

Pleasant Grove City Council Minutes
October 5, 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

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Mike Smith, Police Captain

Degen Lewis, City Engineer

Libby Flegal, NAB Chairperson

Excused:

Jeffrey D. Wilson, City Council Member

Tom Paul, Police 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 Jensen.

3. OPENING REMARKS

Opening Remarks were given by Mayor Call.

4. APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda. Council Member Danklef 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. City Council and Work Session Minutes:
City Council Work Session Minutes for August 31, 2010
City Council Minutes for September 7, 2010
- b. To consider approval of paid vouchers (September 23, 2010)

ACTION: Council Member Boyd moved to approve the consent agenda items. Council Member Danklef 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.

Mont Pulham, 865 South Main Street came forward and asked if there is anything that can be done about the number of dogs that are allowed in open kennels because he was told by the City Planner that there would not be any outdoor kennels at the animal hospital on Geneva Road. Mr. Pulham said that every day there are eight to ten dogs there and on holiday weekends there can be up to thirty dogs and they make a terrible racket. Mr. Pulham commented that if there was any way that they could close that in that he would appreciate it

Mayor Call said that we will look into what licensing that they have, what they are legally entitled to and if they are not in compliance then we can take care of that.

Mr. Pulham then asked about storm water on 300 East the ground line down through State Street, he said that it goes into his irrigation system and around 350 East and 700 South there is an open ditch on his property and there is no place for the water to go, it terminates there at his property. Director Walker said that we have piped into that ditch out there on 300 East, where we had new subdivisions going in. Mayor Call asked Director Walker to look into this situation. Director Walker indicated that he would.

Bonnie Harris, 692 Juniper Avenue came forward and explained that about a year and a half ago a family moved in next door and that they have several vehicles and a motor home, she said that they have space on their property for two vehicles, so everything else sits in the street and it's a nuisance. Ms. Harris stated that they even put their garbage cans in front of her place and that she is to her limit. She said that she has called the Police Department and had them come out and look at the situation and they directed her to call Community Development, the code enforcement person. Ms. Harris said that she has called and talked to Brad and Evan and that she has been trying to get this problem resolved and that this problem is going to intensify if they

continue to do this. She said that the neighbor on the other side, the Adams' are going to build a home on their vacant lot and where they are parking now is right where their designated driveway is and that in the future there is going to be a major crisis. Ms. Harris said that she feels if they have all of these vehicles then they need to provide parking in their yard and that she is asking for some help to get this matter resolved before it gets worse.

Mayor Call stated that there are laws on the books and it's a matter of enforcement on our side. Ms. Harris said that she was told by the Police Department that they have every right to park in front of her place because it is public property and that they can put their garbage cans there. Attorney Petersen stated that there are a couple of laws that come into play here and what the officers told her about having the right to park on the public street is true, but they are not allowed to park longer than forty eight hours at a time, with the issue of the garbage cans there is nothing currently in the ordinance that requires you to put your garbage cans in front of your property, but we can certainly deal with some of the parking issues. Attorney Petersen said that she will come out and look at the property and contact Brad and Evan in code enforcement to get the background and see what they have already done and then take it from there.

Jeremy Beckham, 909 Millcreek Way in unincorporated Salt Lake County came forward next and stated that he a research project manager with People for the Ethical Treatment of Animals (PETA) and that he is here today to urge the city of Pleasant Grove to help end the sale of homeless dogs and cats from the North Utah Valley Animal Shelter (NUVAS) to the University of Utah where they are used in evasive, cruel and often deadly experiments. Mr. Beckham explained that Pleasant Grove contracts with NUVAS to provide animal shelter services for the city and he said that what most Pleasant Grove residents don't know is that stray and lost animals from Pleasant Grove are ending up in laboratories at the University of Utah where they are being tormented and killed and that none of these animals are going to be adopted out into loving homes which is what an animal shelter should be trying to do. Mr. Beckham said that this would be criminal if it was happening outside of the laboratory and that he thinks that an animal shelter should be the last place that we would expect to facilitate this kind of violence. He said that the Pleasant Grove citizens that he has spoken to about this are horrified you continue to do business with NUVAS after learning about the shameful betrayal and that it is the last animal shelter in the entire state of Utah that is continuing to sell animals to the University of Utah. Mr. Beckham said that he has emailed links and photos to the Council and that they are also on their website and hopes that everyone takes the time to look at them, some of these animals were stray animals that were found in Pleasant Grove that wound up at NUVAS and in one case only three days later was sold to the University of Utah for experiments. He said that the people of Utah County expect and deserve an animal shelter that will protect animals from harm and find them loving homes whenever possible instead of selling these animals to a place that they know will hurt and probably even kill these animals. Mr. Beckham said even though he is not a resident of Pleasant Grove, he does feel that this is part of his greater community and that he is asking the representatives of Pleasant Grove to do whatever they can to help facilitate this and perhaps reach an agreement with the shelter that animals found from your community don't go to the University of Utah. Mr. Beckham thanked the Council for their time and said that he can answer any questions.

Administrator Darrington noted that we have invited the NUVAS to come in and do a presentation to the Council at next week's work session.

Rod Dejel, 550 East 300 North came forward and said that many years ago he called the Police Department about his lost dog and was told that they didn't have it and found out five days later that it was at the animal shelter and that they charged him for the full five days and wonders how many days the animals are allowed to be at the shelter before they dispose of them.

Mayor Call stated that he is welcome to come to next week's work session, and the NUVAS people will be here and can answer that question.

Cody Jermain, 642 South Locust Avenue came forward and said that he finds it deplorable that Pleasant Grove is the last city in all of Utah that allows its shelter to give animals to the University of Utah for research.

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. BUSINESS

A. DISCUSSION AND POSSIBLE ACTION ON THE DOWNTOWN ROAD ALIGNMENT AND CIVIC CENTER OPTIONS

Director Young explained that in planning for the civic center and the downtown road realignment, these two topics intersect and in that there are two separate studies being performed we thought that if we can make a couple of decisions it may help ease the planning process. Director Young then reviewed the road realignment options, the layout concepts of the civic center and the swerve realignment options (exhibit A). **Road realignment options:** 1) Realign at State Street, the intersection of 100 East and Geneva Road meet at State Street; 2) North of downtown, cuts Mains Street properties, this option will wipe out all businesses on Main Street; 3) One way couplets, north and south of downtown, it would require property acquisition; 4) Through downtown city property, the city already owns the property and it would be easy to accomplish the construction of this road but would make it more challenging to create the civic center. **Civic center layout concepts:** 1) Using both the North and the East block, we could expand the park; 2) Relocating the Fire Department in some other location and use the existing two blocks and facilitate a civic center; 3) Put the Fire and Police Departments on the east block; 4) Use the existing property alignment for all of the buildings. The existing alignment maintains the historic grid and current road alignments, makes it possible to layout all civic center on city owned property, allows the civic center to have good connections with downtown and make it able to maintain the city park location. Using the swerve realignment makes it easier to build the road because the city owns the property but it does require that the city purchase additional property and it causes a greater divide between the civic center and the Main Street area and it loses some or all of the current city park locations.

Director Young stated that what he is trying to accomplish with this review is to no longer move forward with the swerve concept because that is going to slow down our ability for the civic center in that it will cause additional planning time and effort with the road realignment and to discuss what options we are more comfortable with. Director Young said that with realignment

options number two and four we have some serious ramifications towards the development of downtown.

Administrator Darrington mentioned that when we got this money from the Mountainland Association of Governments (MAG) to study the 100 East realignment, the focus of the study was going to be option number one which is connecting Geneva Road right at State Street. If we wanted to do any further studies then the city would have to pay more money to have these other options studied. Engineer Lewis said that we can change the location of the option that we want studied but if we want to study multiple options then it would require additional funding from the city. Administrator Darrington said that we may not have to decide exactly what option we want tonight, but if there are some obvious options that we want to eliminate we can do that and then focus on getting this down to the option we want.

Council Member Jensen said that he feels that option number three using the one way couplets is wrong for us and that he likes option four.

Council Member Robinson stated that she thinks that option four would make it more difficult if we build the civic center to house the Police, and that option one is the option that has been conveyed for some time and business owners have pretty much grown accustomed to that idea.

Mayor Call said that he would like to hang on to option four for a little bit more because any option is going to create a five lane road that is going to be difficult to cross. He said what he does like about option four is the possibility of acquiring more city land and should we be able to acquire the block on the east and the block on the southeast then eventually we've got almost three full blocks of park and civic center which you wouldn't have under option one.

Council Member Boyd said that if we go with option four we have to buy new land to make it work and right now in our economic situation she doesn't think that it is a wise decision. She said that she likes option one and if by chance the economy changes, we can still expand. Council Member Boyd said that she thinks that the bulk of what we are going to have should be as close to our Main Street as we possibly can get.

Council Member Jensen stated that he feels that this project cannot be intended to revitalize downtown, that isn't the goal or objective of this discussion, if downtown is impacted by this, so be it. We talk about our interchange and what goes in there as the face of our city and this is the same, are we going to squeeze together new buildings in the same land mass and then there is nothing to enhance the look that we are forward thinking? He said that one of the reasons he likes option four is that part of it allows us to have a lot more green space and that changes the look of downtown so that it becomes pleasant.

Administrator Darrington said that we don't have to answer all the questions today, but what he is hearing is that options one and four are the options that people are feeling most passionate about and can we eliminate options two and three. Mayor Call agreed and said that he thinks that we should eliminate two and three.

It was decided that the interest is in options one and four and that Engineer Lewis will speak to our consultant about what it might cost to study both.

B. TO CONSIDER FOR ADOPTION ORDINANCE (2010-17) ENACTING TEMPORARY ZONING REGULATIONS REGULATING THE APPROVAL OF NEW SUBDIVISION PLANS FOR SPECIFIED LAND USES PROHIBITING THE APPROVAL OF NEW PROJECT PLANS FOR FAST FOOD RESTAURANTS, GAS STATIONS AND CONVENIENCE STORES LOCATED IN THE GROVE INTERCHANGE ZONING DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE (SAM WHITE'S LANE NEIGHBORHOOD)

Attorney Petersen explained that this is a temporary zoning ordinance pursuant to Section 10-9a-504(1)(b) of the Utah State Code and that we have been discussing for several months the idea of what types of uses the City Council as the legislative body would like to see in the Grove Interchange District. This temporary ordinance prohibits plans for fast food restaurants, gas stations and convenience stores pending the completion of our major land use and economic development study.

Mayor Call commented that none of this is a surprise to anybody and asked if there were any questions.

Council Member Jensen asked to clarify that this is for six months with the possibility of an additional six months if needed. Attorney Petersen stated that it is for just six months, there is a provision in the state code to add an additional six months but that she does not believe that we would qualify for that. Attorney Petersen said that we are of the opinion that we will be ready sometime between now and the end of the six month period with a more comprehensive zoning ordinance for the area and that this can be repealed at any time before the end of the six month period.

Administrator Darrington noted that the major property owner in this area is working on scheduling a time to come in and visit with the Council. He said that this property owner would like to have the flexibility to have these uses permitted; they have talked with the staff several times about this so now they want to discuss this with the Council who are the decision makers. Administrator Darrington said that we also have been working with MXD on the land use study of the Grove and getting that contract ready, we are hoping that we will have results in a timely manner so that we can make decisions before the six month period is up.

Mayor Call then explained for the public's benefit that what we are doing is in the area where you get off the freeway, recognizing that that is the face or first introduction to the city as people drive up through there, we wanted to be very careful about the kinds of businesses that we allow to come in. We are undertaking a study right now with a group that will help us understand what things are effective to put in both for image and for revenue and while that study is going on we want to temporarily prohibit some things that we are not feeling good about.

Mayor Call asked if there was any further discussion or questions, there were none. The Mayor then read the ordinance and asked for a motion.

ACTION: Council Member Jensen moved to approve Ordinance 2010-17, enacting temporary zoning regulations regulating the approval of new subdivision plans for specified land uses

prohibiting the approval of new project plans for fast food restaurants, gas stations and convenience stores located in the Grove Interchange Zoning District. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

C. TO CONSIDER FOR ADOPTION A RESOLUTION (2010-053) AUTHORIZING THE MAYOR TO SIGN THE RESOLUTION AUTHORIZING THE REMOVAL OF TWO TEMPORARY HAMMERHEAD TURN-AROUND EASEMENTS LOCATED ON LOTS 3 AND 6 OF THE ALLRED ESTATES PLAT A SUBDIVISION, 2100 NORTH 600 WEST IN THE R1-20 (SINGLE FAMILY RESIDENTIAL, 20,00 SQ FT LOT AREA) ZONE (NORTH FIELD NEIGHBORHOOD)

City Engineer Lewis explained that this is at the Allreds Estates Plat A Subdivision where two temporary hammerhead turn-arounds were installed until 2100 North was extended to the east to connect to 600 West. The connection is complete so these hammerhead turn-arounds are no longer needed.

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

ACTION: Council Member Boyd moved to approve Resolution 2010-053, authorizing the Mayor to execute an easement vacation for two temporary hammerhead turn-around easements located on Lots Three and Six of the Allred Estates Plat A Subdivision, 2100 North and 600 West in the R1-20 (Single Family Residential, 20,000 Sq Ft Lot Area) zone. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

D. DISCUSSION ONLY ON THE UTILITY RATE INCREASES. NO ACTION WILL BE TAKEN

Mayor Call said that he and Administrator Darrington have discussed this and what we would like to do is outline the timing and how we move forward with future discussions and action on this. Mayor Call said that we’ve gotten a sense that we ought to have one more public hearing and that the greatest criticisms come when people don’t understand the data and in not being informed. The Mayor said that we will be putting an insert in the next water bill with a short Mayor’s letter and answers to frequently asked questions (FAQ) and an invitation to come to one final public hearing that we plan on holding on November 16th.

Council Member Jensen asked if there will be action taken at that public hearing. Mayor Call said that there could be, it will be on the agenda as an action item. Council Member Jensen then asked if we could include the sheet with the rate comparisons with the information being sent out and also if it could be in email form as well. Mayor Call said that he will do his best to compress everything into the information being sent and that an electronic version will also be available. Administrator Darrington added that there are two different packets of information, the FAQ that the Mayor is referring to is a more condensed version because we are going to be putting it in the water bill. On the questions that we need to have answered, that is longer document, it is a lot more comprehensive and that is the one we will put on the website and have available at City

Hall. Mayor Call said that virtually all of this information is currently available now in the documents that you can find on our website.

Council Member Robinson commented that she thinks that November 16th is far enough out there that we will be able to find different avenues to communicate and then she asked about social media. She said that the bulk of her emails were referencing using some form of social media. Administrator Darrington stated that he started the Twitter account for the city and will go public with it shortly. The Facebook account is not set up yet and once we create that account, getting that out to the public so they can sign on will take a bit of time so it is a little bit late to capture the full vision of what we are trying to communicate through this avenue.

Council Member Boyd suggested that we place a spot on our website where people can sign up for email updates. Administrator Darrington said that that would definitely be something that we could set up.

Council Member Jensen commented that we as the Council and city need to continue looking at ways for us to improve communication to the citizens. He said that there is a difference between insuring that information is out and available to the public and insuring the public gets the information. Council Member Jensen said that he thinks it's the obligation of the city to make sure there are ways in which we have utilized every single possible communication vehicle that is available to us to give citizens opportunities to find out for themselves what they are interested in. Mayor Call agreed and said that he has alluded to that in the past meetings in the push/pull, there is a certain amount of push we need to do and there is a certain amount of pull the citizens need to do.

Administrator Darrington handed out a list of questions that have been asked at the last two public hearings (exhibit B) and said that if there are any other questions that the Council wants to add, that we can do that. Administrator Darrington then read through the twenty five items on the list.

Administrator Darrington stated that most of these questions were answered at the presentation that we did last week at the public hearing. Council Member Jensen suggested categorizing the list and have the same kinds of questions grouped together. Administrator Darrington said that he appreciates that and the idea is that we put it in a format that is very user friendly, in lay terms so that the general public will understand what is going on.

Council Member Danklef said that there was a question relative to the storm drain money, what has been happening to the three dollars that's been collected for fifteen years. Administrator Darrington said that on that we will show and explain the major expenditures out of the storm drain fund.

Council Member Robinson commented that she thinks that the presentation that Administrator Darrington and Director Lundell put together last week really helped and most of the people left understanding the situation a lot better.

Mayor Call said that if there was anything else that Administrator Darrington needs to address, to email him that information. Administrator Darrington said that to get this into a written format

will take a couple of weeks and that he will work to have this information available a couple of weeks before the November 16th public hearing.

Council Member Danklef stated that he has done some research and he would like to discuss ways in which we can make some changes to make the secondary water a better system in terms of paying for itself. For example, the need for a way to meter large users and that we need to have this discussion and put some plans together so by the time we turn the water on next spring we are ready to go with some of it.

Mayor Call asked Council Member Danklef if he would work with Director Walker under Administrator Darrington's direction to do a survey to see how many entities are impacted and then present your findings at an upcoming work session. Council Member Danklef indicated that he would.

8. NEIGHBORHOOD ADVISORY BOARD AND STAFF BUSINESS

- Director Lundell reported that we have received a dividend check based on our safety record, for twenty thousand dollars from the Utah Local Government Trust.

Director Lundell then said that the interest rate that we get on our account with the Public Treasurers Investment Fund is about point six percent. He said that we have donations gathered for the library and there is about one hundred and eighty thousand dollars in the account and since the money is not being used and is going to sit for awhile would there be a problem with putting it in a twelve month CD with a better interest rate. Director Lundell said that we would comply with the Utah Money Management Act and get something that is FDIC insured so there is no risk.

The general consensus of the Council is that they were okay with Director Lundell moving forward on this.

- Administrator Darrington said that he will not be available for the Council meeting on October 19th.

Administrator Darrington then reviewed the items on next week's agenda: the presentations from North Pointe Solid Waste, North Utah Valley Animal Shelter and the Police Department, there will also be an executive session.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Danklef reported that Fox Hollow Golf Course will be holding a fund raiser, a four person scramble; they are hoping to get forty teams. It is one hundred dollars per person and will be held on Saturday, October 30th.
- Council Member Jensen asked about the paid voucher of one hundred seventy six thousand dollars for TSSD and was that for one month. Director Lundell said that he would have to check on that information and get back to him.

Council Member Jensen then asked about the charges for Allied Waste because it looks like they are charging us more than we are collecting. Administrator Darrington said that we are actually in the middle of an audit with Allied Waste on how many cans we have picked up and what they are charging us. Mayor Call asked when this audit will be complete. Administrator Darrington said that he has a meeting with Allied Waste this Friday and will get updated on this item then.

10. SIGNING OF PLATS

No plats were signed at this time.

11. REVIEW CALENDAR

Mayor Call mentioned that the city offices will be closed on October 11th in observance of Columbus Day.

12. APPROVE PURCHASE ORDERS

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

ACTION: Council Member Boyd moved to approve the purchase orders for October 5, 2010. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

13. ADJOURN

ACTION: At 7:43 p.m. Council Member Jensen moved to adjourn the meeting. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

This certifies that the City Council Minutes of October 5, 2010 are a true, full and correct copy as approved by the City Council on November 16, 2010

Colleen A. Mulvey, Deputy City Recorder

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