

**Pleasant Grove City Council Minutes**  
**September 21, 2010**  
**6:00 p.m.**

**PRESENT:**

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Scott Darrington, City Administrator

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 Roberts, Police Lieutenant

Degen Lewis, City Engineer

Cory Fralick, Intern

Libby Flegal, NAB Chairperson

Excused:

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, Robinson and Wilson were present.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Boy Scout Garrett Park.

**3. OPENING REMARKS**

Opening Remarks were given by Council Member Danklef.

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

Mayor Call said that the public hearing item “G” is why most of the public is in attendance tonight so that item will be moved up in the agenda to be discussed after item “C”. The Mayor then asked for a motion to approve the agenda.

**ACTION:** Council Member Boyd moved to approve the agenda with the change of moving item “G” to be discussed after item “C”. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

**5. CONSENT AGENDA** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

**MINUTE REVIEW AND APPROVAL:**

- a. City Council and Work Session Minutes:  
City Council Minutes for August 17, 2010  
Joint City Council and Planning Commission Minutes for August 24, 2010
- b. To consider approval of paid vouchers (September 9, 2010)

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

**6. OPEN SESSION**

Mayor Call explained to those present that if an item is not a public hearing or not on the agenda, they were welcome to come forward and address the Council. The Mayor clarified that item “G” is a public hearing so when we get to that item you will have your opportunity to be heard, this time right now is for items that are not on the agenda or not a public hearing.

Brian Halliday, 886 East 1150 North came forward and said that in light of the recent Herriman fire he wanted to know if there was a contingency plan like using Twitter feeds that Pleasant Grove has in place. Mayor Call said that we have talked about the need for a more robust social networking presence in the city for purposes such as this so that people can be contacted immediately in case of emergencies. The Mayor said that we are working on that and that we do have regular emergency plans in place but we do need to take advantage of technology.

Bill Kunsman, 565 South 1250 East came forward and asked if the assessments of the sewer and garbage rate is assessed by dwelling. The Mayor said that we will address the utility questions when we discuss public hearing item “G”. Administrator Darrington said that water and sewer rates are based on usage and the secondary water, storm drain and garbage rates are a set monthly fee and not based on usage.

A member of the audience named Dustin came forward next and brought up the recent article that was in the Daily Herald about the city subsidizing the Fox Hollow golf course. He asked for an explanation of why we feel that this is an amenity that all Pleasant Grove residents should pay for. Mayor Call said to give a broad answer, different amenities are important and are used by different people and in different stages of life, so we have made a decision as a city that there are certain amenities that we offer our citizens that make the quality of living in Pleasant Grove

more appealing. The Mayor explained that he does understand that some people never golf and think that subsidizing a golf course is a waste, but to understand that we have ownership in that golf course we own one-third and we have an obligation as one of the owners. Not all amenities are used by all people and having them is something that communities do and to understand that there are amenities that we have decided that are important for us to support.

Winston Scoville 695 E Cherry Hill Drive asked if the golf course was generating revenue. Mayor Call said that the golf course has not generated revenue for years. Finance Director Lundell pointed out that the three cities jointly own the golf course and whenever it falls short in revenues versus expenditures the debt is split three ways.

Amy Cardon, 584 South 980 West Unit 62 asked if subsidizing the golf course is a responsible decision to be making in this economic situation and that she asks that the Council reconsider. Mayor Call said that the situation with the golf course is not as simple as us saying that we are not going to pay our share; we would have to somehow negotiate with Lehi and American Fork to buy our portion if they wanted to. Ms. Carson asked if we could put that out there to them. Council Member Jensen commented that there are a lot of Pleasant Grove residents who do use the golf course and that it serves a valuable function for that group of citizens who are interested in golf the same way that the swimming pool serves as a valuable function for those who enjoy the pool. Council Member Jensen said that these are amenities that cities provide to offer a lifestyle for the citizens that meets all of the needs of all of the citizens, we have a variety of citizens in age and interest and there is no one thing that will fit everybody. Council Member Robinson added that there are many junior programs offered at the golf course, there are hundreds of children participating in these programs providing them with this experience, the golf course does their best in maintaining their beautiful acreage on a shoestring budget. Ms. Cardon said that she is not saying that it needs to go away but just asks if there was another way or other options to fund it.

A citizen commented that if the golf course or other amenities keep losing money why do we keep pouring money into them and that we need to take a closer look at it. Mayor Call said that we would be happy to take a close look at it and that he thinks that you would find that a good balance here is not to get rid of all of our amenities and that it would be a mistake to say that anything that loses money such as a golf course or a library is a bad idea. The Mayor commented that he knows that he is not going to please everybody regarding the amenities but that he would like people to step back and realize that in the long term for communities to be appealing places to live you need to have these types of amenities.

A member of the audience asked why they don't charge more. Mayor Call stated that if we were to double our fees in an effort to cover everything then no one would golf there anymore.

Greg Park, 1361 North 680 West stated that Pleasant Grove is a great place to live, however it's not the greatest place to do business. He said he runs a small business and that he does business in six other cities and pays over twenty five hundred dollars a month out to those cities in sales tax. He said that if we need more revenue for our city, we need more businesses and we need to make it easier to do business here, there have been businesses that have left Pleasant Grove because of problems with simple little issues such as signage, etc. Mr. Park said that he sees an immense amount of growth in The Meadows in American Fork and Lehi, and that he would like to see Pleasant Grove make it easier for businesses to come here and bring that sales tax money

here. Mayor Call said that he appreciates his comments and asked Mr. Park if he could please send him an email which enumerates the things that drove businesses away.

John Ortiz, 532 South Locust Avenue came forward next and inquired about the crosswalks now that children are back in school. He explained that he lives across the street from the Recreation Center and that around this time every year there are issues with people parking and stopping in the crosswalks. Mr. Ortiz said that his children and his wife have almost been hit several times in the crosswalk due to impatient drivers. He said these crosswalks are used every day and that he would like to see something brought up to raise awareness either through the newsletter or law enforcement, etc. He stated that this is really critical for the safety of the children and would like to see something done proactively rather than after the fact and that he would like the Council to take action to address the issue. Mayor Call said that he likes the idea of using the newsletter and asked him if he had and other suggestions on specific action that he would like to see. Mr. Ortiz said that he would like to see if law enforcement could rotate the radar speed limit sign and said that the Police Department has done a good job, they have been swift to respond. Mr. Ortiz added that there are a lot of public venues that could be used such as the PTA, school assemblies or even having a Police Officer assigned to the school. Mayor Call said that he appreciates him bringing this to our attention and that he has noted the action items and will talk with our public safety department to see what can be done.

Charles Ray, 35 East Maple Lane commented that another solution would be to put speed bumps in to slow down the traffic.

Shirley Hatch, 112 West 1100 North asked if the city was going to mark the lines on 100 North. Director Walker replied that the lanes will be striped by the end of next week.

Bill Kunsman came forward again and said that since money and businesses are really important in our discussions here that he would like to set up a meeting with the Mayor because he would like to bring in a multi-million dollar business and donate fifty thousand dollars to the city. Mayor Call asked him to contact Recorder Kresser at City Hall and she will set up a time to meet.

Geri Taylor, 1075 North 600 West asked what the rules and regulations are going to be for the bike lane planned for 1100 North. Mayor Call said that there may eventually be a bike lane there but that the Council has not given specific direction for that yet.

Mayor Call asked if there was anyone else who wished to come forward and address the Council for this open session, there was not. The Mayor then closed the meeting to the public.

## **7. BUSINESS**

### **A. FIRE CHIEF MARC SANDERSON TO PRESENT THE WINNERS OF THE ANNUAL FIREFIGHTER CHALLENGE HELD AT THE HERITAGE FESTIVAL**

Fire Chief Sanderson said that he is glad to have the opportunity to present three Firefighters who set an example for the Fire Department in that they have taken a huge step in their requirements for physical fitness. He explained that every year at the Heritage Festival their department holds a Firefighter Challenge that includes a number of different activities that take

anywhere from a couple of minutes to as long as fifteen minutes to complete, it is an individual competition and the participants wear their full turn-out gear and air packs. Chief Sanderson then presented awards to the top three Firefighters who completed the challenge; first place is Arik Campbell who had the fastest time of seven minutes and thirty two seconds, second place is Kyle Hardy with a finishing time of seven minutes and forty one seconds, and third place goes to Tyler Nelson with a time of eight minutes and twenty four seconds. Chief Sanderson next presented a Mayor's Fire Department badge which he said is presented every four years to the Mayor. Mayor Call thanked the Chief and the Firefighters for their excellent performance.

**B. TO CONSIDER CHAD FULLMER'S REQUEST FOR FINAL PLAT APPROVAL OF A ONE LOT SUBDIVISION CALLED MURPHY MEADOWS PLAT B, VACATING LOTS 3 & 4 OF MURPHY MEADOWS SUBDIVISION PLAT A, LOCATED AT APPROXIMATELY 1215 WEST 2420 NORTH, IN THE R1-20 (SINGLE FAMILY RESIDENTIAL 20,000 SQ FT LOT AREA) ZONE (NORTH FIELD NEIGHBORHOOD)**

Director Young explained that the applicant has obtained ownership of lots three and four in this subdivision and wants to combine those lots into one lot. No other changes are proposed so staff and the Planning Commission recommend approval of this request.

Council Member Danklef asked if this was in a subdivision that already has curb, gutter and sidewalk. Director Young replied "yes." Council Member Danklef asked why we would require them to do a plat for a subdivision. Director Young said that this will clean up the records with the county for ownership purposes and you cannot build across a property line and eventually this applicant would like to build on this larger lot. Council Member Danklef remarked that he feels that this seems like a lot of paperwork and a lot of time and effort to simply want to increase the size of a lot and that we should look at the codes to change the requirements so the process is not so lengthy because we ought to be helping these people instead of putting more obstacles in the way.

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

**ACTION:** Council Member Jensen moved to approve Chad Fullmer's request for final plat approval of a one lot subdivision called Murphy Meadows Plat B, vacating Lots 3 & 4 of Murphy Meadows Subdivision Plat A, located at approximately 1215 West 2420 North. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**C. TO CONSIDER RYAN THOMPSON'S REQUEST FOR FINAL PLAT APPROVAL OF A FIVE LOT SUBDIVISION PLAT INCLUDING THREE FLAG LOTS, TO BE CALLED COOK PROPERTY SUBDIVISION, LOCATED AT APPROXIMATELY 400 WEST 400 NORTH, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL 8,000 SQ FT LOT AREA) ZONE LITTLE DENMARK NEIGHBORHOOD)**

Director Young said that this proposal had gone before the Planning Commission earlier this year and they made a motion to deny the Flag Lot property because of the uncertainty as to what was going to happen with the adjoining property. Since that time, the owners of the adjacent

property, MKKM Properties (Costume Craze) have received approval for a rezone for their whole property to be the DV (Downtown Village Commercial) zone. Director Young explained that now that Costume Craze's property has been rezoned, it takes away much of the uncertainty and leaves very little options for developing the Cook Property Subdivision. Staff has reviewed their proposal and surmises that it is the last best resort for residential development of that parcel.

Director Young mentioned that the previous developer's failed to finish the paving along 400 North so the city did complete that work so that we wouldn't have problems with storm drainage and recommends that the new owners compensate the city for that development cost prior to the recording of any approved subdivision.

Council Member Jensen asked if the emergency access would be sufficient enough. Director Young stated that it is planned with sufficient access for emergency vehicles. Chief Sanderson stated that the Fire Department would be able to gain access into and out of that area.

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

**ACTION:** Council Member Boyd moved to approve Ryan Thompson's request for final plat approval of a five lot subdivision plat including three Flag Lots, to be called Cook Property Subdivision, owned by Central Bank and located at approximately 400 West 400 North, with the requirement that owner(s) reimburse Pleasant Grove City for all costs associated with the infrastructure work completed along that property on 400 North. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**G. PUBLIC HEARING TO CONSIDER FOR ADOPTION A RESOLUTION (2010-049) AMENDING TITLE 8 CHAPTER 1 "WATER WORKS" SUBSECTION 5-D "WATER SERVICE CHARGES," CHAPTER 4C "TIMPANOGOS SPECIAL SERVICE DISTRICT" SUBSECTION 12 "FEES," CHAPTER 5 "STORM WATER UTILITY" SUBSECTION 4 "STORM WATER UTILITY FEE" AND CHAPTER 9 "CITY PRESSURIZED IRRIGATION SYSTEM" SUBSECTION 2 "USER FEES," BY INCREASING THE UTILITY RATE FEE TO ADEQUATELY SUPPORT EACH UTILITY (CITYWIDE IMPACT)**

Administrator Darrington had copies of a *Notice to all Pleasant Grove City Utility Customers* (exhibit A) passed out to those present which gives an explanation to the purpose of the utility rate increases. He said that this is the same notice that will be accompanying the utility bills and it will also be posted on the city's website. Administrator Darrington said that he will read through this notice first and then he will be open to answer any questions. Mayor Call interjected and said that will be the public hearing portion and he will take over from there. Administrator Darrington then read the notice.

Administrator Darrington expressed that at this time we know that raising the utility rates is difficult for the residents of Pleasant Grove; we understand that the economy is horrible right now and that this is a tough time to do what the city is proposing to do. He said that unfortunately as a city we do not have any easy answer other than that we feel that we need to take care of these problems now and not put them off for another couple of years. Administrator

Darrington added that the dollar amounts that are shown in the four year rate implementation plan are based on an average monthly billing so the actual rates will depend on monthly usage.

Mayor Call stated that before we open the public hearing he would like to know if the Council had any questions for the staff, there were none at this time. The Mayor remarked that the public needs to understand that elected officials don't love raising rates, we have reached this decision because it would be irresponsible not to, and to ignore the things that have to be done. The Mayor then explained that we understand that there are a lot of citizens who want to be heard and just in the interest of time that he asks that they not repeat something that somebody else has said, to either come forward to the podium or raise their hand if they wish to speak and to begin with stating their name and address. Mayor Call then opened the meeting to the public for comment.

James Lemmon, 1546 North 340 East came forward and stated the he doesn't understand the benefits of piping the canal just now. Mayor Call stated that the canal is a privately owned entity, it is not a governmental entity at all; the Provo River Water Users Association (PRWUA) owns the canal and all of the right of way that goes with it. They have an evaporation rate of about ten percent and their main purpose in enclosing the canal is purely a business move to save ten percent of their water flow. The Mayor also pointed out that every city that is along the canal has expenditures because a private company has decided to pipe it and some of the utilities will have to be relocated. Mayor Call stated that we have been in long negotiations with PRWUA to offset as much cost as possible, we are looking at every single detail and in doing that we have saved the tax payers in Pleasant Grove money along the way and in addition to that, what happens when it is enclosed is that we've got a one hundred foot wide recreational trail.

Kabe Little, 560 Loader Drive asked if we are going to utilize the piping of canal for the water runoff. Director Walker said that the high water runoff will be under pressure and we will have to pipe that from the flood controls down to the new pipeline. Mr. Little then asked that once these projects are paid for will these rates come back down. Mayor Call said that what we have directed the staff to do is to do what we really have not had before which is a rolling four to five year plan on what the fees will be for each of these utilities. Mr. Little asked if there was some type of a fund set aside for this and what is the projected lifespan. Mayor Call said that by law we have what is called our enterprise funds. Administrator Darrington stated that when we bond we will bond for twenty or twenty five years so when that bond is paid off then the city can determine at that time if the rate that was being passed on to the residents can be eliminated. Administrator Darrington said that when you talk about a rolling infrastructure plan we have a capital plan that has fifteen or more projects on it, and once all of those projects are completed and all of the city's capital needs are taken care of and there is only maintenance to worry about that is when we can talk about eliminating fees and Pleasant Grove is just not at that point and that he doesn't know of many cities that are ever at that point. Mr. Little said cities don't get to that point but clarity along the way is what we are looking for, so if you have a sunset on your rates then they can be readdressed. Mayor Call stated that we do have these public hearings every single year at the budget time and the public is welcome. Mayor Call then asked Attorney Petersen if we ever do ordinances with a sunset clause. Attorney Petersen said that you could put a sunset clause in but that these rates are set by resolution and not ordinance, any time you are going to address the rates up or down it requires a public hearing. She said that the way it is designed is that we do a rate study every so often and if during that rate study our financial advisors tell us that we have plenty of money to do our capital improvement projects then we

adjust the rates downward because we don't need that revenue anymore, that is probably not likely to happen, but that is how it works. Mr. Little remarked that's how it works but it doesn't happen that way rates don't get adjusted back down whenever we can, it gets diverted into something else.

Attorney Petersen interjected at this time to make sure that all of the people in the audience who are standing in the doorways and the hall can hear the discussion and if they wish to comment that they are accommodated. City Recorder Kresser replied that she did ask them and has provided a list for them to sign up to get their chance to comment and that at this time no one had indicated to her that they wished to speak or that they have a problem with hearing what is being discussed.

Dustin came forward again and said that he wished to thank the Council and staff for the explanation on the improvements that are needed because that helps with understanding this. He said that he would like to see the city not bill the people who took the initiative to recycle and that he asks the Council to be selective in who they choose to fix the roads after the improvements are put it.

Greg Park, 1361 North 680 West said that he doesn't understand why the deficit is all of a sudden because the cost of the secondary water was calculated in the beginning and now that it is in we have discovered that we are not paying enough. He said that he is asking the Council and staff to be responsible and make sure that the city has exhausted every opportunity to get a grant or whatever government assistance they can. Administrator Darrington said that because he was not here at the time when the secondary water was initially done, that his guess is that there were two series of bonds, the 2006 series and 2008 series and assumes that there were numbers run as to what the debt service rate needed to be charged in order to pay that debt service. Administrator Darrington said that his understanding is that last year the city was looking to raise the secondary water rates and didn't know exactly how much to raise them which in turn started the rate study. He said that this rate implementation plan is the result of the rate study that showed us the true cost of the system and the true revenues needed to generate in order to pay that off.

Elden Willis, 852 Grove Creek Drive said that on the secondary water he sees a lot of waste of water where people will not curtail the water usage and use so much water that they are damaging the things they are irrigating and he proposes that the city think about putting in meters. Mayor Call stated that because we do not have the manpower to be out there monitoring this all of the time, that when you do see these abuses to please call us and let us know and we will talk to these people and work out ways to curtail that. The Mayor said that we have taken a look into getting meters and it is very pricey and there are also issues with the secondary water gumming up the meters because of the nature of the water itself.

Bill Lee, 835 North 500 East asked if these rates are set in stone if this already done. Mayor Call said "no," we haven't voted on it yet and it doesn't go into any kind of law or books until the City Council votes on it. Mr. Lee asked if this was the first time for a public hearing addressing this issue. The Mayor said that it is the first public hearing; however we have held work session meetings open to the public as well on this. Mr. Lee said that it seems to him that from the words he's been hearing is that this is what and how it's going to happen on this issue, that it's a done deal. Mayor Call said that a lot of people feel that way with a lot of major things, it takes them by surprise and they are often surprised to learn that weeks and months of work have gone into

having this public hearing. The Mayor said that we do whatever we can to get the word out and educate and there is always going to be a significant number of the public that thinks that we are doing it by secret. Mr. Lee asked what has been done to get the word out. The Mayor said that it has been noticed in the newspaper, in three public buildings and on the state and city website. Mr. Lee commented that he feels that there should be more public discussion on this before it actually happens. Mr. Lee then asked what other costs have been reduced on a city basis. Director Lundell said that everything we are discussing tonight deals with our utility funds and we have another set of issues dealing with our general fund, we have been meeting to deal with what we can do with employee benefit costs and last year we did cut back on capital projects. Administrator Darrington explained that with the city's budget we have the general fund and the revenues supplied by the general fund are property taxes, sales taxes and generally the general fund goes for expenses that don't generate revenue like the Fire and Police Departments. He said that in budgeting, your general fund and your enterprise funds are separate, the enterprise funds are the sewer, the water, the storm drain and garbage and the revenues are generated by fees not by taxes. The charge of the fees is supposed to cover the cost of the service that is being provided, so your water rates should cover the cost for what it costs the city to supply water. Administrator Darrington said that when we talk about a general fund reserve account or what's referred to as the fund balance or "rainy day" fund, those monies are set aside for general fund expenses when the tax revenues come down. In the past we were able to put money in there and in the last couple of years we have spent money out of the reserve funds so that we didn't have to raise property taxes and we could provide the same level of services to the citizens without having to come up with a way to generate more revenue. Administrator Darrington said that sales tax is our number one tax generator and the more businesses that we have generating sales tax gives the ability that we have as a city to not have to raise other rates. He pointed out that when we are discussing looking at the individual funds like water or sewer, when you look at the cost of the water and sewer fund most of these are maintenance related and are pretty straight forward, we have the cost of running the system and that's what the money goes for, ideally we set money aside for future capital projects so that when the time comes we don't have to bond every time we need to do a major project. Administrator Darrington then said that as we look at all of these things we try to figure out the way to make us as a city financially feasible and this rate study consists of looking at all of our projects for the next seven years and recommends what our rates need to be in order to pay for the projects. Because the rate study came back so high, there were a couple of projects that we felt we had some flexibility with and we have already pushed them back a couple of years, but for the larger part of the last few years we have not been putting significant money into our capital and into our infrastructure and at this point we have got to make some changes in the way we are doing business or else in the long run we will be in trouble.

Dan Postelnicu, 339 North 600 East asked what time is the City Council meeting usually held at. Mayor Call replied that it's held at 6:00 p.m. Mr. Postelnicu then said that he feels that this is trying to be rushed and that this decision ought to be reconsidered or maybe moved off. He then asked if the study was a comparison of other cities and what they pay for fees. Administrator Darrington said that it looks at our systems because no matter what other cities can charge, we have our system and this is what it costs us to operate it so these rates are what we need to charge. Mr. Postelnicu asked why this has to be such an emergency and why does it have to be done now. Mayor Call stated that this has to do with the needs that we have now, if we didn't have needs now we could easily put it off.

Elroy West, 1275 East 200 South said that culinary water is up seventy three percent, secondary water is up ninety seven percent and sewer and storm drain are up seventy percent and that he understands the problems but he can't accept the solution at this point.

Peter Johansen, 535 South 350 East asked if the rate study could be published because he was told that it did a comparison of other cities. Administrator Darrington said that we did a comparison of other cities just for our information but the rate study does not incorporate what other cities are doing and that the rate study is public information and we can post it on the website. Mr. Johansen said that he suggests that that be made public information before the Council votes. Mayor Call directed staff to get the rate study information and rate table information on to the website.

Bill West, 48 North 1400 East came forward and asked the Council to carefully review the study, stating that maybe there are some solutions there that are not obvious or that the staff has missed. He referred to the individual funds that were discussed and said that he believes that there is a subsidy from each of these funds into the general fund. Administrator Darrington said that that is correct but it is not a subsidy it's the fact that there are some costs that are incurred, for example if we have employees that are doing things for the utilities then the city can charge the utility back to the general fund. Mr. West said that we would like the city to take a look at the percentage and the dollars that go with that because there may be some things there that can help with the efficiency of the city and also help lower some of these costs. Mr. West asked that in the current economic situation why are we biting off so much of this and referred to the canal project, that we are paying seven hundred dollars a foot for the pipe to come from the detention basin and there has got to be a way to save some money on that and asked that we take a good look at that and see if we can save some money or put it off. Mr. West said that TSSD is one of the more anti-competitive situations, they have no customer contact and the Council does their interface and takes all the heat and insulates them and feels that we should really look hard at their operations, finances and their expenses and questioned who is watching them. Mayor Call stated that we are actually working with the County Commissioners right now on some options to give Pleasant Grove a bigger voice with TSSD.

Jason Skinrood came forward and said that he had attended a meeting of the Utah Valley Homebuilders Association and said that they had put a lot of time and effort into a study on TSSD and there are major fundamental flaws and found that they feel that TSSD's obligation is to make the city of Lehi and themselves the most amount of money possible and he strongly advises the Council to look into that.

Amy Cardon, 584 South 980 West Unit 62 said that she also supports looking into TSSD and getting Pleasant Grove more of a voice with them. She then asked what rates will be published on the city website, the proposed rates that were passed out tonight or the actual rate study. Director Lundell said that he has tables that list what the capital projects are, what our current expenses are and what the cost is and then the rates are based on what those costs are, the proposed rates passed out tonight show what the rates would be from an average utility bill. Ms. Cardon asked if the rate study was actually current because it was initiated last year. Director Lundell said that he has worked closely with the consultant on the rate study and all of the information in it has come from data in the last six months. Ms. Cardon asked that prior to this study when was the last rate study done and is there a law that requires it. Attorney Petersen replied that it is done by ordinance and that around five years ago we found ourselves in

basically the same situation with regard to our water rates, there had not been an increase in a long time and we were faced with a very substantial increase. Attorney Petersen said that at that time in our ordinance when we did that rate study and implemented the new rates we said that we would review those water rates every year, not necessarily go into an in-depth rate study but those rates would be reviewed annually so that the adjustments that needed to be made would be in smaller increments. Ms. Cardon asked if that was being done yearly. Attorney Petersen said that the previous financial officer and financial advisor did discuss water rates every year at budget time. Ms. Cardon asked that the Council not vote on this until the complete rate study has been presented to the city and also that she would like to see a couple other options to make the improvements that are necessary.

John Edlund, 55 East 200 North said that on the secondary water system that it is a fairly new system and the price was studied and given to us in advance and now we are being told that it is half of what it needs to be funded. Mr. Edlund said that somebody over spent what was quoted because the numbers shouldn't have shifted that much and questioned these studies, it hasn't been five years, the system barely got finished and now our rates have doubled and wants to know how we got quoted that far off. Director Walker said that the system was started almost nine years ago and that quote was given at that time at about eighteen million dollars and it was never adjusted since then and as we put in the system over the years the prices have gone up during that time. Director Walker stated that Pleasant Grove's system went in at around twenty two million dollars and a smaller system that was recently put in American Fork went in at forty two million dollars. Mayor Call stated that the answer is not satisfactory but the reality is that the price that the city thought that it was going to cost eight or nine years ago was incorrect, by the time it was completed prices and labor went up and instead of making incremental adjustments all along the way, we just didn't.

Herb Karlson, 615 North 600 East said that he was present back in 2008 when they were discussing the bond and the culinary was raised at that time because the culinary water was going down as the secondary went in and when the city was buying these bonds you surely had some kind of an idea of what this was going to cost us and asked what happened, how did we miss it that far. Mr. Karlson said that he does appreciate what the Council does but that when you are coming up with a thirty to sixty percent increase then something is wrong and you need to take a better look at it and asks why we haven't been funding and replacing this infrastructure as we go along. Mayor Call said that he is right; we should have been having small incremental increases all the way along.

Brian Halliday, 886 East 1150 North said that currently our national debt is thirteen and a half trillion dollars and the unemployment in our state is going up and yet you still increase our rates and as you talk about the rate study what he does not hear is the impact of the sales use tax, the impact on our discretionary income in Pleasant Grove. He said that increasing his bill six hundred dollars a year, that impacts Pleasant Grove's businesses and the Council says that they are for business but this is not for business. He said that the businesses will be double hit because they will have to pay the increased utilities and people like me will not go to their businesses because you have taken six hundred dollars out of my paycheck. Mr. Halliday said that it is naive and irresponsible to vote on this right now because you don't have all of the information and asks that they look at the impact on the residents and the businesses. Mayor Call said that he would love to have the same level of service without the price ever going up, and we all know that can't happen; we are getting a lot of good input about being diligent about how we do this

and being careful and wise and being sure of our facts before we make a move, but please understand that everything degrades, it happens with water pipes and sewer pipes, it happens with everything, so we cannot continue to have the same level of service at the same price forever.

Kabe Little, 560 Loader Drive came forward again and said that we are not accusing anybody of spending recklessly, but we are at an opportunity here where you can be really creative and dig a little deeper and to do things differently than you've done before. He said that he does not accept studies that are done by groups who just do studies. Mayor Call said that the group that did our study are in the business of financial planning for communities throughout the intermountain west and to understand that we try to use the right tool for the job and when we are talking about financial planning we go to trusted financial planners. Mr. Little said that he thinks what everyone is saying is to take another look.

Don Newman, 911 N Mahogany Drive said that when he moved in he paid an impact fee and three hundred and four dollars of that went to the storm drain fee and in 1999 we started paying one dollar and fifty cents for a storm drain fee and now it is three dollars and asked where all of this money was going. He said that a sixty percent increase over four years for senior citizens and people on a fixed income is not acceptable. Mayor Call asked what he thinks the alternative would be and to understand that things cost what they cost and that we should take a look at this but let's not simply say that we cannot raise rates no matter what. Mr. Newman said that he is not saying not to raise rates, but that sixty percent is ridiculous and reminded the Council that they are accountable for each one of their votes. Mayor Call said that that is why we have these public meetings; we want to make sure that we are visible and accountable to the public.

Mike Hatch said that he understands what is happening with the canal because he is an owner in PRWUA and in their meetings they discussed the different ways to pay for this project and they did come up with a resolution which is with the excess water, the evaporated water that we either have to pay for it ourselves on top of our shares or donate it back to pay for things. He asked if Pleasant Grove had taken their ten percent and given it back to fund the canal or are they paying for their share because if they are then that means there is some excess money there that could pay for the storm drain. Administrator Darrington said that we are not selling our water, the decision was made to hold on to that water because we need the water for our secondary system. Mr. Hatch said that this is water we never had before, this is more excess water. He said that when the secondary system was developed our culinary water was supposed to go down and it never did on our bills.

Scott Fugal, 455 North 400 East suggested that there be a way to readjust these rates so that the brunt of it doesn't come right now when our economy is down. Mayor Call said that that is something that we did look at, the initial advice that was given to us was to make the increase all at once, and we did not want to do that, so we took a look at it over four years but we looked at what our needs were in each of those four years and found that we have bigger needs right away than we will in the years two, three and four.

Winston Scoville 695 E Cherry Hill Drive said that something that troubles him is that years ago the city had their own waste water treatment plant, so did Lehi and American Fork and the tri-cities decided that they did not want to be in that business any longer so they opted out and then came the private entity of TSSD. Mr. Scoville said that there are now two private entities that are

dictating to us and we as the citizens are at the bottom and asked if the city could possibly consider meeting with the other cities to form a regulatory commission that they will have to come before and justify their needs before they raise rates. Mayor Call stated that that body does exist in the Board of Directors at TSSD, there are fifteen members and Pleasant Grove is one vote out of those fifteen and that is part of the issue that we have and part of what we are trying to resolve. The Board at TSSD consists of twelve cities, each has one member and then there are three members at large.

Jack Freeman, 450 East 100 North said that there are a lot of senior citizens like him whose income has been frozen since 2009 and as seniors we are the ones who have cut back on the usage and you cannot keep putting this on us. Mr. Freeman asked the city to come up with some creative ways and to not be so quick to pass this, whether you weren't here when past decisions and promises or mistakes were made, that you represent us and asked to not put more burden on the seniors and young families.

Vaughn Mayo, 50 North 1300 East asked the Council to think about what they are doing and are they really doing the right thing. He said that he is in real estate and is not happy with the way that the government at all levels have been stripping us of our right to private property, we no longer own our homes because if we don't pay our property taxes we lose our homes. He said that because of the way the country has grown we have a sewer system for health reasons and it would be cheaper for all of us to have septic tanks then to pay these sewer fees, we are stuck in a monopoly where we have no control and no say. Mr. Mayo said that the only way we have to deal with this is to complain and we have to convince you to do the right thing or we have to vote you out of office. Mr. Mayo questioned if we are efficiently using our funds in the city and that he doesn't like the idea of the city fining people for using too much secondary water.

Larry Harris, 970 North 400 East said that he is concerned about the salaries of the city workers and that has to be a major amount paid by the city and asked who sets the salaries and why are we paying as much as we do. Mayor Call said that it is the number one expense for the city and that the salaries are set by the Council every year. The Mayor said that we went through extensive study and research to make sure that we were not higher or lower than most of the cities of our size in this area, we are not being excessive or exorbitant. The Mayor added that we have some of the best people in the state working for this city.

Mayor Call expressed that he is thankful to everyone for expressing so much interest and invites them to make a commitment to come to the public meetings that are always part of our annual budgeting process, it is a great opportunity to see exactly where those funds go and exactly how they are being spent.

Libby Flegal, Chairperson for the Neighborhood Advisory Board pointed out that most city employees do not make tons of money. She said that she does understand why most people are here tonight but if they would be more involved then they would have a better understanding of why things happen and what's happening and that this didn't happen overnight. There has been a lot of time and work that has gone into this particular issue. She said that people are apathetic they don't get involved and when something happens they question how it came about.

A member of the audience named Michael came forward and said that he is on the Board at Pemberly and represents one hundred and seventy two residential units in the community and he

understands the Council's position because he deals with similar issues. He said that one of the things that they have been working on is the communication to the community and the key challenge is finding ways to get the word out about the issues that are coming up and helping the residents understand what's happening and why we are spending money. He said that it doesn't breed confidence when you have projected a cost and then had a study done and its double the cost and there is the concern that even if this does pass what's to say that it's not going to happen again. Mayor Call said that we can all do our best and that's all we can do and when the secondary water budget started eight years ago that he can say that he is certain that the people who voted on that were very confident in their numbers. The Mayor pointed out that things change, the cost of goods and labor increases and projections are tough and this is part of why we are trying to have this four to five year rolling projection schedule. He said that on the issue of communication there is the question of push and pull and it always seems in situations like this that the citizenry feels like we haven't pushed information enough and we feel like the citizenry haven't pulled information enough so we have got to find that balance, so there are things that we can do better. Michael asked that the Council take a more creative approach and to take another look at things and look at what we have done proactively to decrease the costs. Mayor Call stated that water costs what water costs and as creative as we would like to be we don't have a lot of options for where we buy our water. The Mayor said that he would love to hear any creative ideas and invited everyone to email him at [mayor@pgcity.org](mailto:mayor@pgcity.org).

Darold McDade, 671 South 1500 East stated that it is his hope that the Council members are on top of this issue because it is very crucial to every citizen in Pleasant Grove. Mr. McDade said that he has confidence in every member of this Council, that he has worked with them and they are good people and the employees that work for the city are good people. He said that the real issue is that if the Council is not up to date on the information and haven't looked into it as much as they think they should have and they vote "no" tonight what happens is that the staff goes back to work on it again, if they vote "yes" they don't give anyone a chance but to do anything but think badly of them. Mr. McDade commented on creativity, that we can and need to give ideas, to say "be creative" and to just leave it at that is not good. Mr. McDade encouraged the Council to get with the staff and find out the information and to not vote without having that information and to not vote on something that you are really not sure about, don't vote without doing the homework or the research.

Dan Postelnicu, 339 North 600 East commented about having to "duct tape" items because of the dire straight times that we live in today and asked why the city can't do similar things to get us by and do these things need to happen tomorrow. Mayor Call said that to use that analogy, we duct tape all of the time for example the complaints that we hear about how we duct tape the patchwork on the roads, we are very frugal when it comes to using the resources that we've got.

A member of the audience commented that we do understand that it is not possible to pay the same rate forever; we do expect to have increases in utilities but that a thirty percent increase every year is upsetting. Mayor Call stated that if we had had a lot more foresight then you would have seen smaller incremental increases over a greater number of years

Mayor Call asked if there was anyone else who wished to comment at this time, there was not, the Mayor then closed the meeting to the public. Mayor Call thanked everyone for participating and expressed that he felt that this is valuable and for the audience to not think that this elected body considers this to be a bother or a nuisance and that we relish opportunities like this and we

deeply appreciate any level of involvement that our citizens take. The Mayor then asked the Council for their comments or discussion.

Council Member Boyd stated that she felt the discussion has been interesting and that she has made a list of what she has gleaned from tonight and wanted to share them. 1) We need to go back and look at our Christmas list, to see what is exactly needed in the city. 2) The issue of “is my voice being heard?” Did we do enough to get the public informed? 3) Did we do our due diligence, did we as Council members research this enough? 4) The concern with the effect on our small businesses. This is a big concern for us because we want to bring businesses into this community. 5) We ought to take the time to look at hardship concerns and set up something similar to what Questar and Rocky Mountain Power do. 6) Continue to keep looking at having a bigger and better voice with TSSD. We have been involved with TSSD but as Council members we need to become even more involved. Council Member Boyd said that these are things that she feels that we can step back and look at and make sure that the Council and the community are more informed and educated.

Council Member Wilson stated that he felt he has been lied to in the past and that he was not satisfied with the work had been done and thinks that there is more to be looked at before this gets put on the citizens. Council Member Wilson said that he is not putting any blame on anybody but that we need to look at some more things because this should have been looked at years ago to prepare for these things and it wasn’t done. He said that this was overlooked and we as a City Council who represent the citizens need to look into this more deeply before we vote.

Mayor Call asked if anyone else wished to comment, no one did at this time. The Mayor then asked for a recommended course of action.

Council Member Wilson stated that he moves to deny this ordinance at this time and continue to look into this and have it brought forward at a later date. The Mayor asked if we wanted to set a date certain. Council Member Boyd said “no” because she feels that there are things that we need to get input on and that there needs to be an allowable time to do that. Council Member Boyd stated that she would like to challenge the people in the audience to volunteer their time and their ideas and expertise on ways that we can get this information out to the community and work with some of them.

Council Member Wilson asked Administrator Darrington what timeframe he needs to do these things. Administrator Darrington said that our issue is that if we put this off too long that we do have a debt service payment for secondary water that needs to be made, the city is already paying the additional cost on TSSD and while there is time for us to look further into this, to put it off indefinitely is not the best solution. Council Member Boyd said that she thinks that in the motion tonight we need to approve the TSSD portion because it is past due and we don’t have any control over that, the other areas we can put a timeframe on them.

Mayor Call asked Administrator Darrington what he recommends as a date certain. Administrator Darrington said that it depends on looking to the next couple Council meetings and using that time and asked what additional information exactly does the Council need or want. Administrator Darrington said that he feels that we have already given the Council about everything that we have, we can go over this again and specifically talk about certain projects about whether they can be pushed back or not.

Council Member Robinson stated that she wants to encourage the citizens that are here tonight that as we schedule this next Council meeting that she sees them there. She said that she has gotten a lot of information that sparks her creativity and she has to be responsible and to believe that she is doing the right thing when she goes through all of the information that is presented to her by the experts and professionals. Council Member Robinson remarked that since taking office in January that she has not seen much citizen involvement and what she has seen has been minimal and that it thrills her to hear from the citizens. She said that she has been given a lot of information that she has assimilated and come to some conclusions but that she has put off deciding tonight because of some of the input that the citizens have provided and looks to their creativity because there are possibly different approaches that we can make.

Administrator Darrington wanted to point out that these rates that are being proposed are the worst case scenario, we are pursuing grants vigorously particularly for the three and a half million dollar storm drain project and feel like the state can step up and help fund a portion of that. The other issue that we have is that in the past with impact fees as new development has occurred in the city it has helped pay for some of these projects and as we project out into the future we are projecting a pretty low growth mode when it comes to impact fee revenues. Administrator Darrington stated that as we look at rates each year we will take a look at how much grant money we brought in, did our impact fees come in at more than we projected and then we may not have to do the ten dollar increase next year. When we talk about being creative there are certain channels and things that we do normally where we try to get extra money through grants and federal appropriations and we don't want people to think that we just had the rate study and are going to put it all on the backs of the citizens and that as a staff that we are not pursuing other financial avenues to help. Mayor Call agreed and said that this is a difficult thing to communicate, but please know that we value our employees because they go through everything with a fine tooth comb and when you see a final proposal sometimes you may think that that is the easiest or the quickest or the first option that was available and that is definitely not the case.

Mayor Call then recommended that we get the rate study up on our website and available at City Hall tomorrow in time to be reviewed before our next Council meeting, he said that the Council members already have access to the study and have enough data to do their research and then we will have this on the agenda at next Tuesday's meeting and go through it with the public and try to come up with some creative ways to work through this. The Mayor said that we do feel some urgency with this and it is not that we are trying to rush anything through and if we decide next week that we still need more time then we can use more time. Mayor Call asked if this is an okay course of action with the Council, the Council indicated that it was. The Mayor asked for a motion for a continuation and pointed out that one Council member has indicated that she is likely to make a motion that we do pass through the TSSD rate increase that the city is already paying.

Administrator Darrington commented on the rate structure that has been set up, the increase in the sewer of four dollars is not the full cost of the TSSD increase because we were going to use reserves to help fund a portion of that for this first year. He said that if we wanted to pass the full amount on to the citizens then the amount would be higher and recommends that we vote on the rates all at one time.

**ACTION:** Council Member Boyd moved to continue the public hearing on Resolution 2010-049 to the next City Council work session meeting on September 28, 2010. Council Member Danklef seconded and the motion passed with a four to one vote with Council Members Boyd, Danklef, Robinson and Wilson voting, “Yes” and Council Member Jensen voting “No.”

It was decided that next week’s meeting will be held at the Pleasant Grove Junior High School at 6:00 p.m.

**D. PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2010-14) TO AMEND TITLE 10 CHAPTER 3 SUBSECTION 2 “ADMINISTRATIVE CODE ENFORCEMENT” AND RENUMBERING SEQUENTIAL SUBSECTIONS TO PROVIDE AN ADMINISTRATIVE CODE ENFORCEMENT PROCEDURE TO HANDLE ZONING AND LAND USE CODE VIOLATIONS THROUGH A CIVIL PROCESS; ESTABLISHING AN APPEAL PROCEDURE AND PROVIDING FOR AN EFFECTIVE DATE AT THE REQUEST OF PLEASANT GROVE CITY STAFF (CITYWIDE IMPACT)**

Attorney Petersen explained that this ordinance sets into place an administrative hearing process for appeals from civil zoning decisions. In the past it has provided in our code that we could either proceed forward civilly or criminally or both, but we have not ever set up a process for doing the civil avenue and this ordinance sets out the process. It also provides that the city will finance a hearing examiner to be an independent appellate body for decisions made by the zoning enforcement officer. Attorney Petersen said that the hearing examiner is someone who we would hire on a part time basis as needed and that she does not anticipate that we would have a large number of hearings.

Mayor Call asked what profession this hearing examiner would be from. Attorney Petersen said that it could be from any profession but typically it is somebody who is either an attorney or has had some significant land use experience.

Council Member Jensen asked if this ordinance was necessitated because of the adoption of a previous decision by the Council regarding accessory apartments and if the Council’s position was to allow accessory apartments would we need this ordinance. Attorney Petersen said that we would still need the ordinance, because it allows for an appeals process for any civil citation and also because we have not established one in the past.

Council Member Wilson said that his concern is the money to pay for this because our budget is tight enough as it is now and this may start out with a lot people who want hearings. Administrator Darrington said that he does not anticipate that there is going to be a large amount. Attorney Petersen said that she has seen an advertisement for this type of position that paid forty dollars an hour and that she volunteers to do this same thing in Provo and spends typically one afternoon a month to do it.

Council Member Jensen commented that he cannot believe that we are having this discussion on this item and the next item based on what we heard here tonight. Based on what we heard tonight this Council should have never disallowed accessory apartments because this public was loud and clear telling us that we are putting them in the situation in which they are going to be stranded because we are giving them no options about what to do as property owners in order to enable

them to survive in this economy. Council Member Jensen said that he would rather have the Council sit down and reevaluate whether we really want to go forward with the accessory apartment decision that we made if nothing else based on what we heard tonight. Mayor Call stated that he doesn't think that we heard anything new here tonight that we didn't hear before. Council Member Jensen said that he thinks if this accessory apartments issue came up today and we were voting on it that it would never pass. Mayor Call stated that it is before this Council tonight, it is the next agenda item.

Council Member Boyd then commented on the appeal procedure stating that it pertains to other things besides the accessory apartments which gives people another avenue to question the process.

Council Member Robinson asked if this hearing procedure gives the person the opportunity to understand the citation and the potential legal process. Attorney Petersen said "yes." Council Member Robinson said then that can save them the cost and give them the comfort of understanding the gravity of it and we are accepting the responsibility of that cost at a minimal fee and in that the criminal system is overwhelmed this sounds like an easier solution.

Mayor Call asked if there were any other questions or comments for staff before we open up the public hearing, in that there were none the Mayor opened the meeting to the public for comment.

Herb Karlson, 615 North 600 East stated that there are many retired people in Pleasant Grove and there may be a few who are probably qualified to do these hearing and would be happy to do it on a volunteer basis. This gives people the opportunity to sit down and hash it out without hiring an attorney and then if they are dissatisfied they can take it to the next level.

Mayor Call asked if there was anyone else who wished to comment at this time, there was not, the Mayor closed the meeting to the public.

Council Member Wilson said that if we can get a volunteer then he will say "yes." Attorney Petersen said there are places to go for volunteers such as law schools and the small claims court, so there are opportunities for us to get someone to volunteer but to keep in mind that this does need someone who has a firm grasp and understands land use laws.

The Mayor asked if there were any other comments, in that there were none the Mayor read the ordinance and asked for a motion.

**ACTION:** Council Member Wilson moved that we approve Ordinance 2010-14 with the stipulation that there will be no fee to the city for the hearing officer, the hearing officer will be on a volunteer basis. Council Member Robinson seconded the motion.

Council Member Jensen asked what will happen if we can't find a volunteer. Attorney Petersen said that we will not do it and have to come back and repeal the ordinance. Council Member Jensen then asked if the cost for this would be that astronomical. Attorney Petersen said that in her opinion it would not be but there will be a cost to the city and that is part of the reason why we have not pursued it in the past. Council Member Jensen asked if there would be a cost to the city if there are people who volunteer. Attorney Petersen said that there won't be any extra cost,

the only cost would be in man hours but this will be happening during the day when the zoning officer is working anyway.

Mayor Call asked if there was any other discussion, there was none. The Mayor said that we have a motion and asked for a roll call vote. Council Members Boyd, Danklef and Jensen voted “No” and Council Members Robinson and Wilson voted “Yes.”

The Mayor stated that that particular motion has been defeated and does anyone want to offer a motion on the original ordinance. Council Member Jensen motioned to approve the original ordinance.

**ACTION:** Council Member Jensen moved to approve Ordinance 2010-14 to amend Title 10 Chapter 3 Subsection 2, “Administrative Code Enforcement” and renumbering sequential subsections, to provide an administrative code enforcement procedure to handle zoning and land use code violations through a civil process; establishing an appeal procedure. Council Member Danklef seconded and the motion passed with a four to one vote with Council Members Boyd, Danklef, Jensen and Robinson voting, “Yes” and Council Member Wilson voting “No.”

**E. PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2010-15) TO AMEND TITLE 10 CHAPTER 6 SUBSECTION 2 “DEFINITIONS” OF THE PLEASANT GROVE CITY MUNICIPAL CODE BY ADDING DEFINITIONS FOR “CARETAKER,” “PERSONAL CARE PROVIDER” AND “ACCESSORY APARTMENT;” AMENDING THE DEFINITION OF “FAMILY” AND “FENCE” AND ALSO AMENDING TITLE 10 CHAPTER 9A SUBSECTION 1 “PURPOSE” OF THE R-R (RURAL RESIDENTIAL) ZONE AND TITLE 10 CHAPTER 9B SUBSECTION 1 “PURPOSE” OF THE R1 (SINGLE FAMILY RESIDENTIAL) ZONES, DECLARING THAT ACCESSORY APARTMENTS ARE PROHIBITED; HOWEVER, PROVIDING AN EXEMPTION FOR CARETAKERS AND PERSONAL CARE PROVIDERS IN SUBSECTION 2 OF EACH ZONE AT THE REQUEST OF PLEASANT GROVE CITY STAFF (CITYWIDE IMPACT)**

Attorney Petersen explained that we have clarified in the residential zones, the R1 and RR zones that accessory apartments are prohibited except for situations where a Personal Care Provider or Caretaker is needed. The new definitions for *Personal Care Provider*, *Caretaker* and *Accessory Apartments* were added, definitions for *Family* and *Fence* were amended, and those were added in this definition amendment portion at the request of Community Development. The definition for *Family* has been amended to provide for a recent change in the state law that says that if you are not a college town you must allow at least four unrelated individuals to qualify as a family.

Council Member Jensen asked if it was proposed to relook at prohibiting accessory apartments and that decision was rescinded or changed would we need this ordinance. Attorney Petersen said the answer is “yes” with regard to adding the definitions of *Family* and *Fence* but subsequently it would not change the current law.

Council Member Jensen then stated that he thinks that he made a very bad decision when we addressed this issue and that he should have proposed that we continue the discussion about accessory apartments because we were missing a Council member at that meeting. Council Member Wilson asked if he thought it would have changed the outcome had he been there.

Council Member Jensen said that the vote would have been different because he only voted for it because he did not want it to have go to the Mayor to break the tie and that he thinks that it is bad policy for a Council to be hung up where the onus falls on the Mayor, so to avoid that he voted in favor of it.

Mayor Call asked if there were any questions for the staff before the public hearing, there were none; the Mayor then opened the meeting to the public for comment.

Geri Taylor, 1075 North 600 West stated that she has not done her due diligence in attending the Council meetings and had missed the discussions on accessory apartments. She said that she knows of people who without their accessory apartments will not make it and that she does not know why the Council is so opposed to it and why it should be illegal.

Mayor Call said that will come up in the discussion after we close the public hearing and the direction to staff is not that we go out and shut down all of the accessory apartments, unless there is a nuisance issue and people who have operated accessory apartments will continue to operate accessory apartments until they sell their house. Director Young added that it was determined from a legal standpoint that we can't pick and choose which illegal accessory apartments we are going to act on, but if we become aware of an illegal situation we have the responsibility to act on it whether it's a nuisance or not.

Mayor Call asked if there was anyone else who wished to comment at this time, there was not, the Mayor closed the meeting to the public.

Council Member Jensen commented that if you research this as he did you find that it is all over the map what communities do, there is a long list of reasons why they suggest that you allow or disallow and this an issue that each community has to deal with individually. He said that he would like to suggest that the Council relooks at accessory apartments. Mayor Call asked if his contention on this is for the financial reasons. Council Member Jensen said that it's for the financial and the property rights reasons and that historically since the city was established there have always been accessory apartments and he thinks that for this Council to make a decision that we are going to deny the property owners to use their property as a source of income or whatever other reason they use it for is improper.

Attorney Petersen stated that accessory apartments are not allowed now so we are not taking this away. Council Member Jensen said that is what he is presenting is the idea to make them legal.

Council Member Boyd asked just to clarify that we are defining or enhancing the definitions of *Caretaker* and *Personal Care Provider* and the rest of the ordinance is the same as it's always been and we will deal with it based on complaints as we have been doing. Attorney Petersen said that that was correct.

Mayor Call stated that in response to Ms. Taylor's comments, he will layout what he feels in regards to not allowing accessory apartments. The Mayor said that on the financial aspect of it we are not helping people with their car payments and he doesn't know why we will allow helping them with their house payments. He said it is not being cruel or cold hearted but the reality is that sometimes people get in over their heads or have circumstances in their lives change and it is not the government's obligation to take care of them. Mayor Call said that in

regards to property rights, all zoning laws restrict property rights and to say that we can't do this because we can't tell somebody what to do with their property is not correct, we do it all of time for instance they can't have giant billboards in their front yard, that is a zoning thing. The Mayor said that on a community level our job as an elected body is to enact these things so that good neighbors remain good neighbors. Mayor Call then stated that if we want to go back and reevaluate and if we want to allow accessory apartments in residential single family zones then he would ask the Council to be intellectually honest and rename the zones themselves, turn them into RM zones, Residential Multiple family zones.

Council Member Robinson commented that she does not want to reevaluate this issue.

The Mayor asked if there were any other questions or comments, there were none at this time. The Mayor then read the ordinance and asked for a motion.

**ACTION:** Council Member Jensen moved to deny adopting Ordinance 2010-15. Council Member Danklef seconded and the motion to deny passed with a three to two vote with Council Members Danklef, Jensen and Wilson voting "Yes" and Council Members Boyd and Robinson voting "No."

Mayor Call stated that the ordinance is denied and do we now want to talk about future consideration on this.

Attorney Petersen asked what we are going to do about the definitions that were defined and amended within this ordinance. Council Member Jensen suggested that those provisions of the ordinance that do need to be brought forward be considered and that he can go back and reconsider and revise his motion.

Mayor Call stated that in reconsidering, we need a motion to revise the motion that denies adopting Ordinance 2010-15.

**ACTION:** Council Member Jensen moved to reconsider and revise the motion to deny Ordinance 2010-15. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**ACTION:** Council Member Jensen moved to approve Ordinance 2010-15 with regard to amending the definitions of "Family" and "Fence" and striking the provision for prohibiting accessory apartments and the definitions for "Caretaker," "Personal Care Provider" and "Accessory Apartment." Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

Director Young stated that he wanted to be clear that we are receiving direction from the Council to reopen and come back forward with the discussion on accessory apartments. Mayor Call said that from three members, Council Members Danklef, Jensen and Wilson, you are receiving that direction. Administrator Darrington said that the discussion would be on creating legislation that would allow us to permit accessory apartments. Director Young stated that we have already done that so we can bring that back forward in a future work session and just review what that is, rather than trying to recreate it all because we have spent a lot of time in creating it.

**F. PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2010-16) AMENDING TITLE 10 CHAPTER 15 SUBSECTION 38 “FENCING” OF THE PLEASANT GROVE CITY MUNICIPAL CODE FOR THE PURPOSE OF ALLOWING HEDGES AND OTHER LANDSCAPING TO BE EXEMPT FROM BEING CONSIDERED FENCING MATERIAL, HOWEVER MAINTAINING REGULATIONS BASED ON ITS IMPACT AS SCREENING MATERIAL AND REQUIRING A FIVE FOOT (5’) SEPARATION FOR A SECOND FENCE ONLY WHEN THE SAME OWNER REQUESTING THE SECOND FENCE HAS AN EXISTING PROPERTY LINE FENCE; AND ADOPTING NEW REGULATIONS FOR THE MAINTENANCE AND NON-CONFORMING FENCING STANDARDS AND PROVIDING FOR AN EFFECTIVE DATE AT THE REQUEST OF PLEASANT GROVE CITY STAFF (CITYWIDE IMPACT)**

Attorney Petersen stated that this ordinance redefines what a fence is; currently we allow landscaping, other vegetation and hedges to be considered a fence, there is also a ten foot separation requirement between multiple fences. Attorney Petersen said that this amendment takes out the word “hedges” from the definition of a front yard fence and it allows each property owner to install an approved fence on the property line and if a fence already exists on the property line and the adjacent neighbor wishes to install their own fence, then the additional fence must be installed as close as possible to the neighbor’s fence. Secondary fencing may be installed subject to the provisions of Section K; the secondary fence must be a distance of five feet from the existing property line fence.

Council Member Jensen said that he had a question on hedges, she mentioned the front yard, is it currently prohibited for a property owner to put a hedge in the front of his property that may grow to ten feet. Attorney Petersen said that there is a height limit. Mayor Call stated that it follows the same guidelines for height limits on fences, three feet for the front yard, six feet for the side and rear yards, anything higher requires a conditional use permit.

Mayor Call asked if there were any questions for the staff before the public hearing, there were none. The Mayor then opened the meeting to the public for comment; in that no one came forward the Mayor closed the meeting to the public.

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

**ACTION:** Council Member Jensen moved to approve adopting Ordinance 2010-16 amending Title 10 Chapter 15 Subsection 38 “ redefining fencing for the purpose of allowing hedges and other landscaping to be exempt from being considered fencing material, however maintaining regulations based on its impact as screening material and requiring a five foot (5’) separation for a second fence only when the same owner requesting the second fence has an existing property line fence; and adopting new regulations for the maintenance and non-conforming fencing standards. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

**H. TO CONSIDER FOR ADOPTION A RESOLUTION (2010-050) AUTHORIZING THE MAYOR TO SIGN A BOUNDARY LINE AGREEMENT BETWEEN JUNE C. MONSON AND JESS H. MONSON, TRUSTEES OF THE JUNE C. MONSON**

**MARITAL AND FAMILY TRUST AND PLEASANT GROVE CITY FOR PROPERTY LOCATED AT APPROXIMATELY 100 NORTH AND 900 EAST AND PROVIDING FOR AN EFFECTIVE DATE (MONKEY TOWN NEIGHBORHOOD)**

City Engineer Lewis pointed out that this is for the Monson Tank property where we wanted to clean up the boundaries and this document resolves any property description conflicts. The Monson's are in agreement with the property descriptions delineating the boundary between the parcels.

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

**ACTION:** Council Member Wilson moved to approve Resolution 2010-050 authorizing the Mayor to sign a boundary line agreement with June C. Monson and Jess H. Monson, trustees of the June C. Monson Marital and Family Trust and Pleasant Grove City for property located at approximately 100 North and 900 East. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**I. TO CONSIDER FOR ADOPTION A RESOLUTION (2010-051) AUTHORIZING THE MAYOR TO SIGN A DEED FOR PLEASANT GROVE CITY TO COMBINE FIVE PARCELS INTO ONE SINGLE PIECE OF PROPERTY, FOR PROPERTY LOCATED AT APPROXIMATELY 100 NORTH 900 EAST, MONSON WATER TANK SITE AND PROVIDING FOR AN EFFECTIVE DATE (MONKEY TOWN NEIGHBORHOOD)**

City Engineer Lewis said that now that we have the boundary established this document will combine all five separate pieces of property together into one piece of property.

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

**ACTION:** Council Member Robinson moved to approve Resolution 2010-051 authorizing the Mayor to sign a deed to combine five parcels of land, that have been previously deeded to the City into one single parcel, for property located at approximately 100 North 900 East, the Monson Water Tank area. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**J. TO CONSIDER FOR ADOPTION A RESOLUTION (2010-052) APPOINTING AN INDIVIDUAL TO THE TIMPANOGOS SPECIAL SERVICE DISTRICT (TSSD) BOARD AND ESTABLISHING THE TERM OF SAID APPOINTMENT**

Mayor Call said that he had asked Council Member Jensen to take over the TSSD board seat that is assigned to Pleasant Grove and during this last week in discussions that Administrator Darrington has had with members of the County Commission, they are working now on taking another look at how the board is made up, and how it ought to be made up. The Mayor said that right now switching from Administrator Darrington who is our representative to Council

Member Jensen probably wouldn't make a lot of sense. Mayor Call said that he would like to not act on this item tonight and when the time comes we will bring it back up again.

Administrator Darrington said that we should table it indefinitely. Attorney Petersen agreed stating that we will have to take some form of action tonight.

Council Member Jensen stated that as part of our efforts that started back in January, one of the things we complained about was the way that they were conducting their board meetings where the voting was disproportionate to the percentage of contributions being made by the cities and asked them to revisit this and make it more equitable to the cities who are participating.

Administrator Darrington said that he does not want this to be oversold as to what the expectations are and the discussion with TSSD in regards to the bylaws, there was a state law passed that essentially said that the County Commission gets to determine who is on this board, and technically each city is not guaranteed a representative. Administrator Darrington said that there are some very high level discussions going on and that he does not know if we are going to see any change or not so it just makes sense at this point to not change our appointment because we are not quite sure what the process to appoint the new board members is going to be.

**ACTION:** Council Member Jensen moved to continue indefinitely adopting Resolution 2010-052 for appointing an individual to the TSSD Board. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

## **8. NEIGHBORHOOD ADVISORY BOARD AND STAFF BUSINESS**

- Engineer Lewis reported that the new traffic signal at 100 East and State Street is up and running.

Council Member Jensen asked if there was something that we could do about getting a concrete strip put in on Pleasant Grove Boulevard, the area by Central Bank as you are coming into the city, similar to the one that was just put in on State Street where this new traffic signal is, to help slow down the merging traffic. Engineer Lewis said that you could do that but that he does not recommend it because of the limited space between the curb on both sides and added that the raised island that was just put in on State Street is going to make snow plowing more difficult.

Council Member Boyd pointed out that at Discovery Park many times there are a large number of cars parked along 100 East, the people coming out of the park cannot see because of the cars parked on both sides. She asked if something could be done such as painting the curb red. Director Giles replied that we cannot do that because it is a state road and added that we have extended the parking there as much as we can.

- Director Bradford announced that there are two ribbon cutting ceremonies coming up, one is tomorrow at 1:00 p.m. at the Yoga Studio located at 37 South Main Street and the other one is this Thursday, the 23<sup>rd</sup> at 10:00 a.m. at Kate's Quilting Block located at 25 East 100 South.

- Chief Sanderson thanked the Mayor and Council for the opportunity to recognize the Firefighters who won the Firefighters Competition at the Heritage Festival.
- Administrator Darrington stated that he would like to go over the agenda for next week's meeting. Mayor Call said that we may want to contact North Pointe and American Fork Hospital to reschedule for another time. Administrator Darrington said that he will also contact Dennis Baker to let him know the situation with the public hearing to see if he will want to reschedule as well.

Administrator Darrington said that as a staff we have been dealing with Dennis Baker in regards to the zoning at the interchange and he has asked to meet in a work session with the Council to explain his position on some of the uses that he would like to see in the interchange zone.

Council Member Boyd asked to clarify that for next week's meeting at the Junior High that we are allowing a public hearing or is it just a public meeting. Mayor Call said that it is a public meeting and the chair can recommend to the Council to allow public comment. Council Member Boyd then said that we will not be making a motion or voting on anything we are just continuing the listening and information process. Administrator Darrington stated that the way he envisions the meeting is that the things that we have talked about in the last couple of work sessions regarding this issue, we will go over those again. He said that we will also take the time to go through each of the capital projects in each fund, so the discussion will be similar to the discussions we have already had we will just have a larger audience and they might have questions or other alternative solutions and after we discuss it as staff and Council, the Council can decide if they will allow public input. Administrator Darrington pointed out that the public will see that the Council is receiving the information and that this is a nuts and bolts thing and not something where the numbers are being manipulated to try to reach this certain end.

Administrator Darrington commented that he appreciates the process of what we go through when we have a meeting like this and that he appreciates what the elected officials have to say and as staff we recognize the pressures that you are under to try to accommodate the public but also what we would term in the best interest of the city. Administrator Darrington said that he felt supported as this issue was discussed and he appreciates that and thinks that we all understand that there is not a perfect solution but that when it is all said and done we are all going to feel good about the process that took place and the eventual decision.

Council Member Jensen expressed that he wanted staff to know how much we rely on them and when they come to the Council with information and give us full disclosure of what staff has been doing so everything is transparent, it does make it easier to look at what is before us and come to what he hopes would be a common sense decision that is the right thing to do for the city. Council Member Jensen noted that he is complimenting the staff and reiterating how important they are in this process and in making sure that what we have before us is their best work.

## **9. MAYOR AND COUNCIL BUSINESS**

- Council Member Danklef reported that the meeting with Fox Hollow Golf Course is this Thursday, the 23<sup>rd</sup> at 6:00 p.m.

Council Member Danklef mentioned that he was contacted by Jeremy Beckham regarding an article in the newspaper relative to the animal shelter selling animals to the University of Utah and that he is asking us to back out of their organization. Council Member Danklef said that he did tell him that we would sometime in the future discuss the possibility of what they are doing and that he did call the animal shelter to verify this information and was told that they would not comment on that. Lieutenant Roberts stated that he sits on the board for the Utah Valley Animal Shelter and that the only person that can comment on the issue is the Director, everyone else there are just employees who are not allowed to comment. Lieutenant Roberts said that he has been up to the University of Utah with the entire board and saw the whole process and that he would be happy to come to a meeting with the shelter's Director and educate the Council on what it is that they do and why they do it and also answer any questions. Administrator Darrington stated that when we do our Police Department presentation on October 12th at our work session we can add that on as well.

- Council Member Robinson remarked that she wants to commend the Mayor on the way he handled tonight's meeting.
- Council Member Jensen asked if we had any report about what is happening with the Rehabilitation Center. Engineer Lewis said that they are making some minor changes to the plat, part of what is holding them up is the property to the north and south with the deed lines and the descriptions not matching so they have to make some technical changes to the legal description.
- Mayor Call said that he will be out of town next week so Council Member Boyd will act as Mayor Pro Tem.

## **10. SIGNING OF PLATS**

No plats were signed at this time.

## **11. REVIEW CALENDAR**

Nothing was reviewed on the calendar at this time.

## **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 Jensen moved to approve the purchase orders for September 21, 2010. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

## **13. ADJOURN**

**ACTION:** At 10:25 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

This certifies that the City Council  
Minutes of September 21, 2010 are a true,  
full and correct copy as approved by  
the City Council on November 3, 2010

---

Colleen A. Mulvey, Deputy City Recorder

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