

**Pleasant Grove City Council Minutes**  
**January 19, 2010**  
**7:00 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

Tina Petersen, City Attorney

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degan Lewis, City Engineer

Karen Bezzant, Treasurer

Libby Flegal, NAB Chairperson

Excused:

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

The City Council and staff met at the City Council Chambers at 86 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 Administrator Darrington.

**3. OPENING REMARKS**

Opening Remarks were given by City Planner Allen.

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

Mayor Call stated that there will be an executive session added to this meeting to discuss the character, professional competence or physical or mental health of an individual. (UCA 52-4-205(1)(a)).

Mayor Call then stated that items "b" and "e" will be removed from the agenda and will be brought back for discussion at another time.

Administrator Darrington mentioned that item "b" will be continued to the work session meeting next week, not the public hearing but discussion on the item. Mayor Call added that we are going to be dedicating some time in the work session to prepare, so that we are prepared as a Council and staff for the public hearing that will likely be on the agenda two weeks from tonight. Recorder Kresser said that we will need to continue this item to date certain. Mayor Call stated that we will leave item "b" on the agenda and at that point we will take care of it by continuing it to date certain.

**ACTION:** Council Member Boyd moved to approve the agenda adding the executive session and removing item "e." Council Member Wilson 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. To consider appointment of Jane A. Walter and Robert M. Walter to the Beautification Advisory Commission.
- b. City Council and Work Session Minutes:  
City Council Work Session Minutes for October 13, 2009  
City Council Minutes for October 20, 2009  
City Council Minutes for November 4, 2009  
City Council Work Session Minutes for November 10, 2009  
City Council Minutes for November 17, 2009  
City Council Work Session Minutes for November 24, 2009  
City Council Minutes for December 29, 2009 (special meeting)  
City Council Minutes for January 5, 2010
- c. To consider Final Payment and Change Order #3 to HDX, L.C. for the Manila 2009 Water Improvements
- d. To consider approval of Payment No. Twenty-Five and Change Order #17 to HDX, L.C. for the Pressure Irrigation System - Schedule 6
- e. To consider approval of Payment No. Five to Vancon Inc. for the Pressure Irrigation Storage Tank – Schedule 7A
- f. To consider approval of Payment No. One and Two to Vancon Inc. for the Pressure Irrigation Booster Pump Station – Schedule 7B
- g. To consider approval of Payment No. Six and Change Order #2 to Vancon Inc. for the Pressure Irrigation Storage Tank – Schedule 7A
- h. To consider approval of Payment No. Three and Change Order #1 to Vancon Inc. for the Pressure Irrigation Booster Pump Station – Schedule 7B

- i. To consider approval of Final Payment and Change Order #1 to Noland & Sons Construction for the State Street Sewer Improvements project
- j. To consider approval of paid vouchers (November 25, 2009, December 10, 2009, December 22, 2009 & January 8, 2010)

Mayor Call asked Jane and Robert Walter to stand and introduce themselves. Ms. Walter stated that they have lived in Utah County for four years and that they have enjoyed being here and learning about the environment and putting in a new garden. Mr. Walter said the beauty that we have in the foothills of these great mountain ranges have been a pleasure for them and being able to help the City become more beautiful than it already is will be a real pleasure.

Mayor Call stated that the Walters have done a fantastic job with their gardens and expressed appreciation for their willingness to be on our Beautification Advisory Commission.

The Mayor asked if there was any discussion on the consent agenda items, there was none. The Mayor then asked for a motion to approve.

**ACTION:** Council Member Wilson 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 was not a public hearing or not on the agenda, they were welcome to come forward and address the Council.

Suzanne Louder of American Fork came forward and stated that she is here for a concern that is about her son who was involved in the shooting here in Pleasant Grove on February 27<sup>th</sup>, where he shot her brother. She stated that when it happened they were called in to the Police Department to be interviewed and that they complied with every request that was made of them, they asked questions, taped the interview and gathered all kinds of information. Ms. Louder said that she was told by Officer Britt Smith that when her son Colton was arrested that he had over eight hundred dollars on him and that Colton had told them it was from his tax return. When they later went to visit Colton at the County jail, they noticed that he had been booked in there with five hundred and ninety dollars. Ms. Louder said that she then called Chief Paul to talk to him about her concern of where the money went and stated that he was not kind to her and abruptly answered her with “yes” and “no” and said that he would look into it and get back to her. Ms. Louder said that he never called her back. She requested to see the booking records and was told to get them from the County, the County told her that Pleasant Grove City has the records and feels that they were getting the “run around.” Ms. Louder stated that she had a friend request the records from Pleasant Grove’s Police Department, they were charged fifty dollars and received about five or six pieces of paper and there was no itemized statement and that there was no tape of the interview. Ms. Louder stated that she is not blaming the Police and does not think that they took the money but does not know where it went and that she is very disappointed in being told that there was no tape of the interview and that she feels like they have never answered her questions. Ms. Louder said that she does not want the money; she just wants someone to look

into the situation of how she was treated and feels that she was not told the truth and would like to get some answers regarding this.

Kurt Standifird of Lehi came forward next and stated that he wanted to stand up in support of Ms. Louder. He said that he was the one who requested and paid the fifty dollars for the reports regarding Colton's booking, they received six sheets of paper and two CD's which had video of the transport to the County jail and the other was five minutes of audio of some of the Police dispatch from one of the officers' cars. Mr. Standifird said that he requested an itemized list of how the fifty dollar expense came about and has not yet received it. Mr. Standifird stated that there are things that they feel are missing from the information, one being an itemized list of the possessions taken from Colton at the time of his arrest and the interview tape, that the whereabouts are not known and that he feels frustrated in trying to receive this information and feels that it is a high expense for receiving such little information. Mr. Standifird stated that he does appreciate the help that they have received and that hopefully they can get some answers that they feel that they are entitled to.

Dustin Phillips, a Trustee of the Pleasant Grove Library Board came forward next and stated that he was here at the request of Library Director April Harris to mention that she is still trying hard to find out where to put all of the books that we need to service our community and also to extend gratitude to Council Members Robinson and Jensen for attending their Board of Trustees meeting. Mr. Phillips said that their Board meeting is held on the first Thursday of every month and that there is an open invitation to the Council as well as the public. Mr. Phillips mentioned the monthly mailer (via email), that each month they do two book reviews and Council Member Jensen has already offered to do one of these reviews and he is inviting the rest of the Council and staff to offer a book review as well. Mayor Call stated that he feels that that is a great idea.

Mayor Call 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**

### **A. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2010-1) AT THE REQUEST OF ANDREW MILES' TO AMEND ARTICLE E, DOWNTOWN VILLAGE (DV) ZONE, SECTION 10-11E-2 "PERMITTED CONDITIONAL AND ACCESSORY USES FOR THE DOWNTOWN COMMERCIAL SUB-DISTRICT" ADDING LAND USE CODE #8224, "ANIMAL KENNELS, ANIMAL BOARDING, BREEDING, TRAINING AND GROOMING" AS A CONDITIONAL USE (OLD FORT NEIGHBORHOOD)**

City Planner Allen stated at the request of Crystal's Dog Spa located on the corner of Main and Center streets, they would like to add pet boarding to their operation. They have had a high volume of customers who want to have their dogs boarded for short periods of time; they feel that adding this to their business will help them as well as the community. Planner Allen said that

the request is to add dog kennels for domestic animals, which is the legal definition we use for pets and added that he does not see any problem in approving this as long as it is a conditional use classification and gets looked at on a case by case basis.

Council Member Jensen asked if anyone else has gone and done a walk through at that facility. Council Member Robinson stated that she had and that when they presented this to the Planning Commission, they were only going to accept certain size dogs, they turn away large dogs on a daily basis. Council Member Robison said that this is a dog boutique that has items for smaller dogs.

Council Member Jensen then brought up the issues or questions of the dogs being left unattended throughout the night, the way that they will be caged and also the concern of noise or smell for the residents who live above this business.

Mayor Call stated that it seems that a lot of these concerns that are being brought up would be addressed during the conditional use process. Planner Allen said that the conditional use permit will mitigate any nuisance type issues that will come up.

Mayor Call asked if there were any other questions, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment.

Laurel Backman-Riddle, 50 W Center Street came forward and stated that she lives close to this business and has sometimes been kept awake at night from the dogs barking. She said that her concern is that if we pass this, that right now they have small dogs but it does not necessarily mean that is what you would be potentially permitting, there is not a limit on the size of dogs. Ms. Backman-Riddle stated that as a neighbor to this business she is concerned.

Mayor Call stated that that is exactly what the conditional use status is for, to address the concerns of neighbors and others when it comes to nuisance items.

The Mayor asked if there were any other comments from the public, in that there were none, the Mayor closed the meeting to the public.

Council Member Boyd asked if there was any description or requirements on the containers such as cleanliness and the health and safety of the area. Mayor Call asked Planner Allen how we make sure that proper practices are kept.

Planner Allen said that there are two ways this can be done, one is through the business license there are always conditions and limitations we can put on there, but the conditional use permit, if granted, would have the most effective way of regulating whatever they do. Planner Allen said that it is just a matter of fully understanding exactly what they want to do and how they want to do it, so that we can regulate it appropriately. Putting the use in just opens the door for the opportunity for any business to come in and have that chance to board animals, so by limiting it to just pets is one good way to regulate this so it is not just any animal that comes in, we could even go a step further by saying small domestic animals. Planner Allen added that if a business does not perform to the conditional use permit then we can revoke the license. Council Member Boyd said that the only way we would know about that is through a nuisance or a complaint to

the City, but we can be pretty specific in the conditional use. Planner Allen stated that that was correct.

Mayor Call asked if there was any further discussion, there was none, the Mayor then asked for a motion.

**ACTION:** Council Member Boyd moved to approve Ordinance 2010-1, an ordinance of Pleasant Grove City, Utah County, Utah; amending Title 10/Chapter 11/Article E, Section 2/Item F, entitled “Conditional Uses” to allow use classification #8224 for care and boarding of small domestic animals as a conditional use in the Downtown Commercial Sub-District. A public hearing was held. Council Member Danklef seconded and the motion passed with a four to one vote with Council Members Boyd, Danklef, Robinson and Wilson voting “Aye” and Council Member Jensen voting “No.”

Council Member Boyd asked if we could list the concerns that we want to see put on those conditions. Planner Allen said that he has written them all down and that if there are any more to please feel free to see him.

**B. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2010-2) TO AMEND SECTION 6-5-3 “OVERNIGHT PARKING” OF THE PLEASANT GROVE CITY MUNICIPAL CODE, FOR THE PURPOSE OF EXTENDING AND CLARIFYING THE TIMES WHEN ON-STREET PARKING IS PROHIBITED, TO FACILITATE THE CLEARING OF SNOW (CITY WIDE IMPACT)**

Mayor Call stated that we want to continue the public hearing to February 2<sup>nd</sup>, there will be further discussion on this item at the work Session meeting next week. The Mayor then asked for a motion.

**ACTION:** Council Member Jensen moved to continue the public hearing to February 2, 2010, to consider Ordinance 2010-2, to amended section 6-5-3 “Overnight Parking.” Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

**C. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2010-3) AT THE REQUEST OF PLEASANT GROVE CITY STAFF, AND UNDER THE DIRECTION OF CITY COUNCIL, FOR THE REVIEW OF ORDINANCE AMENDMENTS TO CHAPTERS 10-15-41, 11-4 AND 11-16 RELATING TO BONDING REQUIREMENTS FOR THE PURPOSE OF UPDATING, CLARIFYING AND ENSURING THAT THE BONDING REGULATIONS ARE SUFFICIENT TO PROTECT THE CITY (CITY WIDE IMPACT)**

City Engineer Lewis explained that as we were working on some of the projects we noticed that the bonding that was retained and available was not enough to complete the work at today’s prices. Public Works requested that we look into this to make sure that we do what is needed to ensure that the projects can get finished. Engineer Lewis said that the three sections that are listed are those that deal with bonding or development in general, for site plans and for new subdivisions and also the curb, gutter and sidewalk improvements. The primary area where the

problem had taken place is in the section on street improvements, previously at the discretion of the City Engineer it was allowed for the resident to make a payment of a bond to install those improvements at a further date because it was not practical to do so at the time. Engineer Lewis said that that had more application in the City when we were much more rural and we had large irrigation facilities and things that were expensive and difficult to deal with, so the problem is simply solved by taking away the Engineers discretion to allow that, there is really no need for that in the City at this time. Engineer Lewis explained that he did review all of the sections with Public Works and there have been some minor changes made to the verbiage for clarification and to reflect current practices which makes this ordinance consistent and protects the City's interests where appropriate.

Council Member Jensen asked how we would treat new construction. Engineer Lewis said that new construction is required to complete all street improvements.

Mayor Call stated that the philosophy behind this is that we would like to have some sidewalks built and the City cannot afford to do them all and it has always been the responsibility of the property owners to do the improvements. So the only leverage we have at times is when we allow them to have the building permit, they do need to be in compliance as far as the sidewalks and improvements go.

Mayor Call asked if there were any other questions, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment.

Laurel Backman-Riddle, 50 W Center Street came forward stated that from her vantage point on the Board of Adjustments she has seen a number of situations where people ask for a variance and we cannot consider financial or economics as a reason. Ms. Backman-Riddle said that she knows several people who are not making improvements at all because they cannot afford to do all of them. Ms. Backman-Riddle said that she would like to see some way to encourage people to make improvements by making it financially possible, of somehow staging it in and if there is some way that the Council and Staff can figure out a way to stage things in, she feels that the City would see a lot more improvements getting done. Ms. Backman-Riddle stated that we would like to encourage people to make improvements instead of just sitting back and saying that we are not going to do anything at all because you can't afford to do it.

The Mayor asked if there were any other comments from the public, in that there were none, the Mayor closed the meeting to the public.

Council Member Jensen asked if the City had the ability to lien the property. Attorney Petersen said that we can only lien the property if we actually install the improvements ourselves and paid for them, the lien would be to recoup our costs. Attorney Petersen added that that is not a position that the City wants to be in.

Council Member Boyd stated that one of the things that the citizens are very concerned about is the safety issues of sidewalks, and them choosing not to do these improvements because of the cost, she wonders if there is some way that we can figure out how to make this less cost prohibitive to accomplish what we want and not inflict so much on to the citizens

Council Member Jensen stated that if the issue is with getting sidewalks in and we enforce a ruling that would prevent that from going in, we wind up where we don't want to be, so is there some way to get it and still not have the City on the hook for all of the improvements. Attorney Petersen stated that we have other mechanisms; there are special improvement districts that can be formed where the City will upfront the cost and the people pay back over time. Council Member Jensen commented that what we are saying here is that the only option we have is that no sidewalk is put in if they can't afford it, and that seems pretty narrow.

Mayor Call wanted to clarify that as this ordinance is written now, on corner lots the only requirement is on one frontage. Engineer Lewis said that that is correct; it is the City staff's determination of which frontage is to be installed after consulting with the home owners. Mayor Call said that that decision then lies with the staff. Engineer Lewis said that that was correct.

The Mayor asked if there was any further discussion or questions, there was none, the Mayor then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Ordinance 2010-3, an Ordinance of Pleasant Grove City, Utah County, Utah; amending Title 10/Chapter 15/Section 41, Title 11/Chapter 4/Sections 1-4, and Title 11/Chapter 16/Section 1, regarding Bonding and Improvements Citywide for the purpose of updating the applicable sections to meet the City's current needs for street improvements and to ensure enough Bonding Monies are obtained. A public hearing was held. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**D. DISCUSS FOR APPROVAL, RESOLUTION (2010-01) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH UTAH COUNTY AND PLEASANT GROVE CITY, OREM CITY, LINDON CITY, TOWN OF CEDAR HILLS, AMERICAN FORK CITY, HIGHLAND CITY AND LEHI CITY FOR THE PROPOSED PROVO RESERVOIR CANAL RIGHTS-OF-WAYS TO CONSTRUCT A PUBLIC TRAIL FOR RECREATION PURPOSES OVER THE CANAL AND TO PARTICIPATE WITH THE COUNTY IN FUNDING, CONSTRUCTING, MANAGING, POLICING, MAINTAINING AND USING THE GREENWAY**

Mayor Call introduced Richard Nielson of the Utah County Public Works Department, who will be presenting the information on this item. Mr. Nielson explained that this Interlocal Agreement is currently in the process of being looked over by the County and City Attorneys and is not yet ready to be considered for approval, but that he would like to give an overview of the project and what the Interlocal Agreement would bring into effect. Mr. Nielson stated that the concept for the Murdock Canal Trail which is also known by its proper name, the Provo Reservoir Canal Trail, has been around for about fifteen years and in 2006 there was about ten and a half million dollars in Federal money earmarked for this project. The trail will extend from approximately 1100 East 800 North in Orem to Bull River Road and SR-92 in Lehi, which is approximately sixteen miles of trail. Mr. Nielson explained that from the mouth of the Provo Canyon to the Point of the Mountain the canal drops about sixty feet so there is a very flat corridor for that distance so for the most part the trail will be fairly level. The canal enclosure project by the Provo River Water Users Association (PRWUA) is scheduled to start this fall and will take two to three years to complete and part of what we are working on with UDOT is to coordinate and

get the pedestrian underpasses on some of the major roads built along with the canal enclosure project, to capitalize on the cost savings that are available in having the two projects going together and minimize the construction to the public. Utah County is working in conjunction with Orem, Lindon, Pleasant Grove, Cedar Hills, American Fork, Highland and Lehi cities as well as with the PRWUA and the US Bureau of Reclamation. The trail will have underpasses crossing major roads and it is planned to be multi-use with a paved trail for pedestrians and non-motorized use as well as an unpaved trail for equestrian use. Mr. Nielson said that there is about a one hundred foot wide corridor that these two trails will be put in and the final landscape would be up to each individual city and stated that one of the conditions on it is that no deep rooted items or trees be planted that would interfere with the canal, the corridor is there for water transmission and to keep in mind that we get to be there as a secondary user and have a trail on top of it. The trail will connect with the Provo River Parkway and the Jordan River Parkway as well as several trails within the cities. Mr. Nielson explained that the local match costs for each city was based on the mileage of trail within their community and the population based on the 2008 count from the Mountainland Association of Governments (MAG), and Pleasant Grove has about twenty two point seven four percent of the total share of the trail and part of your share on the construction cost will be a little over three hundred eighty eight thousand dollars. The total match cost for this project is a little over two point six million dollars and of that Utah County is picking up thirty five percent and the cities will pick of the other sixty five percent of the match. Mr. Nielson explained that the Federal Aide Agreement was just approved through the County Commission and the County will be picking up the first six hundred thousand dollar part of the match cost and the second part of the match will be due at the end of July 2010, the County will pick up three hundred and nineteen thousand dollars of that six hundred thousand, leaving the balance for the cities and then the final portion of the match (\$1,425,917.00) will be due one year from that in July 2011, with that balance due by all of the cities because the County's portion will be paid out at that point. Mr. Nielson said that they have spread this out so that the monies are due in two different budget years. The estimated annual maintenance cost for the trail which is based on the current costs for the Provo and Jordan River Parkways, would put Pleasant Grove's cost at fifteen thousand four hundred dollars. Mr. Nielson concluded by saying that he would be glad to answer any questions.

Council Member Danklef asked if there was any consideration of leaving the trail all dirt instead of paving part of it. Director Giles stated that there was some discussion on that and with the equestrian use and it being a multi-use trail it was the feeling that it should also be paved. Council Member Danklef said that he is just looking at this from the standpoint of the economy, and undoubtedly a large portion of this cost is in the paving and stated that he wonders if this is a feasible thing for us to do at this point. Mr. Nielson said that he does not know what kind of strings are attached or if there are any restrictions with the Federal money earmarked for this project in regards to this being a paved trail, we will have to build basically what we told them we would build. Director Giles stated that when you classify a trail as multi-use there are certain restrictions on the surfacing type that you are allowed to put on, bicycles, strollers, runners, people with disabilities will all utilize the trail.

Council Member Robinson asked if the Provo and Jordan River trails were paved from the beginning when they opened. Mr. Nielson stated that they were.

Council Member Jensen questioned the one hundred thousand dollar annual trail maintenance costs and how it was determined, he stated that he has read in the information that it is up to the cities to do the maintenance. Mr. Nielson explained that on the one hundred thousand dollar estimate, about thirty five thousand dollars of that is the insurance cost that covers all the communities involved, the rest of the amount is based on asphalt and gravel maintenance, the striping and signage and things of that nature. Director Giles said that unless the agreement has changed, any percentage of work that the City puts forward on the trail maintenance will be deducted from that total cost or goes towards that payment and we would be meeting yearly as a committee to determine the maintenance that needs to be completed and the standards that we would have to meet.

Council Member Jensen asked who does the snow removal and will there be fencing or be open at the access to the trail where it intercepts with the roads. Mr. Nielson said that the County will do the snow removal. Steve Cain of the PRWUA stated that there will be fencing at the entrances and things like bar barriers to keep people from driving vehicles down into it. Director Giles said that there will be bollards, but there will be no gates and added that we are required to meet specific trail standards.

Council Member Wilson asked if there will be access for emergency vehicles. Director Giles stated that they will be able to access the trail. Mr. Nielson added that there will be maintenance vehicles on the trail from time to time, but that this is a non-motorized trail.

Council Member Danklef asked if the City had planned for this in advance. Administrator Darrington stated that his understanding is that there are no funds right now earmarked for the trail so as we do our budget for the upcoming year we would need to allocate the sixty three thousand eight hundred and ninety three dollars and also for the payment in July 2011. Administrator Darrington stated that whether that is possible for us or not, he does not have the answer right now, and probably will not until we get our Finance Director here and up to speed with our projects. Administrator Darrington added that if we commit to this then we will just have to prioritize it and we might have to put off other projects for a year to make sure this one gets funded. Council Member Jensen asked what funding source does this come from. Administrator Darrington stated that it would be the General Fund.

Council Member Boyd asked if Pleasant Grove was going to have two trailheads. Director Giles said that there will be two and possibly three and that all of those trailheads will be at the expense of the City, they will be totally developed and maintained by the City. Council Member Danklef asked what that entailed. Director Giles stated that a trailhead generally has a restroom, a small grass area, and some parking spaces and bike rack.

Mr. Nielson pointed out that Pleasant Grove will have almost five and a half miles of trail that is available to the residents for a total cost to the City of about three hundred and eighty eight thousand dollars and added that for cost per mile that is a pretty cheap trail. The only way this becomes possible at this price is because we are working with the PRWU and we have an alignment that we can use and the corridor that has been preserved, we have Federal funding that is in place and we have eight different communities that are proposing to step up and help fund this.

Mayor Call asked if there was an estimated time when the finalized Interlocal Agreement would be ready, because it was his understanding that we are under the gun on this. Director Giles stated that with the County making the first payment, we are okay for time right now and added that over the next year we can try to apply for grants to help pay for some of this.

Council Member Danklef asked what would happen if Pleasant Grove decided not to participate, would it kill the program or would the rest of the entities pick it up. Mr. Neilson stated that he does not know exactly how that would work out; we are obligated for the six point two million dollar cost match in order to access the Federal funding. Mr. Cain (PRWUA) stated that the corridor will be turned over to the County for the establishing of the trail in segments, so if a city opted not to participate then we would not be under any obligation to turn over that segment to the County. Mr. Cain added that we would hate to see that happen, and acknowledged that these are hard economic times and you have to make a lot of really hard decisions but for the commitment that you would make over these next few years, Pleasant Grove will get five miles of trail that is probably worth about five or six million dollars. Council Member Danklef said that the reason he asked is because he understands that there is a neighborhood in Highland City that is upset and is threatening lawsuits and wonders if that type of thing will happen elsewhere and kill the program. Mr. Cain stated that the amount of money in issue with that neighborhood is not very high and that they are going to find a solution for that.

Mr. Cain offered to come in and give a presentation to the Council on the Provo Reservoir Canal Enclosure project, adding that this project is what allows the trail to come. Mayor Call stated that that would be good for us because we are talking about the trail on top of the canal and invited Mr. Cain to the work session meeting next week on the 26<sup>th</sup>.

Mayor Call stated that we will not be taking action on this item tonight and asked if there were any other questions in regards to the trail project, there were none. The Mayor thanked both Mr. Nielson and Mr. Cain for the information.

**E. TO CONSIDER A RESOLUTION (2010-02) TO AUTHORIZE THE MAYOR TO SIGN AN INDEPENDENT SERVICE AGREEMENT WITH JEREMY ROOS, DBA RTODDY, TO PROVIDE DATA SYSTEMS SALES AND SERVICE SUCH AS ASSESSMENTS, PLANNING, DESIGN, INSTALLATION, PROJECTS, TRAINING, UPKEEP, MAINTENANCE, SUPPORT AND PROBLEM RESOLUTIONS**

This item was removed from the agenda.

**F. TO CONSIDER A RESOLUTION (2010-03) TO AUTHORIZE THE MAYOR TO DECLARE A 1986 CHEVROLET BRUSH 71 TRUCK AND 1987 GMC HEAVY RESCUE TRUCK AS SURPLUS VEHICLES TO BE SOLD**

Chief Sanderson stated that these vehicles are no longer in use, they were not used over the past year and the equipment has been moved over to the new apparatus, also cost wise, they are just a liability on the City.

Mayor Call asked that when we declare these as surplus, then what will happen. Chief Sanderson stated that there are a couple of southern Utah County agencies that would like to utilize these vehicles and he intends to use a bid process to allow that to happen.

Mayor Call asked if there were any questions, there were none, the Mayor then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Resolution 2010-03, authorizing the Mayor to declare a 1986 Chevrolet Brush 71 Truck and a 1987 GMC Heavy Rescue Truck as surplus vehicles. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.

**G. TO CONSIDER A RESOLUTION (2010-04) AUTHORIZING AN EMPLOYER PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS**

Treasurer Bezzant explained that the City currently has three retirement systems, one for the regular employees, one for the Public Safety employees and one for the Firefighters. Each year the City is required to do a pick-up resolution for the employees participating in the Firefighter Retirement System, this is required by the State and has to be done every year.

Mayor Call asked if there were any questions, there were none, the Mayor then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Resolution 2010-04, authorizing an employer pick-up of employee retirement contributions. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.

**H. TO CONSIDER A RESOLUTION (2010-05) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH NORRIS A. AND CHERYL B. CHRISTENSEN TRUST, NEIL C. CHRISTENSEN, VAL E. AND D.H. CHRISTENSEN TRUST FOR A PARCEL OF PROPERTY 1.31 ACRES IN SIZE, LOCATED AT APPROXIMATELY 950 WEST 220 SOUTH, PLEASANT GROVE, UTAH (SAM WHITE’S LANE NEIGHBORHOOD)**

Attorney Petersen stated that this is the authorizing resolution to finalize a purchase agreement and terms that had previously been approved by the Council. The intent in acquiring this property is to use it for some Public Works projects and storage on the overage on our dirt and in the long term to create a nature park in this area.

Mayor Call asked if there were any questions, there were none, the Mayor then asked for a motion.

**ACTION:** Council Member Boyd moved to approve Resolution 2010-05, authorizing the Mayor to sign a purchase agreement with Norris A. And Cheryl B, Christensen Trust, Neil C. Christensen, Val E. And D. H. Christensen Trust, for a parcel of property 1.31 acres in size, located at approximately 950 West 220 South, and providing for an effective date. Council

Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye.

**I. TO CONSIDER A RESOLUTION (2010-06) TO AUTHORIZE THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH JOSEPH GEBHARDT FOR A PARCEL OF PROPERTY 1.7 ACRES IN SIZE, LOCATED AT APPROXIMATELY 2600 NORTH 1160 WEST, PLEASANT GROVE, UTAH AND PROVIDING FOR AN EFFECTIVE DATE (MANILA NEIGHBORHOOD)**

Attorney Petersen stated that this is also an authorizing resolution to enter into a Development Agreement with Mr. Gebhardt. This area of the City is in desperate need of some additional storm drain retention capabilities and we have been working for several years to acquire property in this area for that purpose. Attorney Petersen said that we have actually closed on this property and we do own it now for significantly less than the appraised value. Mr. Gebhardt will live in the existing residence and pay us rent and he has until August 1, 2010 to obtain his financing and close on the portion of this property that he will be purchasing from us, otherwise he will vacate the property and the entire parcel will remain ours.

Council Member Boyd asked what funds pay for this. Attorney Petersen stated that a portion came out of the Capital Improvements Fund and the rest came from the Storm Drain Fund.

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

**ACTION:** Council Member Boyd moved to approve Resolution 2010-06, authorizing the Mayor to sign a Development Agreement with Joseph Gebhardt for a parcel of property 1.7 acres in size located at approximately 2600 North and 1160 West, and providing for an effective date. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye.

**J. TO CONSIDER APPROVAL OF THE FINANCIAL AUDIT REPORT FOR THE YEAR ENDED JUNE 2009**

Administrator Darrington explained that he is not in the position to give the particulars as far as the audit is concerned, but that he can address the findings as far as the issues that came up in regards to the City. Administrator Darrington said that we did receive a clean audit with the exception of the few minor findings, three were from a prior year and two are repeat findings, the issue we had with the retirement system compliance we took care of tonight and should not have that pick-up item of the Firefighters Retirement system come up on the audit again. Administrator Darrington explained that in his experience in working with cities, the other two issues are typical findings; one of them is that the Redevelopment Agency Fund has a deficit fund balance and what most cities do is wait it out and as time continues, we will continue to receive money, tax increments on the RDA and hopefully there will come a time where that money will make up for the deficit. Administrator Darrington said that once our new Finance Director gets into place then they will be able to get a better handle as to where we are and give the Council a further update as to exactly how much deficit that is and come up with some plans to reduce it and eventually get rid of it. The other issue is with the General Fund balance, which

is essentially our reserve account. In the General Fund, by State law we are only allowed to have eighteen percent of our revenues in this fund, we have more than that in the fund. Administrator Darrington explained that generally speaking, that is a good position for us to be in but the State does not like it, it goes against their rules and this is a finding that we have had two years in a row and there are ways to mitigate that in the future and we will be discussing them.

Council Member Jensen asked to clarify that if approving the audit findings presented tonight would negatively impact any future outside audits that the Council may want to do. Administrator Darrington stated that if we do a separate audit outside of this current financial audit, then we are probably looking at a different company to do it and if the audit is financial in nature, then it will not affect what we are doing here tonight, it is not going to affect the fact that our General Fund balance is over and our RDA is at a deficit.

Mayor Call asked if there were any other questions, there were none, the Mayor then asked for a motion.

**ACTION:** Council Member Robinson moved to approve the Financial Audit Report for the year ended June 2009. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

## **9. STAFF BUSINESS**

- Attorney Petersen reported that she met with the Metropolitan Water Board and they have some questions and will be inviting her along with Administrator Darrington and Director Walker to a meeting on February 10<sup>th</sup>. They are anxious to move forward and figure out what their role is with the new Finance Director.
- Administrator Darrington said that he has met today with Allied Waste to get some answers to our recycling issues and that he feels that he has good information as to where we are at with them and what we need to do to make our final decisions and move forward, he will be putting it together and will email this information to the Council and mentioned that if there are more questions on this to let him know.

Administrator Darrington explained that as far as our contract with our consultant lobbyist group in Washington D.C., it was requested that we figure out how much we've paid them and how much money they have brought in, we are meeting with them tomorrow and will have that information created soon to present to the Council.

## **10. MAYOR AND COUNCIL BUSINESS**

- Council Member Robinson reported that she attended the Community Council at the High School on a cell tower plan and the parents unanimously voted in favor of placing that cell tower so now it will go through the permit process. Mayor Call asked what happens when a school approves something like that. Planner Allen stated that it is a conditional use permit and we did get the information from the applicant on that and because we are in the process of working on an ordinance for that, it has been put on hold.

Council Member Robinson said that she also attended the Fitness Festival and that it was well organized and well attended and very impressive. Director Giles added that they offered a twenty percent discount on the Recreation Center passes and they sold thirty seven passes that day.

- Council Member Wilson stated that he has talked with several of the businesses on Main Street and would like to know if it would be possible for them to be able to place A-frame style signs out in front of the businesses to make it more visible. Planner Allen stated that the problem with A-frame signs is that people like to put them out on the sidewalks and it becomes a hazard, but they have been trying to open up some more signage possibilities for the downtown businesses and that we will be revisiting the sign ordinance soon to explore more options.

Council Member Wilson next brought up the problem of all of the newspaper machines that are placed on the sidewalk in front of Smith's Market, that they are an eyesore and a nuisance and were placed there without the business' permission. Attorney Petersen asked to clarify that they were there without the owner's permission. Council Member Wilson said that the owner was the one who brought it to his attention because he did not give anyone the okay to place them there. Attorney Petersen said that we will check into that and report back.

- Council Member Boyd asked that on the sign ordinance, do we have jurisdiction on State Street regarding the height requirements and who and how did the billboard get put up by the Daylight Donuts, because it is an eyesore. Attorney Petersen stated that the reason why we have that there is because the State law regarding billboards is very pro billboards and the law says that if a billboard has to be removed for some reason, they basically get to tell you where they want to put it, it is very difficult for the City to place very many restriction on them. Planner Allen said that that billboard came from the location by Timp Cycle; it got relocated because of the construction. Attorney Petersen said that the Utah League of Cities and Towns (ULCT) policy committee is considering an ordinance that will deal with that and that we are not the only city to have had negative impact from that statute. Administrator Darrington added that that is a difficult one in the fact that it takes an act of the State Legislature, it is just not something that we can petition but the good news is that there are other cities that feel the same way we do, so it is on the radar of the ULCT.
- Council Member Jensen asked about the change on the hours of the Recreation Center. Director Giles stated that they have addressed the request by changing the opening time to 5:30 a.m. Mayor Call added that the people who have voiced their concerns to him are very happy with the earlier time.

Council Member Jensen reported that he attended the Blue Energy Project meeting that was held at Utah State University with all of the different departments at USU that we will potentially have their involvement in as far as identifying measurable outcomes, applications and testing the micro hydro equipment functions. There was also a meeting with a group called Symbiotic and their role in this is to help us get through the

paperwork that the Federal government requires. Council Member Jensen added that tomorrow there will be a meeting with Power Innovations to talk about their role in providing the equipment and the testing. The meetings went well, it was very encouraging and it looks like this project will be coming to our City and we are going to be the beneficiary of further projects that will come about as Pleasant Grove continues to develop a reputation for being very innovative.

- Mayor Call passed out the to the Council and staff the 2010 list of the City Council assignments and asked the Council members to get together with the Departments, Boards and Commissions that they are assigned to, to find out what you can do for them. Mayor Call reminded the Council that our job is not oversight; our job is to liaise and to be a resource especially in conveying information back and forth.

Mayor Call reported that the meeting of the Downtown Advisory Board last Thursday where we had representatives from MAG and UDOT, was an excellent meeting and a good opportunity to show the downtown businesses that we want their input as we look at the realignment or a possible connection of Geneva Road from the south and 100 East in the north.

## **12. SIGNING OF PLATS**

No plats were signed at this time.

## **12. REVIEW CALENDAR**

Mayor Call stated that this Thursday there will be some interviews with potential candidates for the Finance Director, starting at 9:00 a.m.

The retreat meeting for the Council and Department Heads will be held on Saturday, January 30<sup>th</sup> at 8:00 a.m. at Springville City's new City Hall. The Mayor said to plan on spending the day and that Administrator Darrington will be working with everyone to coordinate carpools. Mayor Call explained that there is no charge for us to use that facility because they are impressed with our new Community Center so we are going to allow them to come up and do a similar thing using our facility.

Council Member Boyd pointed out that the Economic Development meetings held every Wednesday, the time has been changed from 10:00 a.m. to 1:30 p.m.

Council Member Jensen mentioned that the Local Officials Day at the Legislature is on January 27<sup>th</sup>. Mayor Call asked the Council members to get in touch with Recorder Kresser by tomorrow if they are going to attend so that she can get a reservation made for them.

## **13. APPROVE PURCHASE ORDERS**

No purchase orders were reviewed or approved at this time.

**ACTION:** At 8:50 p.m. Council Member Jensen moved to go into executive session, a strategy session to discuss the character, professional competence or physical or mental health of an individual. (UCA 52-4-205(1)(a)). Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

**PRESENT:**

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

Others:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

**ACTION:** At 10:15 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

#### **14. ADJOURN**

**ACTION:** At 10:15 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 January 19, 2010 are a true, full and correct copy as approved by the City Council on March 2, 2010

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Colleen A. Mulvey, Deputy City Recorder