concurs with what Administrator Mills said about the cities sitting down in the future to see if this can work.

Mayor Pro Tem Call said that he agrees with what both Council Members Atwood and Jensen are saying, as well as with Administrator Mills, that this is not out of retribution or any other reason, it just really does offer the cleanest way to have a meaningful Interlocal Agreement.

Council Member Wilson stated that he also agrees with this and that after the first of the year he would like to see the two cities sit down and look at this again.

The Mayor Pro Tem asked for a motion.

ACTION: Council Member Atwood moved to approve Resolution 2009-034, terminating the Interlocal Cooperative Agreement between Lindon City and Pleasant Grove City regarding the common planning and revenue sharing district in the Gateway Development District. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

E. TO CONSIDER RESOLUTION (2009-035) INFORMING THE WATER QUALITY BOARD THAT THE MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR 2008 HAS BEEN REVIEWED AND THAT ALL NECESSARY

**ACTIONS HAVE BEEN TAKEN TO MAINTAIN EFFLUENT REQUIREMENTS
(CITY WIDE IMPACT)**

Administrator Mills stated that this is an annual report that has to go into the State Water Quality Board pertaining to our wastewater system. It basically gives an opportunity to do a self evaluation and take a quick snapshot of where you stand with your wastewater system, financially and in the collection system itself. Director Walker and Superintendent Kresser went through and filled out the application and after reviewing it, overall as far as finances and operation and maintenance of the system we are in really good shape, particularly with the work that has been ongoing over the last five years with the replacement and pipe bursting. Administrator Mills said that the finances have been able to cover those costs and we can see no reason looking into the future that wouldn't continue to do the same, so we recommend the approval of this Resolution. If we do find that we want to apply for funding for a wastewater project, this resolution is part of that paperwork that has to be on file.

Mayor Pro Tem Call commented that this is one of those times when scoring all zeros is good. Administrator Mills stated that on this report that is what you want.

The Mayor Pro Tem asked if there were any questions. In that there were no questions Mayor Pro Tem Call then asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2009-035, informing the Water Quality Board that the Municipal Wastewater Planning Program Report for 2008 has been reviewed and that all necessary actions have been taken to maintain effluent requirements. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

F. TO CONSIDER A RESOLUTION (2009-036) OF THE GOVERNING BODY OF PLEASANT GROVE CITY AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE FEDERAL SAFE ROUTES TO SCHOOL PROGRAM INVOLVING THE MANILA ELEMENTARY SCHOOL (NORTH FIELDS NEIGHBORHOOD)

Administrator Mills stated that this is the third grant that we have received, this is different than the safe sidewalk money, and this is actual Federal money for safe routes to school. All of the PTA's with the Elementary Schools and the Junior High have made application on this and there has been some work on 1100 North, on 1800 North and 600 West. Manila Elementary with a member of their PTA, Lisa Closson who has done a fantastic job going after these funds, has been awarded money to move ahead with this next year. Administrator Mills said that this resolution before you is the agreement that Pleasant Grove will sign to spend the money on this project for the Safe Routes to School program around the Manila Elementary School.

Mayor Pro Tem Call asked how much money this involved. Administrator Mills stated that he was not exactly sure but that it was somewhere around two hundred thousand dollars. Mayor Pro

Tem Call added that we ought to be recognizing these citizens' efforts; we ought to invite Ms. Closson to a City Council meeting. Administrator Mills said that he will mention that to them.

Mayor Pro Tem Call asked if there were any other discussion, in that there was none, the Mayor Pro Tem asked for a motion.

ACTION: Council Member Boyd moved to approve Resolution 2009-036, authorizing the Mayor to sign a Cooperative Agreement with the Utah Department of Transportation (UDOT) for the Federal Safe Routes to School program involving the Manila Elementary School. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

G. TO CONSIDER A RESOLUTION (2009-037) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN UTAH COUNTY, AMERICAN FORK CITY, PLEASANT GROVE CITY, ALPINE CITY, EAGLE MOUNTAIN CITY, SPANISH FORK CITY, SANTAQUIN CITY, LEHI CITY, SPRINGVILLE CITY, PAYSON CITY, MAPLETON CITY, SALEM CITY, SARATOGA SPRINGS CITY, LINDON CITY, HIGHLAND CITY, TOWN OF CEDAR FORT, CEDAR HILLS CITY, ELK RIDGE CITY, TOWN OF FAIRFIELD, TOWN OF GENOLA, TOWN OF GOSHEN, TOWN OF VINEYARD, AND WOODLANDS HILLS CITY REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE FEDERAL FISCAL YEAR 2009 AND 2010 AND SUCCESSIVE THREE (3) YEAR PERIODS AFTER THAT AND PROVIDING AN EFFECTIVE DATE (CITY WIDE IMPACT)

Administrator Mills stated that the only two cities in the County not listed here are Orem and Provo because they both receive separate funding for their Community Development Block Grant (CDBG) projects. The rest of the Cities because of population, the money is put into a pot and all of the cities listed have the opportunity to make application through the Mountainland Associations of Government for CDBG money. In the past we have done a couple of wastewater projects with our money. Administrator Mills explained that this agreement has to be signed by all the cities if we are expected to be able to participate, if you do not want to use any of the CDBG money then you do not have to approve the resolution. Administrator Mills said that the procedure for filing for this grant money is difficult but there are times that it becomes beneficial, Pleasant Grove has a hard time qualifying for this grant money on their own and that it is recommended that we sign this agreement.

Mayor Pro Tem Call asked when the last time that we took advantage of this grant money was. Administrator Mills said that three years ago we used it on the sewer project on 700 South from Geneva Road down in front of the City shops.

Council Member Jensen asked if there was any cost to the City to do this. Administrator Mills stated that there are no costs associated with signing this agreement; this just gives us the opportunity to apply for funding.

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

ACTION: Council Member Wilson moved to approve Resolution 2009-037, authorizing the mayor to sign an interlocal agreement between Utah county, American Fork City, Pleasant Grove City, Alpine City, Eagle Mountain City, Spanish Fork City, Santaquin City, Lehi City, Springville City, Payson City, Mapleton City, Salem City, Saratoga Springs City, Lindon City, Highland City, Town of Cedar Fort, Cedar Hills City, Elk Ridge City, Town of Fairfield, Town of Genola, Town of Goshen, Town of Vineyard, and Woodlands Hills City regarding the community development block grant (CDGB) program for the federal fiscal year 2009 and 2010 and successive three (3) year periods after that. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting “Aye.”

9. STAFF BUSINESS

- Director Bradford pointed out that there has been some construction going on around 200 South State Street, that is Majestic Meadows with sixty thousand square feet of mixed use retail and a mini warehouse in the back and they have already got twenty six thousand square feet of it leased out. Mosey which is now called Decho, an online storage system have leased the top floor of the University of Phoenix Building. We are starting to see signs of a slow economic recovery.
- City Planner Allen stated that he concurs with Director Bradford in that there has been an increase in activity; we have been seeing more application come in. The developers that were trying to obtain property from Robert Schow, have reached an agreement and are going to pursue a new Charter School.
- Director Young reported that he met today with representatives of the US Census and they are gearing up for the 2010 census next year. We have initially tried to recruit some members of the Neighborhood Advisory Board and invited them to join us in a meeting that will discuss further our responsibilities as a City to go forward with that. They have emphasized to us the importance to have full participation from our community in the census because with an accurate count we can be eligible for Federal dollars. This is beneficial not only to the City but throughout the community. Mayor Pro Tem Call asked if there has been any support or advice from the State. Director Young said that the people that they met with today are State representatives with the Census.
- Fire Chief Sanderson reported that yesterday afternoon they were called out to a structure fire on Center and Main Street; they got there in about two minutes with the new ladder truck, and what could have been a really bad fire they had out in a few minutes. Fire Marshal Brandt determined that that cause was electrical in nature, estimated at about thirty thousand dollars worth of damage. Chief Sanderson stated that they did a good job and the new truck worked great.

- Attorney Petersen reported that from the Utah League of Cities and Towns meeting, she attended a couple of workshops that will have some follow up on our part. One is called the Red Flag Rule in recognition of the increasing sophistication of identity theft; cyber space thieves. All municipalities are now required to implement what they call a Red Flag Policy and the implementation deadline is November 1, 2009. We are required to have a committee to develop a policy that will establish and outline our guidelines for detecting potential breaches of private information and identity theft.
- Administrator Mills reported that the Manila Water Board meeting will be held on the 23rd, and we will have someone from the City in attendance to listen in on how they are going to organize.

Administrator Mills said that he recently visited with Calvin Walker and with the new paper (Timpanogos Times) starting up, he is interested in any of the groups that we work with that have information for articles and he will be more than happy to make sure they get coverage. They have had a lot of people sign up for subscriptions.

Administrator Mills mentioned that he has met with Comcast's engineering group and they want to take a look at the holes they've got in Pleasant Grove that need to get taken care of, and hopefully we can move forward on that.

Administrator Mills also reported that he had a meeting with UDOT, and discussed new funding to help us with the cost we had on Wil's Park.

Administrator Mills mentioned that he was contacted by an individual who owns property on Locust Avenue near the Recreation Center who is interested in selling, they have not put it on the market yet. Administrator Mills asked for permission from the Council to go ahead with getting information on the sale of this property. Mayor Pro Tem Call asked the Council if they any objection to that. The Council Members indicated no objections.

Administrator Mills reminded everyone if they wanted to participate in the City Golf Tournament at Fox Hollow on the 25th, the registration fee is twenty five dollars and the deadline to register is Tuesday morning, September 22.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen reported that Fox Hollow Golf Course has cancelled their September meeting.
- Council Member Boyd stated that the Heritage Festival had a good turn out, they had nearly three hundred people running in the 5K run and the Lion's Club said that they served more than they ever have done before. The Fire Department did great; the Leisure Services Department did great taking care of everything. The festival was well attended, it was a very good day and it couldn't have happened without a lot of people's support. Council Member Boyd thanked everyone involved. Mayor Pro Tem Call commended

Council Member Boyd for her good work in putting this together year after year. Council Member Jensen inquired as to what country they would be featuring next year. Council Member Boyd said that next year it will be Brittan.

- Council Member Wilson asked if there was anything that can be done about the weeds by the Water Gardens Theatre area. Director Young stated that there has been an ongoing situation with the owners for a long time. Director Young said that they have tried to follow up several times and it is our understanding that the owners have lost possession and the bank owns it. Director Young stated that right now they are in the process of trying to find out who is legally responsible for this property. He has discussed this with Director Walker about having the City clean it up, but because there is concrete and other materials in there, there is some risk involved so they will not do it. Director Young acknowledged that it is difficult and unsightly, but that they are trying to approach it the best way that they can. Council Member Atwood pointed out that Jeff Roylance, the theatre owner has put up with this since Jerry Smith owned that property and we have got to take some action, he is trying to make a go of his business and it is not fair to him. Council Member Atwood suggested that he would appreciate if we take some kind of legal action at this point. Council Member Wilson added that this is also for safety reasons; the weeds are so high that you cannot see other vehicles coming. Director Young stated that he will get together and work with Attorney Petersen on this. Attorney Petersen stated that they will work on this and report back to the Council.

Council Member Wilson explained that he is not directing this at Director Clay, but that Director Clay brought to our attention a little while ago the fact that the City will be doing away with having insurance benefits at retirement. Council Member Wilson stated that he appreciates that Director Clay is looking out for the welfare of the City that is why this was done. Council Member Wilson said that he has found out in recent meetings with City employees that they are disappointed in us because they are not aware of what is going on with this. Council Member Wilson asked if there was a reason why they are not aware of this. Director Clay stated that all of the Directors were aware of this and the people within their departments were aware. Director Clay said that we did not personally go talk to every single City employee, but every department was made aware of it. Council Member Wilson stated then the Directors did not relay that to the employees. Administrator Mills stated that we started discussing this back in March with all of the Directors when the budget was presented, the Directors took it back to the employees and the employees were aware of it. Administrator Mills added that you would not have had employees coming to us telling us they wanted to see the insurance left in there. Administrator Mills stated that financially it just wasn't feasible to be able to continue with that program, the changes were made to the Policy and Procedures manual and was presented and discussed with the Directors and the Council. Council Member Wilson stated that he appreciates this information because the impression that he got was that they didn't know.

- Mayor Pro Tem Call stated that he has not read or heard any results from the Primary Election. Deputy Recorder Mulvey passed out a copy of the unofficial results and

apologized stating that City Recorder Kresser had sent out a citywide email with a copy of the election results. Council Member Boyd said that our website does not have the results on it either. Deputy Recorder Mulvey stated that she will make sure that the information gets on our website tomorrow. After reviewing the results, Mayor Pro Tem Call commented that only eleven hundred voters showed up, a 6.79% voter turnout.

11. SIGNING OF PLATS

No Plats were signed.

12. REVIEW CALENDAR

Mayor Pro Tem Call stated that the City Council meeting on the 22nd was originally set up to be with the Planning Commission, since they have no business to discuss; the meeting will be for City Council business only. The meeting will start at 6:00 p.m. instead of 7:00 p.m. and will only have one item on the agenda, the canvass of the election returns.

Director Young stated that they have announced the date of the ribbon cutting for the State Street Bridge opening, it will be on Saturday, October 17th, and we do not have information on the time yet.

13. APPROVE PURCHASE ORDERS

Mayor Pro Tem Call asked if the Council had reviewed the purchase orders and in that there was no further discussion, the Mayor Pro Tem asked for a motion.

ACTION: Council Member Wilson moved to approve the purchase orders for September 1, 2009. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

15. ADJOURN

ACTION: At 8:27 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

This certifies that the City Council
Minutes of September 16, 2009 are a true,
Full and correct copy as approved by
The City Council on October 6, 2009

Colleen A. Mulvey, Deputy City Recorder