

Pleasant Grove City Council Minutes
November 4, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Bruce Call

Jeffrey D. Wilson

Excused:

Cindy Boyd, City Council Member

Lee G. Jensen, City Council Member

Ken Young, Comm. Dev. Director

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Mary Burgin, Planning Tech

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Cooper Thomas.

3. OPENING REMARKS

Opening Remarks were given by Chief Paul.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels stated that we will be adding an item to our business before item “a” on the agenda, we have checked with the County Elections Office and we will be verifying the Provisional Ballots from the November 3rd General Election tonight. Mayor Daniels asked if there were any other changes or additions to the meeting’s agenda there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Call moved to approve the agenda, adding the verification of the Provisional Ballots. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Call 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 Meeting minutes for October 6, 2009
- b. To consider approval of Partial Payment No. Four to Geneva Rock Products, Inc. for the Street Rehabilitation Project 2009
- c. To consider approval for Final Payment and Change Order No. 2 to HDX, L.C. for the Manila Water Company 2009 Improvements
- d. To consider approval of Payment No. 4 to Vancon, Inc. for the Pressure Irrigation Storage Tank System Schedule 7A
- e. To consider approval of paid vouchers (October 23, 2009)

The Mayor stated that the minutes, item “a” are not ready to be approved so we are removing them from this agenda. The Mayor then asked if there were any questions or other changes to the consent agenda, there were none, the Mayor asked for a motion to approve.

ACTION: Council Member Atwood moved to approve the consent agenda items, removing item “a” the minutes for the October 6th City Council meeting. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Call and Wilson voting “Aye.”

6. OPEN SESSION

Mayor Daniels 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.

Bryan Cryer, 999 E 290 N came forward and asked were the City was standing on the recycling program and what is happening with it.

Mayor Daniels stated that the recycling program is still on, the date for opting-out has been extended to February 16, 2010 and that was done to give people more time to understand what the issues are.

Mr. Cryer asked why there is only one opt-out period and said that he feels that that is just another tax to people coming into our community. If it is profitable for a company they will do it regardless and asked why he has to subsidize a company doing something that they can do on their own if they so wish. Mr. Cryer asked if there is a chance that we could open this up to have the opt-out be a continual thing instead of a onetime thing.

Mayor Daniels stated that the numerics of the situation would not really work from a practical perspective so the options are for the Council to reconsider an opt-out program, an opt-in program or a mandatory program. The Council decided as a group to shy away from any kind of mandatory program, we felt that was absolutely a tax and that should probably go to a ballot rather than just have the Council make that decision.

Mr. Cryer said that what the City is doing is penalizing the new comers to the City because they don't even have that option and stated that he thinks is unfair. Council Member Atwood said that we have brought that up and thinks that we will allow for that when new people come in, they will have that opportunity and that is one of the several issues we are still in the process of making decisions on. Mr. Cryer asked when we will know when the final decisions have been made by the City.

Mayor Daniels said that there will be a new Council in place starting the first of next year and the objective is to give those people an opportunity to retake a look at this recycling program that the old Council approved, make any adjustments they feel that are necessary and then have time to respond to the public both through information and education, to figure out what they are going to do before any money is spent.

Mayor Daniels asked if there was anyone else who wished to come forward and address the Council at this time, there was not. The Mayor then 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:

VERIFY PROVISIONAL BALLOTS FROM THE NOVEMBER 3, 2009 GENERAL ELECTION

City Recorder Kresser explained that a Provisional Ballot is a procedure that allows a voter who's right to vote has been questioned at the polling precinct, to vote. This basically occurs when a voter's name is not in the official register at that polling precinct. The poll worker issues a provisional ballot and affidavit envelope for the voter to fill out and sign, the voter fills out their information, votes on the ballot, places it in the envelope and returns it to the poll worker. The next step in the process is that the voter information and signature on the affidavit is verified through the County Elections Office, once they are verified as being valid registered voters then

the ballots are eligible to be counted. Recorder Kresser said that of the fifty three Provisional Ballots from the General Election, forty one of them have been verified and are eligible to be counted.

Mayor Daniels asked if there were any questions as to the process that has been explained so far. There were none. The Mayor then said that Recorder Kresser is the person legally responsible for elections in the City and it falls to her to make sure that we have followed the rules with respect to how this takes place. What will happen next is that Recorder Kresser, Deputy Recorder Mulvey and Mary Burgin who are all authorized, sworn in poll workers, are going to go into another room and count the Provisional Ballots and when they are done, they are going to bring those results back in and we are going to post those results on screen along with the rest of the results that were tallied last night. Mayor Daniels added that if any of the candidates want to have a poll watcher, they need to have filled out an affidavit with Recorder Kresser prior to this count tonight. A poll watcher cannot be a direct relative through blood or marriage and they must remain in the room the entire time the count is taking place. Recorder Kresser said that no one has requested a poll watcher at this time.

Recorder Kresser, Deputy Recorder Mulvey and Mary Burgin left the meeting to count the Provisional Ballots.

Mayor Daniels stated that whatever the results are from this evening, they remain unofficial until the canvass of the votes by the Council next Tuesday, November 10th. The Mayor pointed out that in the results from yesterday's election there were two candidates for Council Member that were one vote apart we researched into this matter and because we have fourteen precincts and one additional for the early voters, the rules state that if candidates are within, in our case fifteen or less (the number of our precincts) votes of each other, then when the canvass takes place that candidate who is below may request a recount within seven days of the canvass of the votes. The City Recorder's office would then conduct that recount and the same rules would apply if the candidates choose to have a poll watcher. Next the Council will have to canvass those votes immediately after that recount takes place. If in fact we end up having a situation where a recount is necessary, that will be scheduled in such a way that the Council is available to be convened immediately after that recount takes place. If there is sixteen or more votes difference between the candidates after this Provisional Ballot count then there is no call for a recount.

A. TO CONSIDER APPOINTMENT OF KIM ROLLINS AS NEW LIBRARY BOARD MEMBER

Library Board Member Roselle Harney introduced Kim Rollins and began by reading her biography and stated that she has a Masters Degree in Library Science, she has worked as the Assistant Library Director at UVU for fifteen years and she helped plan and coordinate their one hundred and eighty thousand square foot Library, in 2006 she was the Utah Library Associations Librarian of the year. Library Board Member Harney stated that when she applied for a position on our Board we were very excited about the amount of experience she will bring, our Library

does a great job serving the community and we are always excited to find somebody with her level of experience to help our Library become even better.

Mayor Daniels stated that when he read her bio that he was very impressed with her qualifications and that we are glad that she is taking the time and inclination to volunteer for the City and that it is very much appreciated. The Mayor asked if there were any questions, there were none, the Mayor then asked for a motion.

ACTION: Council Member Call moved to approve accepting the appointment of Kim Rollins as a member of the Library Board. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Call and Wilson voting “Aye.”

B. TO CONSIDER AWARDING THE BID TO INSITUFORM TECHNOLOGIES, INC. FOR THE 2009 REHABILITATION PROJECT

Administrator Mills explained that a few weeks ago our Public Works Department held a bid opening for our sewer rehabilitation projects that we do each year. There were five firms who bid on this, Insituform who is one of the leaders in the area for this type of work, won the bid. They were the low bidder at one hundred twenty four thousand six hundred eight six dollars and eighty cents. Administrator Mills said that the funds for this come out of our capital projects for the sewer department and that they recommend that the Council award the bid to Insituform Technologies, Inc.

Council Member Atwood commented that this was an impressive bid in that the Engineer’s estimate was around two hundred and eight thousand dollars.

Mayor Daniels asked if there were any questions, there were none. The Mayor asked for a motion to approve.

ACTION: Council Member Atwood moved to approve awarding the bid to Insituform Technologies, Inc., for one hundred and twenty four thousand six hundred eighty six dollars and eighty cents, for the 2009 rehabilitation project. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Call and Wilson voting “Aye.”

C. TO CONSIDER A RESOLUTION (2009-040) AUTHORIZING THE MAYOR TO SIGN A BETTERMENT AGREEMENT BETWEEN PLEASANT GROVE CITY AND UDOT AUTHORIZING UDOT TO PROCEED WITH WORK ON THE I-15 CORE PROJECT (CITY WIDE IMPACT)

Administrator Mills stated that with the widening of I-15 and the improvements being done there, we have some storm drain lines that run underneath I-15 between our exit and the overpass that go to the North Point landfill, the State has to replace those lines but all they are required to do is replace them with what is currently in there. Administrator Mills explained that as part of our storm drain capitol facilities plan; because of the growth of the City we did plan to enlarge

these lines, so this resolution will authorize the contract with UDOT which will allow us to pay for the upsizing work and any extension we might need. The funds for this project are part of what has been budgeted for the storm drain utilities.

Mayor Daniels asked if there were any questions or comments on this item. There were none, the Mayor asked for a motion to approve.

ACTION: Council Member Call moved to approve Resolution 2009-040, authorizing the Mayor to sign a betterment agreement between Pleasant Grove City and UDOT, authorizing UDOT to proceed with the work for the I-15 Core Project. Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Call and Wilson voting “Aye.”

Mayor Daniels asked Administrator Mills to give an update on what is happening with the open ditch the other side of the freeway.

Administrator Mills explained that there is another roadway that is going to be built in the near future on the west side of the I-15 called the Vineyard Corridor. It will run from about 800 North in Orem to Pioneer Crossing in American Fork. There are two options being discussed regarding the large open ditch that runs to the North Point landfill, one is to enlarge that ditch with a pipe large enough to bury all of it underground so that it will be able to take the full flow of water that is coming underneath the freeway and take it to the lake. The other option is just west of the North Utah County Animal Shelter, there is a road that goes straight through to the landfill and the intent is to put a large pipe down the middle of where that road is with an easement through the landfill property and tie it into the same ditch that goes into the lake. Administrator Mills said that the second option is the one we prefer, because it would enable us to handle more water and expanded growth. By doing this we benefit because it gives us the option of being able to carry more water down to the Grove area as it develops and we add water features such as ponds. Administrator Mills stated that this has been a couple of years in the making and it really is a win-win situation.

Mayor Daniels added that last year we purchased a few acres on the west side of 2000 West and we ending up leasing a two acre parcel right at the intersection of Pleasant Grove Blvd. and 2000 West just to accommodate water. The Mayor said that this type of project where we are working with UDOT to get that new bore underneath the freeway and working with the other entities to continue that on down to the lake will actually help the citizens of Pleasant Grove reduce that further dependence upon retaining and detaining that water and help us generate revenue from better usage of land.

9. STAFF BUSINESS

- Director Bradford mentioned for the youth present at tonight’s meeting, the Farmers Market/Promenade that is held in the Downtown park throughout the summer and that they are welcome to join us next summer, they have an open microphone from 4:00 to 6:00 p.m. for amateur entertainers. Director Bradford encouraged them to attend and to

help spread the word to anyone they know would who would like to come out and entertain the crowd.

- Director Giles invited everyone to the Veteran's Day Program on Wednesday, November 11th at 11:00 a.m. at the Memorial Garden.
- Attorney Petersen stated that due to recent changes in the State law, the Mayor and Council are required to have annual training in open and public meetings, so she is suggesting that that be scheduled as early in the year as we are able, possibly one of the Work Session meetings in late January or early February.
- Administrator Mills expressed his thanks and appreciation to Recorder Kresser and Deputy Recorder Mulvey for the way that they handled the election this year. Many people do not realize that this is the first election that they have been involved with and that they both did an excellent job working with all of the poll workers and just want to thank them and recognize all of their time and efforts.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Atwood reported that he attended the meeting for the Utah Lake Crossing; it was a very informative, long four hour meeting that was open to the public and the press media. Council Member Atwood stated that whoever is assigned to sit on this committee in the future needs to attend these meetings and be mindful of all the facts.

11. SIGNING OF PLATS

The Reva Frampton Subdivision Plat "A" was signed by the Mayor and Council.

12. REVIEW CALENDAR

Mayor Daniels reviewed that the canvass of the votes for the General Election will be next Tuesday, November 10th at the Work Session meeting.

The Veteran's Day program will be held at 11:00 a.m. on Wednesday, November 11th, at the Memorial Garden.

The City offices will be closed on November 11th for Veteran's Day and November 26 -27 for the Thanksgiving holiday.

On Thursday, November 12th, the Mayor, Mayor Elect, the Council, the new elected Candidates and the Directors will be interviewing the top three candidates for the City Administrator's position.

The lighting of the City Christmas Tree will be held on Monday, November 30th, in the Downtown Park at 6:00 p.m.

13. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders.

Council Member Call asked about the Fox Hollow Golf Course item. Director Clay stated that it is an unbudgeted item; we had the discussion during the budget process for the debt service for the Golf Course but not for ongoing operating costs.

Mayor Daniels explained that Pleasant Grove City has a one third ownership along with American Fork City and Lehi City in the Fox Hollow Golf Course and said that for the shortfall in operating expenses, we have been dealing with this issue for several years and while there has been a lot of progress made, it is still concerning that they are operating at a deficit and the City is being asked to fund that deficit without a lot of advance notice. Director Clay added that the Golf Course is telling us that that will be the only money that they will be asking for this fiscal year. Council Member Call asked if we are confident that their accounting is getting better. Director Clay stated that it was and they now have someone who is qualified to do it. Mayor Daniels said that their accounting person is now more involved in the whole procedure, so the competence level and the accuracy and effort there is going up. The question is about subsidy when we as a City have made huge efforts to cut back in many areas just so that we could retain our own operations and people employed without having to do cuts. The Mayor added that then they come up with these sixty thousand dollar shortfalls in operations that we don't even know about ahead of time, it just gets sprung on us and feels that that is just not right and not the way it should be done.

Mayor Daniels stated that his recommendation at this point is that we go ahead and cover this shortfall, but that the new Council and Mayor really take a hard look at where we have come so far and set some different policies going forward. The Mayor asked if there was any further discussion, there was none. The Mayor asked for a motion.

ACTION: Council Member Call moved to approve the purchase orders for November 4, 2009. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Call and Wilson voting "Aye."

City Recorder Kresser, Deputy Recorder Mulvey and Mary Burgin rejoined the meeting.

RESULTS FROM THE PROVISIONAL BALLOTS FROM THE NOVEMBER 3, 2009 GENERAL ELECTION

City Recorder Kresser stated that from the forty one validated Provisional Ballots the results are as follows:

Bruce Call, 28 votes. Jeffrey D. Wilson, 13 votes. Laurel Backman-Riddle, 15 votes. Milton Fugal, 21 votes. Lee G. Jensen, 19 votes. Kimberly Robinson, 25 votes.

Mayor Daniels announced that Mr. Jensen or Mr. Fugal will have an option after the canvass of the votes next Tuesday, November 10th, to request a recount because there was only three votes difference between the two candidates. The request would need to be made in writing to the City Recorder's office within seven days of the canvass. As stated earlier, the recount would be done on such a day and such a time that the canvassing board which is the City Council can be assembled immediately afterword to canvass those votes.

Mayor Daniels asked if there was any other business to be discussed, there was none. The Mayor asked for a motion to adjourn.

14. ADJOURN

ACTION: At 7:54 p.m. Council Member Call moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Call and Wilson voting "Aye."

This certifies that the City Council
Minutes of November 4, 2009 are a true,
Full and correct copy as approved by
The City Council on January 19, 2010

Colleen A. Mulvey, Deputy City Recorder