

Pleasant Grove City Council Minutes
August 3, 2010
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Tom Paul, Police Chief

Degen Lewis, City Engineer

Jay Dee Nielsen, Recreation Department

Libby Flegal, NAB Chairperson

Excused:

Jeffrey D. Wilson, City Council Member

Dean Lundell, Finance Director

Marc Sanderson, Fire Chief

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Council Member Robinson.

3. OPENING REMARKS

Opening Remarks were given by Council Member Jensen.

4. APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson 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 Jennifer Packer as an Arts Commission member
- b. To consider approval of Payment No. Four for the Pressure Irrigation Grove Creek Filter Station and Sixteen Inch Pipeline – Schedule 8 for Johnston & Phillips, Inc.
- c. To consider approval of paid vouchers (July 26, 2010)

Mayor Call turned the time over to Wendy Vincent of the Arts Commission to introduce Jennifer Packer.

Ms. Vincent stated that they are always looking for help on the Arts Commission and Jennifer Packer has offered to do that. Ms. Packer has a degree from BYU in social work and has also attended an art school in California and is familiar with theatre, music, orchestra, etc. She and her family have lived in Pleasant Grove for sixteen years and several of her children participate in the Center Stage Youth Players.

Jennifer Packer said that she is glad to be here and loves to help out.

Mayor Call stated that this City runs on employees and volunteers and then thanked and welcomed Ms. Packer.

ACTION: Council Member Boyd moved to approve the consent agenda items. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson 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. In that no one came forward the Mayor closed the meeting to the public.

7. BUSINESS

A. TO CONSIDER FOR ADOPTION AN ORDINANCE (2010-11) AMENDING TITLE 8 CHAPTER 8 SUBSECTION 38 OF THE PLEASANT GROVE MUNICIPAL CODE (“PRESSURIZED IRRIGATION”) PROVIDING FOR ADDITIONAL PENALTIES AND RECONNECTION FEES FOR VIOLATING PROVISIONS OF SAID TITLE AND PROVIDING FOR AN EFFECTIVE DATE (CITY WIDE IMPACT)

Administrator Darrington said that after our discussions last week regarding the watering restrictions and conservation plan, we did send out a flyer with the utility bills this week that outline the watering days. Houses with odd numbers have watering days of Monday, Wednesday and Friday and even number houses have watering days of Tuesday, Thursday and Saturday, and no watering will be allowed on Sunday.

Administrator Darrington stated that the purpose of the ordinance is to assess some penalties for the people who do not comply. The first offense is a warning in the form of a door hanger which explains what they are in violation of and it shows the appropriate times for them to water and it also explains what the penalty is if they have a second or third offense. The second offense is disconnection from the secondary water system and a fifty dollar reconnect fee and the third offense is disconnection from the secondary water system and a two hundred dollar reconnect fee.

Administrator Darrington explained that from time to time when we have disconnected people from our system, they have gone in and reconnected themselves, so we have assessed the penalty that if someone reconnects without our knowledge which is essentially a theft of services, there will be a five hundred dollar penalty assessed with that. Administrator Darrington said that this five hundred dollar fee is what we have put in this ordinance but if the Council feels that it should be something different we can certainly adjust it and that everything is in place to begin this water conservation plan tomorrow if it gets adopted tonight.

Council Member Robinson asked if the information on the five hundred dollar penalty was on the notice that just went out. Administrator Darrington said that it was not part of that notice and that could be an issue and because it was not on that notice we will be a little lenient towards that but we would like it as part of the ordinance to discourage it from happening. Mayor Call added that generally there is going to be the face to face with the customer at some point and that is an opportunity to inform them about reconnecting illegally. Administrator Darrington said that that was a good point because we want to do whatever we can in our power not to disconnect people and somewhere along the line there will be communication from the City to them to make sure that they understand the policy and how to comply and having this ordinance in place will help give us some “teeth” in assessing penalties if we need to.

Council Member Jensen stated that we are not the only city facing this kind of situation and many other cities are having to take a look at water usage and implementing this kind of procedure to try to deal with water preservation. Administrator Darrington agreed stating that what we are doing is not unique and that he suggests that next year that we start the watering season with this program as opposed to implementing it half way through the year, water is a limited resource and we only have so many water rights and if we don't start conserving we will run out of water for our secondary system.

Mayor Call then asked if any of the Council had any heartburn over the five hundred dollar penalty for self reconnecting. The general consensus of the Council is that they were in favor of it.

Attorney Petersen added that for people that are connected that haven't paid the connection fee or have illegally connected; there is a separate part of the ordinance that deals with that. This five hundred dollar fee would only be a civil penalty for someone who was specifically disconnected for violating this water conservancy regulation and then reconnected without our permission or knowledge.

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

ACTION: Council Member Robinson moved to approve Ordinance 2010-11, amending Title 8 Chapter 8 Subsection 38 of the Pleasant Grove Municipal Code (“Pressurized Irrigation”) providing for additional penalties and reconnection fees for violating provisions of said Title. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

B. TO CONSIDER ADOPTING A RESOLUTION (2010-043) AUTHORIZING THE MAYOR TO SIGN A BOUNDARY LINE AGREEMENT BETWEEN ROBERT V. AND JOY ANN LLOYD, JOINT TENANTS, AND PLEASANT GROVE CITY FOR PROPERTY LOCATED AT APPROXIMATELY 100 NORTH 900 EAST, PLEASANT GROVE, UTAH (MONKEY TOWN NEIGHBORHOOD)

City Engineer Lewis explained that when the new Monson pressurized water storage tank was constructed, several description conflicts were discovered on the property and one was with Robert and Joy Ann Lloyds’ property description. This is basically a housekeeping item and the Lloyd’s desire to resolve any property description conflicts and to sign this boundary line agreement.

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

ACTION: Council Member Boyd moved to approve Resolution 2010-043, authorizing the Mayor to sign a boundary line agreement with Robert V. and Joy Ann Lloyd, joint tenants, and Pleasant Grove City for property located at approximately 100 North 900 East, Pleasant Grove, Utah. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

C. TO CONSIDER ADOPTING A RESOLUTION (2010-044) AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH GARY JOHNSON (CONTRACTOR) REGARDING THE PLACEMENT OF BANNERS AT THE PLEASANT GROVE COMMUNITY CENTER LOCATED AT 547 SOUTH LOCUST AVENUE AND TO ALLOW BUSINESSES TO ADVERTISE ON THE BANNERS (SCRATCH GRAVEL NEIGHBORHOOD)

Recreation Department Representative Jay Dee Nielsen said that a few months ago they had introduced the idea and concept of advertising in the Community Center. He said that we will be working with Gary Johnson and use banners that would go over the acoustic sound boards that go around the track; Mr. Johnson agrees to pay the City fifty percent of the advertising revenue.

Mr. Nielsen stated that we are looking at a target goal of thirty six banners and we are looking into using local pictures/scenes and participants on these advertising banners.

Mr. Nielsen explained that with the revenue generated we will specifically look at purchasing acoustic sounding boards for our aerobics room and some additional spin bikes.

Mayor Call asked Mr. Johnson if he had presold anything. Mr. Johnson said that he had not, he wanted to make sure that he had a contract with the City first. The Mayor stated that he thinks that this is a fantastic idea.

Council Member Robinson asked if the advertisements would be reviewed before they are accepted because she does not want to see any unhealthy company being advertised at our Community/Recreation Center. Mr. Johnson said that everything will be by approval of Pleasant Grove City.

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 Resolution 2010-044, authorizing the Mayor to sign an agreement with Gary Johnson (Contractor) regarding the placement of banners at the Pleasant Grove Community Center located at 547 South Locust Avenue and to allow for businesses to advertise on the banners. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

D. TO CONSIDER ADOPTING A RESOLUTION (2010-045) AUTHORIZING THE MAYOR TO SIGN A LOCAL AID AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR FEDERAL AID FOR AN ENVIRONMENTAL STUDY (EA/EIS) TO REVIEW THE POTENTIAL CONNECTION OF GENEVA ROAD (SR-114) AND 100 EAST IN PLEASANT GROVE, UTAH (STRING TOWN NEIGHBORHOOD)

City Engineer Lewis said that through the Mountainland Association of Governments (MAG), they solicit projects and distribute federal funding and Pleasant Grove has received funding for the environmental study for the future connection of 100 East with Geneva Road. The study will cost approximately two hundred and one thousand dollars and the City’s match comes to thirteen thousand six hundred and eight dollars which is six point seven seven percent of the total cost.

Mayor Call asked what we will have when they are all done with this study and when is it expected to be completed. Engineer Lewis said that we will have an environmental assessment that will have looked at various ways of accomplishing this connection and will weigh the pros and cons of each of the options and come up with the idea of a preferred alternative. The timeframe to complete this study will be about six months to a year.

Council Member Boyd asked what the scope is that we are asking them to look at. Engineer Lewis stated that it is from Alpine Drive to the city cemetery.

Council Member Danklef asked if this study is strictly to get from Geneva Road to 100 East or is it also going to address widening out towards the north and will Horrocks Engineering be the one doing the study. Engineer Lewis stated that it is strictly for the connection and looking at widening the rest of Canyon Road is something that needs to be done and that would be the subject of another document, we don’t have the budget right now to go that far. Engineer Lewis said that we have approached Horrocks and asked for an budget but UDOT will not proceed beyond this point until this agreement is signed with the City. Council Member Danklef then asked how involved the businesses and citizens will be in this study. Engineer Lewis said that

there will be open houses, we will work with the Downtown Business Alliance and it is our hope that they will be very involved.

Council Member Robinson stated that she has heard from the businesses affected and that they just want to know if we are going to do this or not and wanted to clarify that this study is saying what is the best way to accomplish it and not saying that we are going to do it. Engineer Lewis said that it does not give us a timeframe for doing it or how you fund it; it's just saying that we have looked at all of the environmental issues by federal rules so that we keep all of our funding options open.

Mayor Call asked the Council if they had any further questions, there were none, he then read the resolution and asked for a motion.

ACTION: Council Member Robinson moved to approve Resolution 2010-045, authorizing the Mayor to sign a Local Aid Agreement with the Utah Department of Transportation (UDOT) for Federal Aid for an Environmental Study (EA/EIS) to review the potential connection of Geneva Road (SR-114) and 100 East in Pleasant Grove, Utah. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

E. TO CONSIDER THE REQUEST OF KATHLEEN MITCHELL FOR APPROVAL TO AMEND THE WILLOW CREEK SUBDIVISION, PLAT A, BY ADDING LAND TO THEIR LOT (LOT #19); LOCATED AT APPROXIMATELY 1170 WEST 810 NORTH, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL) ZONE (MUD HOLE NEIGHBORHOOD)

Director Young stated that this item is at the request of the property owner, Kathleen Mitchell in the Willow Creek Subdivision Plat A. The Mitchell's also own a two point two acre parcel of land adjacent to their recorded lot, but outside the subdivision. They have a barn that they are using on this property, but in that they are two separate properties, it is a non-compliant situation and the applicant wishes to combine the parcel to their lot so they can be in compliance and this will require a plat amendment. Director Young said that staff has reviewed this request and does not have any concern in relation to the subdivision or combining these properties.

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 the request of Kathleen Mitchell to amend the Willow Creek Subdivision Plat "A" by adding land to their lot (Lot #19); located at approximately 1170 West 810 North, in the R1-8 (Single Family Residential) zone. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

8. NEIGHBORHOOD ADVISORY BOARD AND STAFF BUSINESS

- Engineer Lewis said that he talked with a representative of the Quail Run Charter School and was told that they are completely full and have a waiting list to get in.

- Director Young reported that he and Administrator Darrington met yesterday with Mr. Tippetts of VCBO Architecture and he gave us an initial concept to look at for the Civic Center and that will be a topic of future discussion with the Council.

Director Young handed out a status document (Exhibit A) outlining Pending Text Amendment Proposals. He explained that most of these items have either been discussed with the Council in the past and that there are a few listed that have not yet been publicly discussed. Director Young said that these proposed amendments are listed by priority level and will all be brought forward for future discussions with the Council and if there are any items that there any particular questions on, to please contact him or Planner Allen and Engineer Lewis. Mayor Call stated that it is great to see all of this information listed on one page to give us an idea of what's up, what's pending and that he recommends that the Council members review this information and to contact Community Development if they want more information.

- Director Bradford reported that there are two ribbon cuttings to announce; one will be Thursday, August 5th at 2436 West 700 South, 11:00 a.m. for Accelerated Payments, they are a company that assists merchants with credit card transactions. Mayor Call asked the Council if someone could substitute for him at this ribbon cutting, Council Member Danklef indicated that he would. The second ribbon cutting will be on August 13th at 25 West Center Street, at 2:00 p.m. for Studio Lush Photography and they are the thirteenth new business to locate in the downtown area in the last twenty four months. Director Bradford stated that the downtown area is becoming what is referred to in the development industry as a *Lifestyle Center* which is a collection of upscale, unique boutique type shops.

Director Bradford stated that in the Grove, we are about ten percent built out and when Accelerated Payments gets going they will have brought our total employment in the Grove to four hundred and sixty five with sixteen different businesses. The estimated potential for the area is one hundred and sixty businesses and four thousand eight hundred jobs. Director Bradford added that Accelerated Payments has forty five job openings right now; they are looking for technical support, customer support and sales people.

Director Bradford mentioned that the Promenade is every Thursday from 5:00 – 9:00 p.m. in the Downtown Park and last week there were fifty three boutique vendors, seven food vendors and four farmer vendors. Mayor Call commented that the Promenade has really done what it was set up to do and that is to make downtown a gathering spot.

- Director Giles reminded everyone that the City Employee Summer Party is next Wednesday, August 11th at the Veteran's Memorial Park starting at 6:00 p.m. Mayor Call encouraged the Council to attend, stating that this is an excellent opportunity to rub shoulders with our employees and their families.
- Director Walker thanked the Mayor and Council for their support on the secondary water conservation plan.

- City Recorder Kresser thanked the Mayor and Council for opportunity that she and Deputy Recorder Mulvey had in attending the Utah Municipal Clerks Institute and Academy last week.
- Administrator Darrington mentioned that VCBO Architecture is ready to get back in front of the Council to discuss their recommendations and ideas on the placement of buildings in the downtown area. We would like to have them come in to an upcoming work session meeting and would like to have something ready for the Heritage Festival on September 11th so that they can set up a booth so that the public can take a look at some of the concept plans. We would also like to hold an open house as part of our work session meeting on September 14th, a chance again for the public to come in and take a look at the concepts.

On August 24th, we have a joint meeting with the Planning Commission and there are a couple of issues that would be appropriate for the Council to discuss with them, one being the zoning recommendations for the Grove Interchange area. Administrator Darrington said that we will also discuss the accessory apartment issue and asked if there were any other items that the Council wanted to discuss at that joint meeting to please let him know so that we can get it put on the agenda.

Administrator Darrington said that he, the Mayor, Engineer Lewis and John Schiess met with the Manila Water Board regarding the dissolution of the Manila Water Board and their system. Their stockholders have gotten together and made some recommendations for Cedar Hills and Pleasant Grove on how they would like to see this system dissolved. Administrator Darrington said that we have met as a staff to discuss what we feel comfortable with and we are meeting with Cedar Hills on Thursday to see what they are comfortable with and hopefully have some sort of joint agreement going back to the Manila Water Board. We will present this to the Council before we actually go back to their Board and part of our discussion next week in the work session will be to discuss the utilities in the Manila area.

Administrator Darrington stated that this morning we had a conference call with the Hammons organization, their attorney and finance person and outlined to them the discussions that we have had with Mr. Hammons about the bonds for the hotel project and the need for the City to refinance those and to update the agreement. They were very agreeable and we will have Attorney Petersen update the agreement and send them a copy and then present it to the Council, the intent is that these bonds will be refinanced as taxable bonds. Council Member Jensen asked what happens in a default situation if it reverts back to the City, does that mean we have to go back and redo the bonds? Administrator Darrington said that if it is in default the City then obtains the property and then we still hold the bond on it and if it was to our advantage to refinance it again at that point to make it tax exempt, then we would look at that.

Administrator Darrington mentioned that there will be a meeting with Dennis Baker tomorrow in regards to the Grove Interchange zone and the uses. We will give him the direction that the Council has given us on the uses and what we would like to see there.

Administrator Darrington said that for the work session next week there will be a

presentation from Habitat for Humanity, Engineer Lewis will have the latest update on the bike lanes that we discussed last week and also the discussion on the utilities in the Manila area.

- Attorney Petersen reported that she will be out of the office Thursday and Friday at a Prosecutors training session.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Boyd stated that the Heritage Festival is coming along nicely and encourages everyone to attend, it's being held on Saturday, September 11th.
- Council Member Jensen stated that he has some questions on the paid vouchers. He said that on the Utah Lake Commission contribution that he thought that that had to be approved every year by the Council to continue the membership and is there any value in us being on this commission. Administrator Darrington said that we can put that on the agenda for discussion next week and if that is an item that the Council needs to review yearly that will not be a problem.

Council Member Jensen then asked for clarification on the item for Spark Industries for one hundred and sixty five thousand dollars. Chief Paul said that that is on our two hundred and twenty thousand dollar grant for our wireless system to purchase and update our radios; we had to pay for them in advance before they would ship them to us.

Council Member Jensen asked about the one hundred twenty five thousand dollar amount listed as the Pleasant Grove Water Fund Revenue Bond 20C. Administrator Darrington said that those are our secondary water bonds.

Council Member Jensen said that from time to time that he would like to see a report from Allied Waste or North Point on what is happening with our tipping fees.

Council Member Jensen said that the last item has to do with the one hundred and thirty four thousand dollars going to TSSD and wanted to mention that things have really quieted down and we are hardly getting any complaints, but the issue is still there. Council Member Jensen wanted to make the Council aware that he will be meeting with Commissioner Ellertson and that they have also met several times with Jon Adams regarding the GORE system and also to talk about other ways to add micro organisms into the process to help speed up the composition and add more odor reduction. Mayor Call asked if there has been much progress with the GORE system. Council Member Jensen said that he has been watching the steady build up of the facility which is more than just the GORE system. Administrator Darrington said that so far they have eight wind rows covered and have put in a special turner, the plant expansion is a huge project and they are close to completion. Council Member Jensen added that it is to our benefit that if people still detect odor from the plant to send him an email so that he can forward it on to those who need to be aware of it.

10. SIGNING OF PLATS

No plats were signed at this time.

11. REVIEW CALENDAR

Mayor Call encouraged everyone to attend the City Employee's Summer Party next Wednesday, August 11th, 6:00 p.m. at Veteran's Memorial Park.

12. APPROVE PURCHASE ORDERS

No purchase orders were approved at this time.

13. ADJOURN

ACTION: At 7:14 p.m. Council Member Robinson moved to adjourn the meeting. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

This certifies that the City Council Minutes of August 3, 2010 are a true, full and correct copy as approved by the City Council on August 17, 2010

Colleen A. Mulvey, Deputy City Recorder

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