

**Pleasant Grove City Council Minutes**  
**November 16, 2010**  
**6:00 p.m.**

**PRESENT:**

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degen Lewis, City Engineer

Libby Flegal, NAB Chairperson

Excused:

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

The Mayor, City Council and staff met at the Pleasant Grove Fire Station at 92 East 100 South, Pleasant Grove, Utah

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**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Boy Scout Jacob Gill.

**3. OPENING REMARKS**

Opening Remarks were given by Administrator Darrington.

**4. APPROVAL OF MEETING'S AGENDA**

**ACTION:** Council Member Danklef moved to approve the agenda. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson 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 and Work Session Minutes:  
Work Session Minutes for September 28, 2010  
City Council Minutes for October 5, 2010
- b. To consider approval of paid vouchers (November 8, 2010)

**ACTION:** Council Member Boyd moved to approve the consent agenda items. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

**6. OPEN SESSION**

Mayor Call explained to those present that if an item is not a public hearing or not on the agenda, they were welcome to come forward and address the Council. The Mayor clarified that item “A” is a public hearing so when we get to that item you will have your opportunity to be heard, this time right now is for items that are not on the agenda or not a public hearing.

Jana Porter, 128 West Windsong Drive came forward and inquired about the sewer covers along 100 East, she commented that they are right in the center of traffic and are dangerous and hard on the cars.

Mayor Call remarked that 100 East is a state road so it is not under our jurisdiction but that we can contact UDOT and speak to them about that.

Don Paas, 1616 North 210 East came forward and stated that he would like to see the city take action on the sale of spice which he says is an alternative drug for marijuana.

Attorney Petersen stated that there are a number of municipalities who have enacted local ordinances prohibiting the sale of spice. The Utah League of Cities and Towns and the Utah Prosecution Counsel will be presenting to the Legislature a state statute in January and they are intending on making it immediately effective and this statute is much more inclusive than some of the local ordinances are. Attorney Petersen said that we are waiting until January to see what happens with that legislation. Mr. Paas asked what happens if that doesn’t get passed. Attorney Petersen stated that the city will then do our own ordinance.

John Ortiz, 532 South Locust Avenue came forward next and stated that he wanted to raise the concern in regards to the overpaying of the trash can collection where the city has been paying for seventy five hundred cans instead of the actual sixty eight hundred cans. He said that his concern is some fiscal responsibility with who signs off the checks.

Mayor Call explained that we have just discovered that we have been overpaying by about six hundred cans per month and we are currently working with Allied Waste to rectify that situation. Mr. Ortiz asked how long this has been going on and will that offset any of the cost for the utility rates. Administrator Darrington said that we are not sure, we have done the research to pinpoint

the time that this started to happen but we don't know if the original number that was given in 2004 when we contracted with Allied Waste is where this began. Administrator Darrington said that whatever we work out and negotiate with Allied Waste, in moving forward that is money that is in the general fund which is separate from the enterprise funds, so any savings that we see from that will stay in the general fund. He explained that the enterprise funds need to stand on their own; the rates that we charge for water, sewer and storm drain need to pay for those specific services. Mayor Call added that all financial elements of the city are public record.

Darrell Kirk, 393 West 400 North stated that three years ago when Rocky Mountain Power put in their substation, they agreed to landscape and put sidewalk, curb and gutter in and nothing has happened and it is a mess.

Director Walker stated that we are still trying to buy that property for the utility basin and we have committed to do the improvements. Mayor Call remarked that city has committed to do the improvements so we will have to take a look at that.

Denise Larsen, 405 North 200 East came forward and thanked Police Chief Paul for his comments in the newsletter this month regarding the safety of children walking to and from school. She stated that she feels there still needs to be some attention drawn to 300 East because there is no crossing guard and asks if the city could fund some flags like those that are around the different elementary schools because she doesn't see as many around Central Elementary.

Mayor Call stated that the cost for the flags is not much so we could figure out something and he also suggested the PTA getting together and looking at a volunteer schedule to help where crossing guards are needed. Ms. Larsen said that she did meet with the school council to discuss that and the flags were done as a scout project. Mayor Call asked Chief Paul if he would follow up with Ms. Larsen to look at what can be done. Chief Paul indicated that he would.

Robert Shoen came forward and said that he would like to see an opportunity to opt out at any time of the blue garbage can without it costing fifty dollars because he doesn't think that five dollars a month should be paid to get rid of some cardboard.

Mayor Call stated that the opt out issue was discussed quite a bit in earlier meetings and there are some folks that would love to have that happen but that we've got some reasons for needing to have that kind of a penalty in there.

Wink Scoville, 695 East Cherryhill Drive said that on November 11<sup>th</sup> the Daily Herald ran an article about the city considering hiring a business consultant at two hundred thousand dollars a year. He said that he thinks that that is a little expensive and he is asking that the Council consider taking that money and put it into this utility fund and help offset that for the citizens and hold off on this position for a few years.

Mayor Call stated that that is a very natural reaction and there are a couple of things that you need to know here, it is a onetime deal it's not every year and it is under consideration, it is not a done deal.

Mayor Call asked if there was anyone else who wished to come forward and address the Council for this open session, there was not. The Mayor then closed the meeting to the public.

## **7. BUSINESS**

### **A. PUBLIC HEARING TO CONSIDER FOR ADOPTION A RESOLUTION (2010-049) AMENDING TITLE 8 CHAPTER 1 “WATER WORKS” SUBSECTION 5—D “WATER SERVICE CHARGES,” CHAPTER 4C “TIMPANOGOS SPECIAL SERVICE DISTRICT” SUBSECTION 12 “FEES,” CHAPTER 5 “STORM WATER UTILITY FEE” AND CHAPTER 9 “CITY PRESSURIZED IRRIGATION SYSTEM” SUBSECTION 2 “USER FEES,” BY INCREASING THE UTILITY RATE FEE TO ADEQUATELY SUPPORT EACH UTILITY (CITYWIDE IMPACT)**

Mayor Call stated that to begin he has asked Administrator Darrington to do an overview of the material and questions regarding the utility rate increases.

Administrator Darrington stated that he will be reviewing the information from the handout titled *Utility Rates* (exhibit A) and the more detailed information can be found in the forty four page handout titled *Questions on the Utility Rate Increase* (exhibit B). Administrator Darrington pointed out that the rates used in all of these examples are for an average user and that the rate could vary depending upon the usage. He explained that when the city provides water, secondary water, storm drain or sewer, when these enterprise funds are set up then the rate that we charge the residents should be the rate to cover the cost of providing those services and what we found out was that we were not charging enough to cover those services and therefore we need to increase the rates. Administrator Darrington then reviewed the information in the *Utility Rates* handout (exhibit A) which covered: Timeline of Events; Rate Recommendations; Secondary Water Debt; Timpanogos Special Service District (TSSD) Increase; Storm Drain Capital Projects; Four Year Implementation Plan; Comparative Rates. Administrator Darrington stated that because we knew that we couldn't just increase the rates by thirty two dollars a month which is what was recommended by the study, we came up with our four year implementation plan that smoothes the increase in the rates over time and part of doing this would be using reserve monies that we have in a couple of our funds, mainly the sewer fund. He said that this implementation plan is our current proposal that staff is recommending to the Council and is one that we feel is a good plan that will keep us financially viable and to do the best that we can to lessen the impact on to the residents. Administrator Darrington also pointed out that staff is still looking into a process for those on fixed incomes, we are looking at programs such as the county property tax abatement and that we are putting this program together and hoping to have it ready for implementation at the December 7<sup>th</sup> City Council meeting.

Mayor Call polled the audience to get a sense of how many residents knew about this public hearing because it was in the newsletter or from some other source such as the website or a neighbor. He said that his reason for asking is that he wants to get a sense for how our communications are improving because we are doing everything that we can to make sure that we are pushing the information out. The Mayor then asked how many residents had gone to the city's website and looked at the information that Administrator Darrington has presented and all of the other documents relating to the utility increase. Mayor Call stated that it looks like about twenty five percent of the people present have looked at the materials that we offered and asked if those who did not look at the materials would hold their comments in reserve until the residents who have because they might find that their questions are answered through this process. The Mayor then opened the meeting to the public for comment.

Dennis Remy, 564 North 1030 East came forward and said that he has gone through all of the materials on the city's website and he thinks that there are some flaws. He said that he couldn't find anything on reducing costs and that he feels that the unintended consequences here are to force senior citizens like him out of their homes. He said that he thinks that the decision is already made and this is just "window dressing" and that you have already shown that you don't have the ability in the city to properly analyze the numbers and that he thinks that the city needs to step back and look at this and try to find another way to do this instead of putting this burden on everybody.

Norm Paxton, 998 West 1930 North came forward next and said that he appreciates the efforts of the communication to help us be aware of this and also the efforts to make this rate increase more palatable. He said that as he has talked to people he realized that there is a misconception with the sixty percent increase because it is actually eighty percent more in four years from now. He asked where the business income is to help with this and mentioned that Lindon and American Fork have done a fantastic job of bringing businesses in and that there was a promise of business out by the freeway coming in and that didn't happen and that part of the problem may be no new businesses growing out here. He also said that the rates don't mention the overage on culinary or sewer.

Wenlock Free, 4137 North 810 West asked how much we paid Lewis Young Robertson and Burningham to do this study to take the data that the city already had and create a report. Finance Director Lundell said that they did one rate study and three impact fee studies on this and it was a little over sixty thousand dollars. Mr. Wenlock said that he lives in the region that sits north of the canal and said that in the discussions on the secondary water for that area that there was a resolution made that the city was not going to provide secondary water but they will bill us for the culinary water at the rate of the secondary water and his first two months came through at full culinary price. He said his point is that we have a record of implementation of rates, promises and adjustments and that there is a gap in the billing process that he is concerned about with this rate increase.

Ernest Bramwell, 1250 North 1200 West said that the consultant was given numbers by the city of costs that should be factored in to come up with a rate and he asked how much examination has this group had an opportunity to make on the wishes or the wants on that list of expenditures. He said that the material shows that in the next five years the city is going to spend fourteen million dollars in land purchases for storm drain and questioned what has produced this sudden necessity for land purchases. He questioned where the three dollar monthly storm drain fee goes and if it is being used for the purposes indicated. He said that the increase in the secondary water which is now requiring a hundred and fifteen percent increase in the monthly rate makes him wonder about the competency of the estimates that were projected when the system was adopted. Mr. Bramwell stated that this is a shocking percentage of rate increase and it suggests that closer examination of how we are managing the city when this kind of a thing takes us by surprise. He said that he does not use secondary water because he uses irrigation water and that he doesn't like to pay for secondary water that he doesn't use. He said that if the city is proposing to charge us fourteen million dollars for land purchases then there needs to be some demonstration that the money that is being collected is used for the purpose suggested.

Administrator Darrington mentioned that our obligation with Lindon City for the Lindon Hollow is around six hundred thousand dollars and we do have a Storm Drain Master Plan that outlines the pieces of property that we need to acquire as a city in the next few years. He said that fourteen million dollars is a lot of money and we don't disagree with that but when we look at our master plans and are preparing for twenty years from now, part of the purpose is that now is the good time to buy land. Mayor Call agreed and explained that the way it's figured out is that we have a master plan on what our storm drain requirements are going to be down the road so that we not only know how much land we are going to need but where we are going to need it. The Mayor added that master plans are absolutely necessary and required by law.

Bill West, 48 North 1400 East came forward next and said that he had met with Director Lundell and suggested some changes in the calculations and that he has come back and said that they would save about eighteen dollars a month in the year 2014. Mr. West recommended to the Council that they look really hard at those changes. Mr. West said that on the land purchases the per acre estimate was running from three hundred to five hundred thousand an acre and that we don't need to spend that much for land in today's market. Another suggestion was putting the water in the streets, we can dig up the streets and put large holding pipes in to filter it and then we don't need to buy land. Mr. West said that he was on the board for TSSD and that he knows that the city needs to work with the other cities and get control of them because he is convinced that they are spending money that they don't need to spend and they don't feel the pain of that because they pass it on to the city and the city is the one who has to pass it on to the residents. Mayor Call stated that we are only one vote out of the thirteen at TSSD and we have tried to rally our residents to go to their meetings to help us accomplish the things that we want done as the city.

Ben Stanley, 1700 Blackhawk Circle said that he practiced law in Chicago and California and he got to see up close corrupt and incompetent government and that he hopes that he can see neither of these here. He said that he is retired and on a fixed income and that it is appalling to see property taxes increase when the value of his home is decreasing and on the topic of land use and cost, when property values are decreasing that he thinks it may be a flawed assumption that land will cost more in the future. He said that he doesn't know if the debt service that the city is shackling the citizens with is necessarily in our best interest. Mr. Stanley stated that his main concern is with accountability and he wants to hear the names of the people who gave us the bad estimates years ago and that he thinks that there has been a lot of lack of responsibility and lack of accountability. He said that he is not sure that we have put all of the options on the table like threatening to pull out of TSSD and to negotiate a lot more aggressively with more sophistication when we set up for the million dollar commitments and if the negotiating team is not as good as they could be then let's get some better people there.

Dan Noziska, 960 North 1050 East talked about the secondary water and said that he was told by staff that the rate is based on ten percent operating and ninety percent for infrastructure and he has done some calculations and analysis of his own in regards to lot size and usage and questioned how the city came up with the rates they have on the secondary water. He said that he thinks that the people who are using the water should pay for it and asked if the city was going to reevaluate these rates. Mayor Call said that we are looking into a tier structure for the secondary rates according to the zone that people live in and that we are still in the process of creating this. Mr. Noziska requested that the city put the sewer usage calculation on our bills like what is being done with the culinary calculation. Administrator Darrington stated that we have discussed

putting that on the bills to show what the treatment charge is from TSSD and what the usage charge is for the sewer and that we are not yet at the point where we have this ready to put on it the bills. Mr. Noziska then asked Council Member Danklef about what he had said about the property purchases and paying as you go rather than bonding. Council Member Danklef stated that we have suggested to staff that we are not comfortable at this point in bonding for the property purchases for storm drain, so staff has prepared an amendment to the proposal if we do not adopt approving the money to bond for property for storm drain. Council Member Danklef added that in his opinion that is the way we ought to go and if there are some small projects that we can pay cash for in the short term, that is what he prefers. Mr. Noziska asked when the Council was going to make the decision and how are we going to know or are you just going to do what you want to do. Mayor Call said that this item is on the agenda tonight and we could take action on it and that is why we are taking public comment before we discuss it and before we decide whether to take action and what action to take.

Mike Dunaway, 404 South Murdock mentioned reading online that the city had referenced that there is going to be some effort to try to give relief or remedy to those on fixed and low income using the property abatement model. He said that that is based on the assumption that the low and fixed income people own property. Mayor Call said that it would include renters as well. Mr. Dunaway then said that with all of these proposed increases they will cost the residents over the four year period somewhere between three to four million dollars that we are taking out of our economy which ultimately will bring collection to the general revenues for the city and that he thinks that we need to take a long hard look at cost reduction and give some consideration to the bigger picture.

Nancy Odenbrett, 1704 East Blackhawk Circle stated that all of these increases are geared toward the base cost of what we are paying for the different utilities. She said that the water is a usage based product and that our bases are so high that people are able to get four times as much water but don't pay four times the rate that she has to pay. She compared her neighbors bill with hers and said that they have nine people at their residence and that she has only two and that they use more water and sewer and yet they don't pay much more and that this increase is geared at the base cost rising instead of the usage cost rising. She mentioned that the billing period is not reflective of the dates that we are billed for the usage and that she would like to see the bill reflect the actual period of time that it is used on. Administrator Darrington said that part of the reason for that is that it takes us quite a while to go and read all of the meters in the whole city, so for billing purposes we use a thirty day window so that it is a monthly charge that you are paying. Ms. Odenbrett said that she would like to see that changed because to her it is fraud. Mayor Call stated that with water it is not like telephone usage where we electronically know immediately when you are using water, we have to send people out to read the meters, so there is a lag between what your billing period is and the time we can read the meter.

Randy Sloat, 1929 North 900 West mentioned a sunset clause with these rate increases and that he thinks there should be one because once those bonds that we are in trouble for right now are paid off, that he doesn't think that we should have to continue paying. He said that he is not comfortable with his money going into a slush fund for something that might happen or to be used for something else that isn't a necessity. Mr. Sloat questioned the sixty percent number because he sees that by 2014 it is more like a ninety percent increase. Mayor Call stated that sunset clauses don't make sense in things like utility rates, what happens is that year after year as we approve these things that is when we need the public to show up to see what it is we plan on

spending for the next year or two. The Mayor said that that is a much better way of doing it than creating a sunset clause and that one of the reasons that we are here with such a major increase is that we haven't stockpiled reserves for the things that come up, so had we been better about making sure that we were increasing rates and having a reserve each year, we wouldn't be in the position that we are today.

Joel Hall, 1176 West 2100 North expressed his concern with the economy and for those on fixed incomes and stated that he appreciates the Mayor and Council and all of the work they do for the city. He mentioned the secondary water and the concern with how the original price got set because of all the increases and he thinks that somebody miscalculated. Mr. Hall said that he thinks that the city can spread out all of the projects and that he would like to see the rates not all change at once.

Council Member Danklef stated that he wanted to share some information on the secondary rates and how they were set up, he said that he was concerned as well so he spent time researching what he could. He said that the rates were set up back in 1999 by the staff and an engineering firm and by the time it got to 2006, the cost for materials and labor had gone up eighty percent, so naturally the figures that they had started out with were now invalid. Council Member Danklef stated that the other thing to realize is that if secondary water had not gone into effect, it would have necessitated building a new water treatment plant which at the time was estimated to be twenty two million dollars. He said that in 2008 there was a rate increase to reflect what was going on from the money that was bonded in 2006 and after that time there was never an indication in either the past minutes or resolutions that indicated increasing costs or raising rates. We originally thought the cost of the secondary system was going to be about twenty or twenty two million dollars and the actual cost is in excess of thirty three million dollars. Council Member Danklef pointed out that the city did everything they could to try and defer the cost to this by seeking grants and other money from different sources and they were successful in getting more than six million dollars from the Central Utah Water Project and we also sought eleven million dollars from the Division of Water Resources which was turned down but in lieu of that they gave us a loan of one hundred and fifty thousand dollars.

Brian Halliday, 886 East 1150 North asked that since the last meeting to this one, what actions has the Council taken to perform due diligence on the rate increases. Mayor Call stated that you have just heard from Council Member Danklef and that he and the Council have taken a look at every item in the proposal to make sure that we are comfortable with the facts and data that we are being given and then asked what he was hoping that the Council could do. Mr. Halliday stated that he would like to see a study done on determining the tax impact of revenues on the general fund for the city as a result of these rate increases. He said that businesses are going to be hit at their place of business, their residence and it will decrease the amount of revenue to their business because the discretionary income from the citizens will decrease. Mr. Halliday commented on the abatement and that the city is going to grant an abatement for people with lower income who apply for it and that the cost will then be borne by the city or public and that he feels that the city is voting here for a redistribution of wealth. Mayor Call stated that everything that we do with the funds that the city collects is a redistribution of wealth, for example, there are a lot of people who never step foot into the library, but their taxes go to help pay for the library. Mr. Halliday said that he proposes that the city make this abatement a voluntary program where citizens can voluntarily contribute into that fund instead of being forced to pay for somebody else's increase. Mayor Call stated he likes that idea. Mr. Halliday

said that he feels that the land purchases being added in to these increases is a mistake and that we should forego them at this time and focus on those things that are necessary. Mr. Halliday then mentioned the discrepancy with the number of garbage cans collected by Allied Waste and that we have been losing around forty thousand dollars a year on that, we have been subsidizing the golf course, library and senior center and that it seems that we are making the problems worse instead of fixing the core problem of spending money that we don't have and not being responsible with the money that we have. Mr. Halliday also mentioned that the city is using the same consultant that they used last time and that he would like to get a second opinion on what the rate hike should be from a secondary source. Mayor Call wanted to clarify that we seek out the top people that we can in every field of expertise that we use and there have been citizens who have questioned why we spent sixty thousand dollars on the study in the first place, so spending another sixty thousand may not be the right thing to do.

Council Member Robinson stated that she thinks that it is our responsibility to be accountable; we are the responsible legislative body and we can't blame everything on the past but we can't continue to pass all of the problems on to the future, we have a master plan in place and we need to start to take responsibility to plan for some of those future issues and needs that are going to rise for our children and grandchildren. Council Member Robinson said that the input from each citizen is valuable because these are valid concerns and that this is not a window dressing, we take these decisions very seriously and we cannot put problems on the shelf anymore and we have to address the needs that are currently in front of us.

Kabe Little, 560 Loader Drive said that the citizens that are here are not here to just complain about the city or to bash about the past, he said that everybody wants the best for the city. He then asked about or mentioned "sacred cows" in the city that we can't touch and would rather take the rate hikes instead of touch those. He said that he is all for putting the pool, golf course, senior center and the library on the chopping block rather than take the rate hike. He said that it doesn't make any sense to keep subsidizing something that is an amenity. Mr. Little said that you have an opportunity to change this and not pass this mind set on and you have the power and the opportunity to do something really creative and try something radically different.

Bob Webster, 770 North 100 West said that when he moved here from Idaho seven years ago his first impression of Utah is that you are over taxed and over regulated. He said that this is shocking because it has gone on so long that you think that it is normal. He said that his rate will be doubled and questioned why because he does not use anymore than he did before and why does he have pay for the thousands of other installations.

Shayne Pierce, 2360 North 1050 West asked what makes up the one million dollars of operations for secondary water every year. Administrator Darrington said that major items that it covers are the salaries of a couple of employees that oversee and maintain the system, we brought some water rights to put in the system which was a bonded cost of roughly two hundred and fifty thousand dollars a year and there are some irrigation assessments that run about one hundred and forty thousand dollars a year. Mr. Pierce questioned what the cost would have been if we would have just stayed on the culinary water. Council Member Danklef said that we could not as a city provide all of the culinary water to water our lawns, gardens, etc. so that is why the secondary water came in to alleviate the increased need for culinary water, by doing that in 2000 we saved an estimated twenty two million dollars to increase the capacity to make water potable. Mr. Pierce asked what we spent to get the lines to all of the houses, what makes the debt we have

here. Council Member Danklef said that it is about thirty three million dollars, there is an eleven million dollar difference and of that more than six million dollars was given to us from Central Utah Water Project. Mayor Call said that another thing to consider is the rate that we would be paying for culinary water to water our lawns and that this is a tough thing to estimate because when people pay more, they conserve more. Mr. Pierce then asked that with this smoothing plan, after five years will we be current and caught up. Mayor Call said that we will be caught up with what we assess our needs are now and that one of the things that we are instituting now is a four to five year look ahead so that every year we know what to anticipate. Administrator Darrington stated that each rate to what is being charged is designated for a specific project or a specific purpose, so when we get to 2014 and we have increased the rate to a point where we feel like we are covering the costs of what we anticipate, in 2014 there could be some new projects that we don't see today that need to be done. If that is the case then there might need to be another rate increase in 2015 to cover that cost, we can only guess the best we have with what is in front of us. Mr. Pierce then commented that this increase is a tax and that this is a bad time to be doing this and said that he wonders what the city is doing to cut costs. Mayor Call stated that many people have asked us that, two years ago we cut the general fund by nine hundred thousand dollars and in this last year we cut four hundred thousand dollars, so we are cutting costs and we are looking at every little thing.

Larry Baker, 1421 North 990 West said that the comment was made that we had to do something, to either improve our ability to provide potable water or put in our secondary water so why did we need to do that. Mayor Call said that back in 1999 as the city's water needs were growing we didn't have the capacity to supply drinking water to everybody. Mr. Baker said that on the comment that we had to do something and we did what we did and so we are where we are, but did we learn what we needed to learn and are we going to be any smarter tomorrow than we were yesterday. Mayor Call stated that that is a very good question and that he believes that we are. Mr. Baker then stated that we spent money on the study and thinks that the study shouldn't have given us any information that we didn't already know, that it should confirm things that we already know and it appears that the city is using that study as an excuse for the sixty one percent tax increase rather than just taking responsibility for the situation that we found ourselves in. Mayor Call stated that in the business that he is in, quite often they have to rely on outside consultants for expertise because we don't have the head count and it is a similar situation here. Mr. Baker said that when a consultant comes in it should be for minor course correction and not for a one hundred and eighty degree turn. Mayor Call replied that experts are brought in especially when there is a major course correction. Mr. Baker said that his concern is that this study is being used as an opportunity to say that we didn't have any idea of what's going on. Mayor Call stated that all of the materials that we have produced show exactly what was studied and what the increases are in the smoothing process and we are not trying to hide anything. Mr. Baker commented that we all need to live within our budgets and we recognize that we all have some need for improvement but we can't afford the sixty one percent increase and he feels that the city should be a service organization and this doesn't feel like we are being served, it feels like it is being forced on us.

Cynthia Hallen, 931 East 1170 North stated that she loves Pleasant Grove and thanked the Council for their service and said that she has four concerns: timing, control, special projects and federal money. She said that the timing is obvious, property values are down, property taxes are up, the federal carbon footprint tax is on its way and all of her utility bills are going up. Ms. Hallen said that the increase feels like a microcosm of what is happening at the federal level. She

said that she feels that there is a loss of control with the secondary water system, the bill doubled and that she pays every month for something that she only has for a few months and also that it is rationed. Ms. Hallen said that she thinks that the visionary projects right now for the city should be on hold. She then asked if these rate hikes had anything to do with the fact that we accepted federal stimulus money. Mayor Call stated that we received no stimulus money; we received an appropriation that we haven't even seen yet because we haven't jumped through all the proper hoops. Ms. Hallen said that she has a request that the city forget the federal money because the more we pay the less control we have.

Laurel Backman Riddle, 50 West Center Street stated that she knows the Mayor and Council and that she trusts that they are working as hard as they can to keep the rates down because they are hearing us and know that people are concerned. She said that what she has learned in working with many of the city staff is that the more she has learned about the issues, the more she understood why they are making the decisions that they are making and that she is glad that they are giving this opportunity for the citizens to learn. Ms. Riddle said that in speaking with Director Walker she has learned that we really have an antiquated system and we have a disaster waiting to happen, we have been putting off making decisions for years because it is politically hard to do. Ms. Riddle said that we do need to address some of these issues and she thanked the city for having the guts to do it because it is not a popular thing to do and that she would like to ask and feel assured that they are doing everything that they can do to keep the rates down and to continue to monitor it as it goes.

Lisa Estrada, 280 North 200 West said that she is concerned because she is using less culinary water because she uses secondary and the rates on the culinary are going up and said that this is very similar to when we were asked in the 1980s to turn our thermostats down to conserve energy and as soon as we started saving energy they raised our rates because they weren't making enough money. She then asked if anyone was looking into the idea of the piping going in underneath the streets as opposed to purchasing the land. Mayor Call said that the first we have heard of that idea is tonight so we haven't had time to consider that yet. Ms. Estrada asked if the city will actually take a look at that before they vote on this tonight. Mayor Call said that the Council will make a determination on whether to vote or not tonight and that he believes that the feeling is that there are some things that we need to take a look at. Ms. Estrada said that she thinks that most people here don't want the Council to vote tonight, they want more information.

Bill Nielson 1260 East Nathaniel Drive commented that he is totally against the opinion brought up earlier about doing away with the senior center, he said that he is a senior citizen and he uses the benefits. He then asked about the secondary water and the limitation that was recently put on it because when it was first started you could use it anytime. Council Member Danklef said that when the secondary water started it was just for large properties like schools, churches and parks and there was never any design at that stage to store water. Now we are in a different situation, the population has increased and most of the city is on the secondary water and in order to supply that we have to store the water, in the summer we are using twelve billion gallons a day and we can't sustain that kind of usage so that is why we have cut back on the days that we can water and are asking people to conserve and to change from what originally was started.

Marla Allen, 9590 Canyon Road asked that with the increase how much of that is to take care of the tax abatement, she said that she is more than glad to share and give to someone in need but asked that the city think about this so there is no fraud and so that people who really don't need it

can't apply. Mayor Call said that the city does not want to get involved in determining what the threshold is and that is why we have said that we will go with the county's tax abatement program, if a person can qualify with the county program then that will be our standard.

Wink Scoville stated that the Mayor and Council have been elected to represent the voice of the people and balance that against the needs of the city. He said that he hopes that they have really listened to the voice of the people and that they will give intelligent consideration from the voices that they have heard. He said that he is not opposed to an increase but that he is opposed to the degree of increase that is being put before us.

Sheryl Goodman expressed concern about the rate increase and that way that the bill is prorated by using the highest month's usage, she said that is not fair. She commented about the city's budget and wonders how we got the "gold label" fire truck because it was purchased for a hotel that didn't go in. She said that she feels that what we are doing tonight is passing things and voting on things that may or may not happen.

Mayor Call stated that he would like everyone to do their own investigation and talk to the right people to find out what is going on. Mayor Call then asked if there was anyone else who wished to comment at this time, there was not, the Mayor closed the meeting to the public.

Mayor Call expressed his gratitude to everyone for showing up, for being active and involved and for voicing their opinions. He said that this is an important process and there is that tendency for us to distrust government at any level and that he appreciates it and actually applauds it because that's what keeps all of us who govern on our toes. The Mayor asked that they understand that this Council has never treated any of this as window dressing so that we can just be rid of you and make a decision, that is not how we operate and he said that as long as he is mayor that is never how we will operate. Mayor Call then asked the Council for their comments or discussion.

Council Member Danklef stated that he wasn't elected, he volunteered for this position and he feels that he can make a difference and do some things that are right. He said that in doing some research he is acquainted with what is going on with some of the rates and he has questioned staff and will continue to do that. He said that he doesn't know how much the citizens feel is an appropriate amount for rates to go up versus what is being presented and how you balance that with the fact that we have obligations to pay back bonds. Council Member Danklef expressed that that is the part that is really hard for him because we made agreements for all of these bonds to pay for the services that we are receiving and mistakes probably were made but we want to look forward and take ownership of it and we want to do what has to be done to make our infrastructure solvent. He said that he is not trying to give anybody extra money or trying to buy things that we don't need and he said that personally he is extremely conservative and to throw this kind of an increase with the economy the way it is, is terrible timing but it is here and we have to deal with it or we are going to be in trouble farther into the future. Council Member Danklef said the we are going to do the best that we can with what we have and make the city responsible and we are going to do what has to be done to correct the problems that are inherent here.

Council Member Boyd stated that she has taken pages of notes much like she did at the last public hearing and she has made a list of things that she feels we still owe the community

answers to. She said that we don't have all of the answers but what she does hope is that she has your trust that we will find the answers and do our due diligence as the Council and your elected officials and as staff. Council Member Boyd said that she comes to these meetings without a predetermined decision and with the ability to look at what was said and suggested and that she feels that there are still some things that we need to do our due diligence on.

Council Member Robinson stated that she wants everyone to understand that if their questions have not been answered, they can go to the appropriate staff member whose door is open to each one of them and they will explain in detail until you have a better understanding and she encouraged everyone to pursue as much information as they could. Council Member Robinson said that their intent is to do the best job that they can and that they want the best for Pleasant Grove and its citizens. She said that she grew up here and plans on retiring here and in every decision that we make she gives thought about how it will impact not only the citizens but her as well. Council Member Robinson asked that the citizens contact her or any of the other council members because we are open to discussion to hear the concerns now and in the future and that she hopes that we can find a resolve in this situation that will at least appease and make us comfortable so that we can meet our responsibilities at the same time.

Council Member Wilson stated that he disagrees with getting rid of our amenities such as the recreation center and the library because these are things that the city needs. He said that these rate increases affect all of us and that this should have been resolved a long time ago and there are people who made mistakes but we are all living with this now. He stated that right now we've got to take care of this and resolve this so that our children don't have to deal with it because if we continue to put this off it will just keep getting bigger and bigger. Council Member Wilson said that he has listened to everyone's concerns and he appreciates their comments and that this is a hard decision and it is his hope that you believe that everyone here wants to do what is in the best interest of Pleasant Grove and the community.

Council Member Jensen stated that he doesn't know if he can express in words how difficult this whole process is and that it is hard. He said that this decision, whenever it is made isn't just about what is going to happen to you, it is going to happen to every one of us. Council Member Jensen said that this city through its government is in transition, we are transitioning into a different form of how we conduct the affairs of this city. He said that he heard that this City Council is different, there is a different attitude, they are more civil and more open to suggestions and discussions. Council Member Jensen pointed out that this city has also upgraded its professionalism in its Administrator and Financial Officer, this council set very high criteria last year for what we wanted in these individuals. He said that we have talked to them about looking at all aspects of the city and they have uncovered some things that are causing concern and will probably find other things because the city government in his opinion is being run on a higher professional level with people with experience, training and background who are looking at aspects of the city for ways to improve. Council Member Jensen said that in his opinion the citizens are well represented and we care about what we are doing and the impacts of every decision that we make and no decision is being made for any other reason than is it the best thing for Pleasant Grove. He said that whatever this council decides having to do with these utility rates is going to hurt and it didn't need to, but if we don't do something we are going to face this years from now talking about rates much higher and more immediate than what we are talking about tonight. Council Member Jensen said that he is here because he wants to be, he wanted to give back to the community that he raised his children in and that he is grateful for the input and

he has listened. Council Member Jensen pointed out that these are complicated issues and the information that comes from research and from the staff all comes together to give us a clearer picture of what the situation is and that he does appreciate everyone's participation in this process.

Mayor Call asked the Council if they were comfortable with voting on the proposed resolution tonight or not.

Council Member Danklef stated that he thinks we ought to table this because we need some more answers and need to make assignments and discuss this in our meeting next week, he did point out that we can't keep putting this off. Council Member Boyd agreed. Council Member Robinson said that she thinks we should continue to discuss this in our next work session. Administrator Darrington said that we can add this to the schedule for next week and asked that the questions that need to be answered and discussed for next week, be emailed to him tomorrow so that we can have the information ready for the meeting on the 23<sup>rd</sup> and then we can decide when we will put this back on the agenda for a vote. He said that there is nothing scheduled right now for a meeting the week following that, but if the Council chose on the 23<sup>rd</sup> to hold a meeting on the 30<sup>th</sup> we could do that. Attorney Petersen reminded the Council that if they do not set a date certain for this item, then we will have to go through the public notice process and pay more to re-advertise.

Administrator Darrington also said that the public is welcome to email their questions to him at [sdarrington@pgcity.org](mailto:sdarrington@pgcity.org) or they can call his direct line 801-922-4529 if they want to schedule a time to come in and visit with him.

Mayor Call stated that the agreement of the Council is that in the next twenty four hours we will email our list of questions to Administrator Darrington.

Council Member Jensen commented that we will meet again on this and there will be more questions and then we will postpone again for another time and we will question this decision from now until it's too late to make a decision. He said that the information that was used for the utility rate increase that is being proposed hasn't changed, and he is prepared to vote tonight.

Council Member Robinson said that she doesn't want to decide until she has a better understanding of how the land acquisitions affect this.

Mayor Call asked if there was any further discussion, there was none. The Mayor said that what we are looking for is a motion to continue this item until date certain of November 30<sup>th</sup>.

**ACTION:** Council Member Jensen moved to continue this item, Resolution 2010-049 to the City Council meeting on November 30, 2010. A public hearing was held. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

**B. TO CONSIDER FOR ADOPTION AN ORDINANCE (2010-19) ADOPTING THE STORM WATER MANAGEMENT PLAN (CITYWIDE IMPACT)**

Utility Engineer John Schiess stated that he, Director Walker and Engineer Lewis have been reviewing the water management plan for our storm water system, which is something that is required by the Environmental Protection Agency (EPA). The EPA has given the state a set of guidelines and allowed the state to operate a storm water management program, the state is allowing us to develop our program and as long as we meet the guidelines of the state and the state meets the guidelines of the EPA, then we are good. Engineer Schiess remarked that we don't want to be directly regulated by the EPA and so the process that we are going through is intended to keep us away from that. We are required by December 1<sup>st</sup> to turn in this plan to the state and we are also required to have this out for the public to view and comment on by December 1<sup>st</sup>. He said that it has been a struggle over the past six months trying to get our hands around all of the things that the EPA is asking us to do and this Storm Water Management Plan is a result of that struggle.

Engineer Schiess said that in 2002 the original plan was adopted and put into place, at that time this plan met the state requirements and we did our best to implement that plan. Every six years this plan is supposed to be updated by the state and they are supposed to come and audit every community every six years. He said that in the last couple of years the state has updated their plan and their permit process and as of August they gave us their final permit process. Engineer Schiess said that there were several large items that were added to the permit and several things that were clarified and we are now going through this to try to get up to speed and meet those requirements. He said that each council member was given a copy of the plan (exhibit C) and the first thirty pages are the basic report and the pages that follow are the supporting documentation that goes with it. Engineer Schiess said that they have struggled and worked on how to condense this process down and do exactly what we have to do realizing that doing some of these things will cost money and that the money is not there to spend.

Engineer Schiess then reviewed the six items that are supposed to be included in our plan which is referred to as the six controlled measures: 1) Public education and outreach; 2) Involve the public in creating and updating this plan; 3) Illicit discharge detection and elimination; 4) Construction site control; 5) Long term storm water management; 6) Pollution prevention and good housekeeping for municipal operations. Engineer Schiess pointed out that one of the things that the council might want to review is the Standard Operating Procedures in appendix D which are the things that the city is committing to do in meeting this plan.

Council Member Jensen asked what are the financial obligations that this will now impose on the city and is it going to require a new full time position. Administrator Darrington said that we have discussed this and we only have some rough estimates on things that we need to do right away and there is talk of hiring an employee to oversee and make sure that this plan is being done correctly and we don't have all the specific details of those numbers tonight but as we start talking about our future costs and our future capital plans, we can have them then. Engineer Schiess said that there are a couple of capital projects that we are going to need to address soon and the money that we have proposed in the budgets and the rate increases that we have already been talking about will cover the implementation of this program with the exception of a couple of those capital facilities that we are just learning about from the state on what we have got to do. Engineer Schiess said that this cost includes an employee because this plan is very intensive on tracking and documenting everything we do so that when the state comes in to do an audit we have to have all of the inspection reports and documentation.

Engineer Schiess then mentioned a couple of the items that we are working on to meet these requirements, one of them is that we cannot wash our city vehicles anyplace that is going to make it to the ground water or the storm drain, we either need to wash them at a commercial car wash or we need to build a facility where we can wash the vehicles; also the water that is used in our street sweeper has to be collected and run through the sewer system. He said that we have a temporary option at the Public Works yard to get us by in the interim until we can get a nice facility to wash and dry out our vehicles and get the water into the sewer system.

Engineer Schiess reiterated that December 1<sup>st</sup> is our deadline to submit a plan to the state and if we do not submit a plan to the state, we no longer have a permit to discharge any storm water to the stream and if we get a storm in that time when we don't have our plan then there are hefty fines per day for doing that.

Mayor Call stated that he doesn't imagine that there is much room for discussion on this; we know exactly what our situation is and asked if there were any other comments, there were none. The Mayor then read the ordinance and asked for a motion.

**ACTION:** Council Member Wilson moved to approve Ordinance 2010-19, amending the City's Storm Water Management Plan to comply with new State regulations to obtain permits to discharge storm water and non-storm water to waters of the State. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

Engineer Schiess said that this is one ordinance to adopt this plan and part of the plan is to update our storm water ordinance that is separate from the plan so we will be coming to the Council in the next six months to update that as well.

## **8. NEIGHBORHOOD ADVISORY BOARD AND STAFF BUSINESS**

- NAB Chairperson Flegal reported that the sign for the Monkey Town neighborhood will be done through an Eagle Scout project.

## **9. MAYOR AND COUNCIL BUSINESS**

Nothing was discussed at this time.

## **10. SIGNING OF PLATS**

No plats were signed at this time.

## **11. REVIEW CALENDAR**

Nothing was reviewed on the calendar at this time.

## **12. APPROVE PURCHASE ORDERS**

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

**ACTION:** Council Member Jensen moved to approve the purchase orders for November 16, 2010. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

### **13. ADJOURN**

**ACTION:** At 10:08 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

This certifies that the City Council  
Minutes of November 16, 2010 are a true,  
full and correct copy as approved by  
the City Council on January 4, 2011

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Colleen A. Mulvey, Deputy City Recorder

*(Exhibits are in the City Council Minutes binders in the Recorder's office)*