

Pleasant Grove City Council Minutes
September 16, 2008
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Cindy Boyd

Bruce Call

Mark K. Atwood

Lee Jensen

City Recorder:

Amanda Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Libby Flegal, NAB Chair

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

1. CALL TO ORDER

Mayor Daniels noted that himself as well as Council Members Boyd, Jensen, Atwood, Call and Wilson were in attendance.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Eli Hebdon.

3. OPENING REMARKS

Opening Remarks were given by Director Clay.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any changes to the agenda. Council Member Jensen suggested that perhaps Item B (regarding recycling) on the business agenda should be discussed as the last business item. He mentioned that it would probably take some time for everyone to express their opinions on the subject. Additionally, Director Young explained that Item C, regarding the Adam's Cove subdivision, would need to be cancelled for the current meeting. He said that the noticing had some errors; so it would have to again go through the noticing process and time period. Mayor Daniels then asked for a motion.

ACTION: Council Member Jensen moved to approve the agenda; with Item B (regarding recycling) moving to the end of the business agenda and Item C (regarding the approval of Adam's Cove) being removed from the agenda. Council Member Call seconded and the motion passed unanimously with Council Members Jensen, Atwood, Boyd, Wilson and Call 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:

1. Work Session Minutes for August 26, 2008
2. City Council Minutes for September 2, 2008
3. Work Session Minutes for September 9, 2008
4. To consider appointment of new Library Board members:
 - a. Landon Lindstrom and Jeremy Hurren to serve as regular Library Board members.
 - b. Lisa Moore to serve as alternate Library Board member.
5. To consider approval of Partial Payment No. Fifteen to HDX, LC, a Dunn Company for the Pressure Irrigation System – Schedule 6 Project.
6. To consider approval of Partial Payment No. Two (Final Payment) to Geneva Rock Products, Inc. for the 2008 Street Rehabilitation Project.
7. To consider approval of paid vouchers (September 10, 2008)

Mayor Daniels asked if a member of the Library staff or board would like to come and introduce the new members of the Library Board. Mrs. Harmony Packer, the Library Board Secretary, then came forward. She said the Chair Board, Mrs. Carla Erb was unable to attend, so she would be introducing the new members.

Mrs. Packer first said she would like to report on the success of the library's involvement with the Heritage Festival that had just taken place the preceding Saturday, September 13, 2008 in the Downtown Park. The library staff manned a Hans Christian Anderson storytelling area where children were able to sit and listen to his fairy tales. Raising monies for a new electronic marquee for the library, the "Beat Beethoven" 5 k race was a big success. She said that 213 participated in the race, with the gross income in the amount of \$5,545. She said it is estimated that the profit on the race will probably come to about \$4,000, after expenses. \$950 was made on the cookbook sale, and \$770 on the quilt auction. She said these amounts were both prior to expenses. The library staff assisted with the quick draw, and will split the profits with the Arts Commission.

Next, Mrs. Packer introduced Mr. Landon Lindstrom as a new member of the Library Board. She said Mr. Lindstrom had lived in Pleasant Grove for nine years. She said he is committed to making the City a better place to live “in whatever way possible.” Mr. Lindstrom has a background in marketing and public relations. She said he is willing to utilize these skills to communicate the vision and goals of the library and the community through videos, brochures, press releases and other media.

Next, Mrs. Packer introduced Mr. Jeremy Hurren. She noted that he has said he is an avid reader. Besides reading from his college textbooks for his evening political science classes, he also reads 10 to 15 additional books per month. He believes that reading is one of the best sources of education for both children and adults. She said that Mr. Hurren brings to the Board 15 years of technology skills and knowledge in computer programming. He has participated in programs like United Way’s Day of Caring. He is also involved in local politics, caucuses, precinct meetings and other events involving politics.

As an alternate member of the Library Board, Ms. Lisa Moore will provide valuable insights. Mrs. Packer said that Mrs. Moore recently started her own insurance business. She loves service and being involved with her community. She strongly believes in children’s literacy and outreach programs. Mrs. Moore brings to the board a high level of energy and enthusiasm. She has experience in fund raising, corporate sponsorship and event planning. Ms. Moore is currently serving with the Lehi Rotary Club. During college, she was involved in student associations. She has also served as a tutor.

Mayor Daniels thanked Ms. Packer for her presentation. He then asked if there were any further questions or comments on the consent items. There were none. He then asked for a motion.

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

6. OPEN SESSION

Mayor Daniels invited anyone that wanted to come forward to do so. He asked that they state their name and address. No one came forward.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Mrs. Libby Flegal said that she didn’t really have anything to report.

8. BUSINESS:

A. PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A COMMON BOUNDARY ADJUSTMENT BETWEEN PLEASANT GROVE CITY AND THE CITY OF CEDAR HILLS THE PROPOSED AREA TO BE ADJUSTED, TO BE KNOWN AS THE PLEASANT GROVE/CEDAR HILLS COMMON BOUNDARY ADJUSTMENT NO. 3, IS OWNED BY THE FOLLOWING: PARCEL NO. 1 (APPROX. 3100 N. CANYON RD.): DANA DUJARDIN AND ANTHONY J. DUPREEZ; PARCEL NO. 2 (APPROX. 3400 N. MAHOGANY DR.): SHELDON M. SADLER, CHRIS W. ROTEN,

JAMES V. & RUTH JOHNSON, AARON D. & CRYSTAL A. MICHAELIS, LEWIS M. & DOROTHY L. EDWARDS, JAMES M. & KATHY M. BRANIN, SANDRA T. ROBINSON, TOMMY D AND KRISTIE M. FREEMAN AND DENNIS W. & MARGARET B. EGBERT; PARCEL NO. 3 (APPROX. 3650 N. CANYON RD.): LOGAN R & ADELE M. JONES, TOWN OF CEDAR HILLS, TOMIE JENSEN AND JERRY NYLE HAMLING; PARCEL NO. 4 (APPROX. 4288 N. 1100 W.): TRACY W. & ALYSSA R. FLINDERS.

Following Mayor Daniels reading this item, he explained that this item had been before the Council 60 days previous to this meeting. He said the owners of the properties were made aware of the possible pending boundary adjustment by Recorder Fraughton by letter that included a notice and map. The owners were informed that they could let Pleasant Grove know how they felt by written notice of protest to the City Recorder during this period; and up to and including during this meeting.

Attorney Petersen then indicated that James and Kathy Branin on Mahogany Drive had filed a letter of protest with Pleasant Grove this day (September 16, 2008). She said the letter was delivered to the City Recorder at City Hall. (See Exhibit "A")

Mayor Daniels asked if the protest filed by Mr. and Mrs. Branin would be enough to stop the process if it was approved by the Council. She said no, it would not be.

Council Member Boyd asked if the Ordinance did pass tonight, if it would now go to the County for further approval. Attorney Petersen said that the County had reviewed and already provided an opinion in the positive for the proposed boundary adjustment. She said if it was approved by the Council and the County, the City's boundaries will change in that area.

Council Member Boyd then said she would like to make a statement for the record. She noted to those present that this issue with these residents in this neighborhood has been in discussion for many years. She said the attempts to work with Cedar Hills had not gone well, and some of the residents listed in the proposed boundary adjustment have tried to stay in Pleasant Grove.

She then went on to explain that cities all over the country and in Utah work together with service agreements, but she feels that Cedar Hills will not work out a service agreement. "We are losing neighbors that have been in Pleasant Grove for a long time," she related.

Council Member Boyd then explained that she felt there were two things that those involved needed to be aware of. First, she said there had been an inability for the cities to come to an agreement on the sewer issues. Additionally, she noted that Pleasant Grove had chosen not to provide the sewer for the residents, as was committed to them several years ago. The second issue was the fact that Cedar Hills had informed these residents that if they wanted to be hooked into Cedar Hills' sewer, but not boundary adjust; they would be paying eight times their regular bill to Cedar Hills City. She said she really hopes that Pleasant Grove would never use this same tactic on their residents.

Council Member Jensen then said it sounded like to him that unless the residents agreed to the boundary adjustment, they would be forced (financially) to agree.

Council Member Boyd said yes, they were being told they would be financially obligated to boundary adjust into Cedar Hills.

Council Member Atwood then commented that he would like to make it clear that Pleasant Grove City had not implemented the same sort of tactics with residents at all. He said this was done only on the side of Cedar Hills.

Council Member Boyd then told those present that hours had been spent on this issue, trying to work out a good resolution to the problem. She said she personally felt that threatening to charge people eight times their normal bill, if they didn't comply with the boundary adjustment, seemed unethical to her.

Council Member Jensen then asked if there would be a way for Pleasant Grove City to step in and pay the increased rates for those residents if they didn't agree to the boundary adjustment. Council Member Atwood said no, that the City and Council's hands were tied. He said it was the policy of another city, not Pleasant Grove.

Council Member Jensen then asked Attorney Petersen if, in fact, the practice of charging eight times for a utility bill was considered unethical. He also asked what would happen if Pleasant Grove did the same thing. Attorney Petersen said she would prefer not to get into a hypothetical scenario. However, legally, she said that those that are in the proposed boundary adjustment area are not only requesting because of the increased utility bill, but also because they can't get sewer service unless they are part of Cedar Hills and some of them want to be in Cedar Hills because they can get more favorable zoning for subdividing and developing their property.

Mayor Daniels then observed that he empathized with what had been stated historically. He also said it had been "numbing" to participate in the negotiations for the past several years. The Mayor then requested that the Council be careful to allow the public to say what they think and not to "put words in their mouths," but to listen to their comments and reasons. He then opened up the public hearing and reminded those present that anyone could voice an opinion on the boundary adjustment, but the only ones that could affect the decision of the Council were those that were listed as being actually affected.

Mr. Cyril Draney from 9140 Canyon Rd, Pleasant Grove, came forward and said he was not part of the boundary adjustment, but had property just adjacent to it. He also stated that if the proposed area did get boundary adjusted into Cedar Hills, then he would be surrounded on three sides by Cedar Hills. Mr. Draney then commented that he had not been notified of the boundary adjustment; except by word of mouth.

He then said that he felt that Cedar Hills had been "threatening" this kind of boundary adjustment for many years. He noted that he had kept an entire file on what he felt that Cedar Hills had been doing for years to other cities. He said they wanted other cities to provide services for their residents that they were not willing to provide. He cited the example of the Cedar Hills officials trying to get Alpine and Highland to build a recreation center in Cedar Hills. Mr. Draney said he would like to see Pleasant Grove City tell Cedar Hills that they were not intimidated, and would not participate in the boundary adjustment. As a resident of Pleasant Grove for 45 years, he said he felt that Pleasant Grove could somehow form a service district for the sewer. He noted that his septic could fail, and if it did, he said that Cedar Hills has been

“threatening” him with having to hook into their system and become a member of their community.

Mayor Daniels then asked if there were any other comments. There were none. He then closed the public hearing and brought the discussion up to the Council.

Council Member Jensen told the Council that he really felt uncomfortable that the listed residents would be “abandoned by Pleasant Grove” due to a financial threat that Cedar Hills had made to those residents.

Mayor Daniels then answered that for the record, Pleasant Grove had only received one protest from those residents that were involved. He also said that the information that goes into the record of the people will be that the residents requested the boundary adjustment. He indicated that the Council was not open to changing the request; but were bound to follow through with the request of those residents.

Council Member Call asked if a short history could be given as to how these four particular parcels had become involved in the boundary adjustment. Attorney Petersen explained that the boundary adjustment had been initiated by the property owners. She said Cedar Hills’ staff had prepared the plat map. Pleasant Grove staff had personally notified all of those affected by mail. The petition then went to the County, and they noted that the proposed boundary adjustment did meet the statutory requirements, with only a question about a road in the area. The road question was then settled. She also noted that only one written protest had been received, and that was the day of the current meeting (today).

Council Member Call then asked what kind of percentage of participants would be needed if there was a protest and the boundary adjustment not go through. Attorney Petersen said that the law states that on the day of or prior to the public hearing, the boundary adjustment can be stopped if the owner or owners of property that is 25% of the total amount of land or 15% of the value of the land protest the action by a written document. Council Member Call said that the one written protest doesn’t look like it will meet either one of those criteria. Attorney Petersen said it will not.

Council Member Atwood then recounted that he was very surprised that those affected were not at the current meeting. He said that in a meeting at an elementary school in Cedar Hills, everyone was very vocal in not wanting to leave Pleasant Grove.

Mayor Daniels said he didn’t know why they weren’t at the current meeting. He said the issue has been on hold for a long time so that the residents could be contacted, but as of this meeting, only one person had written a letter of protest.

Council Member Atwood then stated that he really didn’t feel that the residents were now fighting the action.

Mayor Daniels asked if there were anymore comments from the Council. There was none. He then asked for a motion.

ACTION: Council Member Call moved to approve Ordinance No. 2008-23, approving a common boundary adjustment between Pleasant Grove City and the City of Cedar Hills. The proposed area to be adjusted, to be known as the Pleasant Grove/Cedar Hills Common Boundary Adjustment No. 3, is owned by the following: **Parcel No. 1 (approx. 3100 N. Canyon Rd.):** Dana DuJardin and Anthony J. DuPreez; **Parcel No. 2 (approx. 3400 N. Mahogany Dr.):** Sheldon M. Sadler, Chris W. Roten, James V. & Ruth Johnson, Aaron D. & Crystal A. Michaelis, Lewis M. & Dorothy L. Edwards, James M. & Kathy M. Branin, Sandra T. Robinson, Tommy D and Kristie M. Freeman and Dennis W. & Margaret B. Egbert; **Parcel No. 3 (approx. 3650 N. Canyon Rd.):** Logan R & Adele M. Jones, Town of Cedar Hills, Tomie Jensen and Jerry Nyle Hamling; **Parcel No. 4 (approx. 4288 N. 1100 W.):** Tracy W. & Alyssa R. Flinders. A public hearing was held. Council Member Wilson seconded and the motion passed with voice votes from Council Members Atwood, Wilson and Call voting “Aye,” and Council Member Jensen and Boyd voting, “Nay.”

At this point, Council Member Atwood said he wondered why these people had not hired an attorney to stop the boundary adjustment if they were so adamantly against it. Attorney Petersen answered that the legal side of it was that if they hadn’t filed a written protest or at least shown up to this meeting, they didn’t have a right to any other action.

Council Member Jensen asked what would have happened if the affected residents had protested the action. Attorney Petersen said that those still wanting to leave Pleasant Grove could have then filed a disconnection petition. Council Member Boyd said that the residents could have also individually disconnected.

Mayor Daniels then said that with individual disconnections, the county carefully checks to see if individual disconnections create islands. He also noted that there are several criteria that need to be met with disconnections.

Attorney Petersen then explained that those properties that were included; were done so in order for the statutory requirements to be met.

B. PUBLIC HEARING TO PUBLIC HEARING TO TAKE PUBLIC COMMENT REGARDING THE CITY’S INTENTION TO BEGIN A CURBSIDE RECYCLING PROGRAM. OPTIONS TO BE CONSIDERED INCLUDE: (1) MANDATORY RECYCLING – RESIDENTS ARE REQUIRED TO PARTICIPATE; (2) OPT-OUT – RESIDENTS ARE REQUIRED TO NOTIFY CITY THAT THEY DON’T WANT TO PARTICIPATE; AND (3) OPT-IN –RESIDENTS ARE REQUIRED TO NOTIFY CITY IF THEY WANT TO PARTICIPATE ON CURBSIDE RECYCLE OPTIONS.

(Please Note: This item was originally at this place on the agenda, but was actually heard at the end of the business items.)

Mayor Daniels read this item and explained that this was a public hearing to open a forum so that the Council could hear directly from the residents as to their questions and comments regarding recycling. The Mayor also explained that there would be no action taken at this meeting.

He then told those present that the Council had been hearing and researching recycling for at least a year. He said they had had presentations from both waste and recycling entities. Some of

the Council and Staff had also visited recycling facilities in Salt Lake. The pricing had been estimated, etc. The reason for all of this was the numerous requests of residents as to the City possibly instituting recycling. He said Council Member Jensen had even sent out 550 emails, and had received about 95 emails back regarding recycling. (See Exhibit "B") The Mayor also included the fact that there was still one other option between the three that were being proposed. That option would be not to have recycling in Pleasant Grove. Overall, he said he felt that the Council had sought out the many answers they needed to approach the possibility of recycling. Attorney Petersen then reiterated that this item was for comment only, and was not an action item.

Mr. Stan Klemetson at 1110 East 30 South asked what the potential cost per household would be for recycling. Council Member Call said this was an important question. Mayor Daniels explained that the amount charged will be contingent on several factors, including the amount of participation. So far, he said estimates have run from at least \$4 to \$7 per household. Attorney Petersen added that they were told that each household could save a dollar if the container was already bought by the City. Council Member Jensen also added that this would be for every other week pick up.

Mrs. Harmony Packer from 735 Cherry Hill Dr. then came forward. She said that she wondered why the existing programs of dropping off recyclables at current sites weren't sufficient for the community. She added that she felt these drop off points throughout the county would be better utilized if they were better advertised. She said that she felt this would be a more cost effective program than curbside pick up.

Mr. Klemetson again spoke up and said that he had been involved with recycling as a professor in California. He said his son was an environmentalist and professor at BYU, and was all for recycling. However, Mr. Klemetson said he felt there were additional monetary costs as well as costs to the environment that were never counted into the overall cost. He also said that not everything can be recycled. Mayor Daniels affirmed that glass cannot currently be recycled in Utah. He added that many things have to be baled and sent to another area, which involves shipping costs.

Mr. Tom Withers then came forward. He said that he felt that an estimated cost of \$10 should be paid to the residents, not vice-versa. He explained that the waste companies make money on the recycled goods, and that profit should be passed on to the residents.

Mr. Jeremy Hurren at 256 East 1550 North next stood up. He commented that he would better support a central place that residents could take their recycling, rather than a mandatory or opt-out program. Mayor Daniels asked why he felt this way. Mr. Hurren said because he felt strongly that people should not be forced to recycle. He added that he felt residents should be given the choice to recycle or not. Mayor Daniels explained that if the decision was that recycling should be mandatory, the feeling of the Council that had been expressed was that it should be put on the ballot, just as a tax would be handled. With the opt-out or in programs, he said the Council felt that they could make that decision.

Mr. Alfred Little at 680 Mohawk said he had direct experience with recycling in California. He said his office faced a large landfill that he watched grow taller and larger each year that he worked in the Bay Area. Living in San Mateo, California, he said that when recycling was

mandated for residents it was very complicated. Finally, he said it came down to one container. He said his research has shown over the years that there are many benefits to recycling. Many of the benefits are monetary, but they are also great benefits to the environment, he said. He said he strongly favors a curbside program in Pleasant Grove and would support a mandatory or opt-out program to be implemented.

Mrs. Lori Houston at 255 North 800 East expressed that she had been involved in curbside recycling out of state and felt it was the, "right thing to do." She explained that she wouldn't really consider herself a "green person" per say, but she felt that everyone needed to look to the future as space would eventually run out as to what could be used for landfill. Currently, she indicated that she takes her recycling to her children's home in Alpine to recycle, and would find it a lot more convenient to be able to just take it to the curb by her home. She added that she would like to see the opt-out program implemented in Pleasant Grove.

Mrs. Jenny Faires asked what had come of Metro Waste's statement in an earlier Council meeting that they could recycle with a zero cost to residents. Mayor Daniels said that was a good question. He said that some of the Council and staff had toured the Metro Waste facilities. However, he indicated that in the intervening months, the offer seems not to be afforded to the residential customers; just the commercial. Council Member Jensen added that there hasn't been any further communication from Metro Waste in the last several months, despite the fact that Pleasant Grove officials have tried to reach them.

Council Member Atwood then said that in the last meeting Council meeting that Metro Waste had given a presentation, he thought he remembered them saying they were contemplating building a recycling facility down around North Point Waste. He said as he remembered, they said it would a "Dirty MuRF" facility. Council Member Jensen said he thought he remembered that it would be a commercial facility. Council Member Atwood said no, he thought they said they would provide curbside services. Council Member Jensen indicated that it was not to be a Dirty MuRF, but a single stream operation.

Mayor Daniels then commented that further to the point, the public was pretty vocal on the fact that they wanted recycling, but that there not be a waste facility "in their backyard."

Mrs. Faires asked how long a time was still left on Pleasant Grove City's contract with Allied Waste. She also asked if the City could contract with another company for the recycling only. Mayor Daniels said that he wasn't sure how much longer the contract was for with Allied, but he thought it might be a bit strange to have two companies going up and down the City's streets, picking up waste and recycling.

Mr. Ken Millet said he would like to see the City implement the opt-out program; but not a mandatory program for recycling. He added that he can recycle his own waste.

Ms. Jennifer Baptista on 1300 East indicated that she had sent out emails with Council Member Jensen. She then noted that she had some concerns with the City starting a recycling program. First, she said she was happy to continue to take her recycling to Grovecrest Elementary, where the school makes money from the recycling. Second, she said she participated in recycling in California, and found it to be difficult and tedious. She said they were required to remove labels, etc.

She next said that she understands the idea that the environment needs to be protected. However, she noted that she is for smaller, not larger government. Ms. Baptista explained that she felt the Council would need to put the idea of mandatory recycling on the ballot so the residents could be heard.

Mayor Daniels asked if Ms. Baptista, as a whole, felt that Pleasant Grove City Council listened to and responded to what the people had to say. She said yes, she felt they were listening.

The Mayor then commented that the Council was striving to be a reflection of what the public requested. He said they have all received numerous emails concerning recycling in the community. He also noted that the City is not trying to force recycling on the residents, but instead they are trying to feel out what the community wants. He told Ms. Baptista that he really appreciated her involvement in sending out the emails concerning the recycling program.

Mrs. Sandy Whitehead at 1346 North 730 East then stood up. She told the Mayor and Council that she also wondered, as an earlier resident had expressed, if there was a higher cost to the environment than was really realized. She said she wondered if the impact with fuel costs, increased trucks on the road, etc, were legitimate costs to the environment that were not being looked at with the recycling programs. She then explained that she had recently watched a program on recycling on the Discovery Channel, and it brought up some real questions with her as to the cost to the planet if everything was recycled. Mayor Daniels thanked her for her comments and said she brought up some good points.

Ms. Emily Bonnet 743 W. 1000 N. said she had lived in different communities in Utah County, and had participated in several recycling programs. She said she simply wanted to say that she felt recycling was good for the earth and a good example to children. She also noted that she would not be for a mandatory program, but instead would like to see the opt-out program; and that the opt-in program was probably the least desirable.

Ms. Sarah Hooks at 40 W. Smith Lane came forward and said that she was concerned that when a decision was made on recycling that the populace in Pleasant Grove would be educated on the program. With a lot of older people in the City that perhaps were not familiar with recycling pros and cons, she wondered what would be the best way to get the information to them. She then expressed her support for a recycling program that was not mandatory. She said she agreed with several others that the opt-out program was probably the best choice. Mayor Daniels then said that there were a lot of older people that had told him that they were pretty passionate about recycling; especially those on a fixed income that were concerned about a mandatory program possibly being implemented.

Mr. Degen Lewis at 640 Luck Dr. told the Council that he had lived in Orem prior to moving to Pleasant Grove, and had loved their recycling program. Even with several children, he said he didn't fill a can a week. To do recycling would cost him more money; unless the regular waste charge was reduced, as his trash level would also be reduced. If not, he said it would not make economic sense for his family to recycle.

At this point, Mr. Stan Klemetson commented that most recycling programs do not still require that labels, etc. be removed, as was mentioned earlier in the hearing.

Mr. Will Bromley at 1714 N. 70 E. said he would briefly like to add to the discussion that he would support what another resident had mentioned earlier about specific drop-off points that residents can take their recycling to in the community.

Mr. Alfred Little again stood up to say that those that in San Jose, residents that didn't need a large trash container (because the recycling was taking away from the trash) paid less for a smaller container. Mayor Daniels said a program with varied sizes of container would probably only be viable in a city the size of San Jose. However, he said that Pleasant Grove would have to have all the same sized containers for trash and recycling. Mr. Little commented that a smaller container could serve as an incentive, however.

Mayor Daniels then closed the public hearing. He said he noticed that most of those that had spoken seemed to be leaning toward the opt-out program. This option seemed to be the most popular, as people would not be forced to recycle, but could opt-out of the program if they wanted to.

Council Member Jensen then summarized as to how the emails he had received back had responded. Of the 95 respondents, he said that only one said they didn't want to recycle under any conditions. Three said they were concerned about the cost. 14 said they wanted mandatory recycling. 46 said they favored the opt-out program. 15 wanted the opt-in and 8 said either opt-out or opt-in. At total of about 50% said yes to recycling. (See exhibit "A")

He said he would next like to, in the nicest way possible, respond to those that had said they had lived in California. He indicated that he didn't feel that California had responded to recycling properly by trying to recycle everything—and this was probably one of the contributing causes of California's continuing financial woes. He also said that he felt that his research has shown that everything could not, practically, be recycled. Also, he said that the only two requirements that he was aware of with recycling in Utah was that residents were asked to tie a knot in plastic bag handles (so they wouldn't blow around) and to make sure they don't contaminate those items that are going into recycling (such as food, etc, on paper, etc.).

Mayor Daniels agreed that of the 70% of a household's waste, it is estimated that 10% cannot be recycled. He said that approximately 63% of most household waste can be recycled.

Council Member Jensen then went on to say that recycling does have merit as it can reduce landfill by 70% by weight. However, he said that if the material has to be hauled clear out to a landfill in Toole as opposed to recycling facilities in Salt Lake, it would nullify the cost to the environment. He then said he would like to have Utah's City of Trees be also known for being a recycling City.

Council Member Boyd related that she had been going over the information regarding recycling for many months. She said she was leaning toward giving the citizens a choice, as in the opt-out program that had been presented. She then noted that the next step would be to make sure that as many residents as possible were educated as to the worth and methods of recycling to the community. Additionally, she said that education was needed in helping people to reduce the need for recycling by doing such things as using reusable shopping bags, etc.

Next, Council Member Call indicated that he would like to see if the other Council members agreed that perhaps a policy statement should be made at this point. He said that he remembered being told in Council meeting by a presenter from one of the waste companies that it was probably best not to put the recycling issue on the ballot. By this, he said he meant that if the Council did decide that the mandatory method be implemented, that it would go to the populace to be voted upon. However, if either the opt-out or opt-in programs were selected, the Council could decide and implement those programs.

Director Young said that in the city he resides in, labels are not required to be removed. In fact, he said he wasn't aware of any labels that needed to be removed any longer.

At this point, the Mayor and Council members expressed their appreciation for the comments that had both been made that this meeting and in emails to them. The Mayor then indicated that at this point, that he felt that no matter what was decided, if people did not want to participate, they would find a way around it. Therefore, he said there needed to be careful thought on the part of the Council, so their decision would be a reflection of the wants of the populace. He also said that more information will be available for the residents through the monthly utility newsletter, etc. He said if there were anymore comments, that residents were welcomed to email those to himself or the Council.

C. PUBLIC HEARING TO CONSIDER GARY CARSON'S REQUEST TO AMEND LOT 1 OF THE ADAM'S COVE SUBDIVISION, PLAT "A," AND TO CREATE A 3-LOT SUBDIVISION KNOWN AS MARTHA'S VINEYARD SUBDIVISION LOCATED AT APPROX. 790 EAST ORCHARD DRIVE, IN THE R1-9 (SINGLE FAMILY RESIDENTIAL 9,000 SQ. FT. LOT AREA) ZONE. SCRATCH GRAVEL NEIGHBORHOOD

This item was cancelled due to the fact the public noticing was incorrect. It will be re-noticed and will be on a Council agenda in the future.

D. PUBLIC HEARING TO CONSIDER DISCOVERY GROVE LLC'S REQUEST FOR THE APPROVAL OF A COMMERCIAL OFFICE BUILDING AND SITE PLAN TO BE CALLED, "DISCOVERY OFFICES," ON PROPERTY COMPRISING 1.53 ACRES, WHICH IS LOT #3 OF THE WEST DMB SUBDIVISION #1, LOCATED AT APPROX. 1900 WEST 800 SOUTH, IN THE GROVE INTERCHANGE SUB-DISTRICT ZONE. SAM WHITE'S LANE NEIGHBORHOOD

Following Mayor Daniels' reading of this item, Director Young came forward and explained that this request for a final site plan approval of the Discovery Grove Office Building was being initiated by applicant Discovery Grove, LLC. The address of the proposed building would be at approximately 1800 West 870 South in the Grove Interchange Subdistrict. The property is comprised of 1.53 acres.

The applicant has obtained this property from Mr. Dennis Baker of DMB Investments. This will be with the intent to build a high-end corporate office building very similar to those that have already have been approved and constructed in the vicinity. DMB Investments has indicated that they will handle meeting the subdivision requirements for the property.

The proposal complies with the conditions and restrictions of the Grove Interchange Sub-district Zone. After reviewing the vicinity plan concept, staff believes the Discovery Grove Office building proposal adheres to the plan and gives proper consideration to the future development of the adjacent properties. There are site improvements that fall outside of the site or lot boundaries, and for this reason, the applicant must submit a development agreement that addresses the installation, use, responsibility, maintenance and reimbursements if any, of these improvements. The development agreement must be submitted for review by City staff prior to the issuance of a building permit.

Based on The Grove approval process, and that the proposed use (office) is permitted in the Zone, this proposal does not require an approval or recommendation from the Planning Commission; only the Design Review Board (DRB). The Council can then grant final approval.

The site plan has been adopted as part of the overall Grove Creek Center theme, even though it is in a separate quadrant of land. The site is situated northeast of the existing BMW dealership, and is to face the south. A view of the building from the I-15 corridor will be virtually unobstructed. The following are additional site items that have been addressed by staff:

- **Parking**– The total square footage of the building is proposed to be 30,000 square feet, comprising three stories of office space. Ordinance requires a ratio of one stall for every 300 square feet (1/300) for this site. The total required parking comes to sixty-six (100), and the applicant has provided 102 stalls, including the required handicap parking.

The site plan also provides a bike rack to comply with the required bicycle parking in the Grove.

- **Lighting** – The site plan submittal includes a “foot-candle” lighting plan, which illustrates the lighting required for the parking areas. The light poles and lamps are to match the adjacent neighboring sites.
- **Dumpster Enclosure**– The site plan has provided the required dumpster enclosure. The exterior screening of the enclosure will match the darker color of the exterior of the building.
- **Streets/Access**– The main access to the site will be from two private drives connecting to the south side of Grove Parkway. The asphalt, curb and gutter of the private drives are to be fully installed where the roads are shown on the site plan. This will require a development agreement between the neighboring property owner(s). This is due to the fact that both roads are not entirely within the boundaries of lot. All drives around the proposed building are to be a minimum of 26 feet wide for proper fire access.

The applicant has provided a landscaping plan specific to the project area, which is stamped and signed by a licensed landscape architect. All remaining areas not within the building footprint or covered with asphalt or concrete, are scheduled to be covered with the appropriate landscaping. The following highlight the plan:

- **Trees** – Ordinance requires one tree per one thousand square feet of landscaped area (1/1000), with 30% of this total number having to be a minimum of 7 ft. tall evergreens.

The plan has provided 10,114 square feet of landscaped area; therefore 11 total trees are required, with four of these required to be evergreens. The site has provided 31 trees, which includes 6 evergreens. This exceeds the required numbers.

- **Open Space** – The amount of useable Open Space required for a commercial project in The Grove zoning district must be a minimum 10% of the project area. This would amount to approximately 0.15-acres or 6,665 square feet of required open space area. City staff is working with Mr. Dennis Baker and his team to meet this requirement on a regional level. This is because requiring each individual site to provide 10% of “useable” open space has not been working, and in many cases has not made sense. Mr. Baker and City staff believes this requirement can be met more appropriately through a regional plan. A very basic concept plan of the quadrant has been supplied for now, and staff is preparing to have a more detailed plan ready for presentation by the night of the hearing.

The exterior materials are two colors of Terra-Neo, metal and glass. The Terra-Neo material is the same material used on the University of Phoenix, Grove Creek Center buildings, as well as the most recently approved ITM Building. This is in an effort to keep consistent with the architectural theme of the area. The total height of the building will be 42 ft. 8 inches.

On September 10, 2008 the DRB reviewed the proposal, and has given a recommendation to approve, subject to meeting all final redlined comments. The proposal complies with the goals and objectives found within The Grove District. Engineering is still addressing corrections for the site, but they are fairly minor. Engineering is willing to recommend an approval that would be subject to meeting all final review comments.

Council Member Boyd asked what the percentage of open space would be for this building. Director Young said it would be 10%. He said that staff wants to address the code and tighten up the requirements for open space somewhat. The multi-family housing requirements are a lot tighter than what is required for commercial, he explained. He said multi-family housing requires 25% to be open space.

Mayor Daniels then opened the discussion to a public hearing.

Mr. Nat Rasband said he was with the developer of the project. He said that his company has been working to give the same look as the office condos in that area. He also noted that they have been working with Mr. Dennis Baker on different aspects of the development.

Mayor Daniels asked how office condos are maintained up to an appropriate standard when they are purchased. Mr. Rasband said they pay an HOA fee for maintenance. Mayor Daniels asked what recourse the HOA would have if the owner chose not to pay the fees or keep up their condo. Mr. Rasband said the HOA can lien the property for the fees.

Mayor Daniels asked if there were anymore public comments. There were none, so he brought the discussion up to the Council.

Council Member Jensen asked how large he building was going to be. Mr. Rasband said it would be three stories high and 30,000 sq. ft. He also said they were planning to start the project the end of this (September) month.

Council Member Wilson complimented Mr. Rasband on the plan and said it looked really good to him.

Mayor Daniels asked if there were anymore Council comments. There were none. He then asked for a motion.

ACTION: Council Member Jensen moved to approve Discovery Grove LLC's request for the approval of a commercial office building and site plan to be called, "Discovery Offices," on property comprising 1.53 acres, which is lot #3 of the west DMB subdivision #1, located at approx. 1900 West 800 South, in The Grove interchange sub-district zone, including the following conditions: (1.) That the subdivision plat, which creates the lot upon which the site is constructed, is recorded within six months of the site approval date; (2.) That a Development Agreement, addressing the installation of all off-site improvements, is submitted to the City for review & approval prior to the issuance of a building permit; (3.) That all Final Planning, Engineering, Public Works, and Fire Department requirements are met prior to the issuance of a building permit. Also, based on the following findings: (1.) The proposed Site Plan follows the goals and objectives for the Grove area; (2.) City Engineering has given a recommendation to grant final approval for the proposed site, subject to the open space requirement being satisfied by a regional plan for the quadrant; (3.) The DRB has recommended approval; (4.) The development will help increase the demand for services to The Grove District, which will help foster more commercial growth. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Jensen, Call and Wilson voting, "Aye."

9. STAFF BUSINESS

- Director Walker said that Mapleton City was testing the program of the residential waste being picked up on only one side of each street. He said they would report their findings in about a month. He also noted that there appeared to be some fuel savings with the program. Council Member Boyd then thanked Director Walker and his staff for keeping the residents surrounding the new Manila Pond informed with email updates on the Piezometer readings, etc.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Boyd reported that the Heritage Festival was probably the most successful to date. She said the park was full of residents having a great time eating breakfast and dinner, as well as participating in the many activities offered by the varying booths. She said the 5 K was very successful, and the library plans to do it again next year. The Kiwanis BBQ fed over 700 people and 250 were fed breakfast by the Lion's Club. She indicated that the Danish theme seemed to be very popular with everyone. Mayor Daniels then thanked Council Member Boyd for her efforts. He said she took the festival over about five years ago, and has turned it around to be a large attraction. Council Member Call agreed that it was very successful this year. He said the 5K run was a lot of fun.

11. SIGNING OF PLATS

Cedar Hills' boundary adjustment and "The Villas" Plats E, G, H, I, J, K, L, M, N, O, P, Q, R and S were signed.

12. REVIEW CALENDAR

- Mayor Daniels reminded everyone that there would be visitors coming to the City the next day in conjunction with the Ten Commandments case that will be going to the Supreme Court in November of this year. He said the date it will be argued before the Supreme Court will be on Wednesday, November 12, 2008. The case is really more about first amendment right, he noted, and whether government has the right to speak to the placement of monuments, etc, on their property. Also, he explained that CNN and other news agencies will be coming in and will be doing man-on-the-street interviews; so he encouraged not only the Council but the citizenry to be informed regarding the case. The Mayor also said that he had written a newsletter article regarding the issues in the case.

13. APPROVE PURCHASE ORDERS

Mayor Daniels said there were no purchase orders to be approved.

14. ADJOURN

ACTION: At 8:50 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Jensen, Atwood, Boyd, Wilson and Call voting, "Aye."

This certifies that the City Council
Minutes of September 16, 2008 are a true,
full and correct copy as approved
by the City Council on October 7, 2008.

Signed _____
Mary Burgin, Deputy Recorder