

**Pleasant Grove City Council Minutes**  
**May 18, 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

Tom Paul, Police Chief

Degen Lewis, City Engineer

Libby Flegal, NAB Chairperson

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

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**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Chief Paul.

**3. OPENING REMARKS**

Opening Remarks were given by Director Young.

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

**ACTION:** Council Member Jensen moved to approve the agenda. Council Member Robinson 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 Work Session Minutes for April 13, 2010  
City Council Work Session Minutes for April 27, 2010  
City Council Work Session Minutes for April 28, 2010  
City Council Minutes for May 4, 2010
- b. To consider Change Order No. One for the Street Rehabilitation Project 2010 for Geneva Rock Products, Inc.
- c. To consider Change Order No. Two for the Pressure Irrigation System – Schedule 8 for Johnston and Phillips Inc.
- d. To consider Change Order No. Three for the Pressure Irrigation Booster Pump Station – Schedule 7B for Vancon LLC
- e. To consider approval of paid vouchers (May 10, 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, Robinson and Wilson voting "Aye."

#### **6. OPEN SESSION**

Mayor Call explained to those present that if an item was not a public hearing or not on the agenda, they were welcome to come forward and address the Council.

Jonathan Freeman, 2366 Tuscany Circle came forward and inquired as to whether something is going to be done to fix the roads in their development. He explained that some of the natural springs beneath the roads have made the pavement unlevel and when the snow plows came through during the winter, it tore the roads up. Mayor Call asked what neighborhood he lived in. Mr. Freeman said that he lives in the North Field neighborhood, the Tuscany Farms subdivision.

Mayor Call asked Director Walker if he was aware of any specific problems in that neighborhood. Director Walker stated that they were. Mayor Call said that we do live on top of a lot of springs that freeze during the winter and do cause problems and he appreciates them bringing this to our attention and we will have our Public Works Department go out and take a look to see what can be done.

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. WELLS FARGO PRESENTATION TO PLEASANT GROVE CITY**

Roger Williams and Bradford Parkinson of Wells Fargo Bank said that they are very happy to be here and to have the opportunity to present this beautiful painting to the City. Mr. Williams introduced Harley Jacobs and said that his father K. Jacobs was the president of the Bank of Pleasant Grove which later became Deseret Bank and Holding Company and later First Security Bank and now Wells Fargo Bank and in 1978 they commissioned local artist Gary Smith to paint a painting that was significant of the early development of Pleasant Grove. Mr. Williams then read from the *Pleasant Grove Sesquicentennial History, Volume 1*, the chapter that explained the interaction of the Ute Indian tribe and the first Anglo-American settlers to the area.

Mr. Williams stated that they felt this painting ought to remain with Pleasant Grove City and it is their hope that the City will be able to find a place for it where people will be able to see it. Mr. Williams said that Wells Fargo Bank is very pleased to present this painting to the City and that they certainly appreciate the many clients that they have in this area.

Mayor Call remarked how grateful we are for this painting and we recognize its value, it's a scene from our history and it has been in our town for such a long time. Many people do recognize it from going into the bank so it is a wonderful thing to have here in our City and we really do appreciate it.

### **B. PRESENTATION OF THE UPDATED CITY WEBSITE TO CITY COUNCIL**

Administrator Darrington explained that about three months ago we discussed changing our website and making it a little more user friendly and making the information more easily accessible. Each department had a representative and we met weekly with Stewart Goodwin, our web design consultant for the last three months and we discussed how we wanted our website to look and to work. Administrator Darrington said that as far as the vision, we decided as a group that one of the things that we wanted to do was make it easier for people to look up what they came to the website for so we designed a few different ways to look things up. There are four "hot buttons" on the main page, which represent the four main things that we felt someone would be searching for, *Recreation Programs and News, Library Resources and Info, Development Resources and Info, Strawberry Days and Celebration*, and when Strawberry Days is over we can replace that with something that is more relevant to what is currently happening in the City. On the main page there is also what is called the slider that displays the latest news or events happening, the top green bar is basically broken down by departments and if you slide the mouse over each item it will display the different categories related to that department, also on this main page are the Quick Links that help to quickly navigate to a page and the catch all is the A-Z search link that will help the user select what information they are trying to find. Administrator

Darrington explained that the middle portion of the main page will be the latest information regarding what is happening in the city such as a press release or anything that we need to get out to the public in a timely manner. Administrator Darrington then turned the time over to Mr. Goodwin so that he can explain more of the details and answer any questions.

Mr. Goodwin said that a lot of the changes were covered but some of the other features that will be different than the current website are that we have integrated a custom Google search engine that will allow users to have much more comprehensive search results; we are also able to tie it in to other websites like the Library. The other improvement in the menu system is what is called a mega menu with multiple columns where we are able to fit a lot more information into different spots and allow people the ability to drill down into where they need to go a lot quicker. Mr. Goodwin said that on the contact page we have all of the different department contact information and a contact page from the Government link with a City email directory which allows users to contact the Mayor or City Council or Department Heads. Another feature is a Google map match up where we have the information for the different city parks and buildings so that people can get a view of where they are located as well as get directions. Mr. Goodwin said that these are the major feature changes the other thing is just the reworking of how the content is organized so that it is a bit more user friendly.

Administrator Darrington mentioned that the employees that were involved in this project put a lot of time and thought into this, and we had a lot of ideas on how this should look and work and Mr. Goodwin did a great job of putting this together and making it functional.

Mayor Call stated that he likes the functionality a lot better and having multiple ways to get to the same information. Mr. Goodwin said with the analytics that are installed we will be able to review what is happening on the site monthly and make adjustments to the menus and links if needed. Mr. Goodwin stated that we are now looking for approval from the Council and if there are no objections we can take it live.

Mayor Call asked if the Council saw any reason why they should not move forward and go live with this updated website, the Council indicated that they were fine with moving forward. Mayor Call thanked Mr. Goodwin and the staff for their input and good work on this update.

**C. PUBLIC HEARING TO CONSIDER A RESOLUTION (2010-028) AMENDING THE FEE SCHEDULE CHARGED BY THE UTILITY DEPARTMENT TO INCREASE THE LATE FEES ON UTILITY BILLS AND ESTABLISHING AN EFFECTIVE DATE (CITY WIDE IMPACT)**

Administrator Darrington explained that one of our issues in the Utility Department are people who pay late, particularly those who are habitually late with payment. There are a couple of items that we will be adopting, one is that we will formalize a payment plan for people who cannot make the payments and they can come in and set up with us a plan that outlines their terms, they sign it and this makes it quite clear if they follow the plan they can get their bill paid off and we won't shut off the water and if for whatever reason they don't follow the plan since

we have it in writing that they agreed to this then we will go in and shut the water off. Before people get to that phase we are trying to do the best we can to get them to pay their bills before we have to get to this water shut off phase. Administrator Darrington said that right now we have a late fee that is already a part of our ordinance which is ten dollars and at that point if they are two months or over one hundred dollars late, a shut off notice is posted on the bill, an automated phone call is made the day of termination, we knock on the door giving a final chance for residents to pay or make arrangements and a twenty dollar turn off fee is charged. With this new program we would send out an additional mailer informing them that they are past due and this additional mailer will add five more dollars to the ten dollar late fee, so at this point the late fee would be fifteen dollars. This second notice will inform the customer that in order to avoid disconnection the past due amount must be made by 5:00 p.m. the day before the disconnection date on the notice, if a city employee is sent to service the address an additional twenty dollar fee will be added. In the case where the services are disconnected, a fifty dollar fee will be added to the account. We are adding three fees, five dollars for the notice fee, twenty dollars for a dispatch fee and fifty dollars for the water turn on fee, hopefully to get people motivated to pay their bills. The new additional notice that we will be sending out will outline all of these steps we are taking so if they don't follow the procedures it spells out what each next step will be so it shouldn't be a surprise to them when we come to turn off the water. We are creating a payment system that puts a standard in place to work out an agreement that they sign and agree to.

Mayor Call asked what we will be doing to notify the public in general about these new fees and terms. Administrator Darrington said that this is something that we have to educate people on, we will use the website. Utility Billing Specialist, Scott Wells said that the first notice is printed right on the bill; they are already notified that they are past due and that if the bill is not paid they will receive an additional notice and the five dollar fee will apply to that.

Mayor Call asked if there were any questions, there were none. The Mayor then stated that this was a public hearing and opened the meeting to the public for comment. In that no one came forward, the Mayor closed the meeting to the public and asked for a motion.

**ACTION:** Council Member Robinson moved to approve Resolution 2010-028 establishing additional fees for delinquent utility services including increasing reconnection fees. A public hearing was held. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**D. TO CONSIDER A RESOLUTION (2010-029) DECLARING VCBO ARCHITECTURE AS THE CIVIC CENTER FACILITY NEEDS ASSESSMENT AND CONCEPTUAL DESIGN TEAM (CITY WIDE IMPACT)**

Director Young stated that we have had successful negotiations with VCBO as the designated architectural firm to help us with the plans for the Civic Center Conceptual Design and Facilities Needs Assessment. After giving them our more detailed scope of work which did include some additional tasks that were not listed in the initial request, the amount that they have come back with to accomplish this task is sixty eight thousand dollars. Director Young said that their new

proposal does meet what we are expecting them to accomplish and we feel that it is a fair price, what it does not include is additional consulting by Fehr & Peers Transportation Consultants, they did give us a proposed amount for that but staff has determined that at this time we may want to hold off on performing some of the transportation analysis and determine at what specific level we need that. We do have some information available to us, both at a staff level and through the Transportation Master Plan which was done by Horrocks Engineers and we feel that Horrocks can help us go a little bit further down that road, so before we get into a new contract with Fehr & Peers we want to review that a little bit further and we may even determine that we don't need it. Director Young stated that at this point in time we recommend that we do designate VCBO as the firm to do our conceptual design and facilities needs assessment for the Civic Center.

Administrator Darrington said that the cost for the contract with Fehr & Peers was for twenty six thousand dollars extra and that is why we decided to take a look and see how much we actually need before we sign any contracts for that. Also once we pass the resolution we can get started with VCBO, but they are probably going to want a formal agreement and we will get that back in front of the Council but at least now we can start the process of planning when we are going to hold our meetings and move forward.

Council Member Boyd wanted to reiterate where this money is coming from. Mayor Call stated that the public should be aware that one hundred percent of this money that we are spending has come from a Federal Grant that was specifically earmarked to us for economic development and community development.

Mayor Call asked if there were any questions or comments, in that there were none the Mayor read Resolution 2010-029 and asked for a motion.

**ACTION:** Council Member Wilson moved to approve Resolution 2010-029 declaring VCBO Architecture as the Civic Center Facility Needs Assessment and Conceptual Design Team. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

**E. TO CONSIDER THE REQUEST OF RYAN BYBEE AT CADENCE CAPITAL FOR AN EXTENSION OF TIME TO CONSTRUCT THE IMPROVEMENTS REQUIRED FOR THE SUNBROOK PLAT A SUBDIVISION, IN THE R1-20 (SINGLE FAMILY RESIDENTIAL 20,000 SQ FT LOT AREA) ZONE (NORTH FIELD NEIGHBORHOOD)**

Director Young explained that this item is for a six month extension of time for the new owner Cadence Capital to complete the improvements. This plat was previously approved by the Council but the timeframe that was extended for the developer to complete the improvements has been exceeded because the previous owner had the property taken by the bank.

Mayor Call asked if there were questions for staff, there were none. The Mayor then asked for a motion.

**ACTION:** Council Member Boyd moved to approve the request of Ryan Bybee at Cadence Capital for an extension of six months to construct the improvements required for the Sunbrook Plat A Subdivision in the R1-20 zone. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

#### **F. PRESENTATION AND DISCUSSION ONLY REGARDING THE COMPLETION OF THE BELLE MONET DEVELOPMENT PHASES 3 & 4**

Director Young said that he will give a brief overview and then turn the time over to the applicant for their discussion with the Council. The northern phases three and four of Belle Monet are uncompleted or not constructed and with new market situations the new owners of these particular phases would like to look at a different scenario as far as the construction of these units. They have proposed to Community Development that they do follow through with the same type of construction as is currently there but that they become apartments rather than condominiums. So before they go through with the re-platting of those particular phases which it would require, we wanted to have them have a discussion with the Council because there have been some concerns in the past regarding apartments in this area.

Dave Carsen stated that they have a tentative lender that is interested in funding this project and they have been working on this project since May 2008, they have had funds drawn up in September 2008 in the form of bonds which were insured by AIG and when they declared bankruptcy we lost our bonds and since then we have had to be very creative on trying to find some funds to do this project. Mr. Carsen said that they understand that the condominium market here in Utah is really good but that most lenders across the country don't see that and think that Utah is going to follow suit. He said that we do have a lender that says they are willing to fund on this but it will be a HUD (Housing and Urban Development) type funding which means that we would not be able to sell the units for up to five years, they are saying that if we can turn them into apartments for five years they would be willing to fund on it and we would be able to move forward and get this thing built. Mr. Carsen said that they are looking to see if there is anything they can do to get the Council to cooperate with them and help make this a reality. He added that they want to keep long term tenants and are not looking to do short term rentals and will look into the possibility of getting the renters an option to purchase at the five year mark giving them the ability to use some of their rent into their down payment. Mr. Carsen said that they want to keep this community exactly as it is, they don't want to change anything, it is just a matter of packaging it as apartments so that our lenders feel more comfortable.

Council Member Boyd asked if the density would increase. Mr. Carsen said that the density would stay exactly the same. Council Member Boyd then asked what happens with the people that have purchased and they are participating in an HOA (Home Owners Association) and how does that work with the new apartment situation. Mr. Carsen said that that is something that we are going to have to work out with them and that they wanted to see if they could get Council's

approval on something like that first before we approached them. Council Member Boyd stated that her concern here is with the owners that already live there and have invested in it and this may be selling them short by allowing a different environment.

Council Member Robinson asked exactly what they were looking to get approval on. Mr. Carsen stated that it is the funding, they are purchasing the project as is and purchasing all of the architectural designs and want to keep it exactly the same, it is already set up in an apartment style format they just want to change the wording on it and call them apartments for a few years before we sell. Council Member Robinson asked if the cost of the apartment would absorb the homeowner's fees. Mr. Carsen stated that they would have to work something out to make sure that that would be the case; they do not want to upset the balance that is already there. Mr. Carsen said that they would love to keep them as condominiums but unfortunately the funding issue has been really difficult, there are not lenders that want to lend on condominiums especially with all of the FHA (Federal Housing Administration) regulations right now. Mr. Carsen said that they are hoping that by doing this they can get these built, get that land developed and keep it in good standing.

Council Member Wilson stated that his concern with this is that there are many people who have bought condominiums to live there and once we change it, you can't go back and that he does understand their intentions but once it changes it can never go back to the way it was. Council Member Wilson said that it brings in the element that this area will become run down because it will not be owner occupied, when you own it then you take care of it.

Council Member Jensen asked if HUD was okay with lease or rent options. Mr. Carsen said that they are not exactly sure at this point. Council Member Jensen stated that he also has some other concerns such as the density of its apartments, green space and accessibility and that it is his hope that this goes back to the Planning Commission and they start over with this because it needs to be looked at differently when it will not be owner occupied.

Attorney Petersen stated that this will have to go back through the Planning Commission process because this will have to be platted. Attorney Petersen added that what they are trying to do tonight is get a feel from the Council on whether or not you would be willing to entertain their idea.

Council Member Danklef asked if any research had been done on this. Attorney Petersen stated that we have some questions still with regard to whether or not they can convert the condominiums into apartments in terms of the HOA issues, it doesn't sound like they have explored that yet, but the condominium statute requires that if it's been turned over to an HOA, the original developer no longer controls the HOA. Attorney Petersen said that they would probably have to get permission from three quarters of the home owners in the development to make that conversion, so there are some significant hurdles that they would have to overcome to implement their plan. Attorney Petersen said that at this point she is not willing to say that it is even possible, but they are here just to see if it is something that the Council would be willing to look at if they surmount all of the other hurdles.

Attorney Petersen then said that Mr. Carsen mentioned that it was HUD and FHA funds that they will be using and that there is a restriction on owner occupancy for five years and is any portion of that designated for low income housing, are they going to be restricted on a certain percentage of units that will have to be reserved for low income housing? Mr. Carsen said that he could not give a direct answer on that, they do know that they are on the bottom end of what these are available to sell for, we have got them as low as we can go at one hundred and fifty thousand dollars and we have reserved two units specifically that we want to give out to the community to individuals who could possibly use something like that. Mr. Carsen stated that they want to work with the community and to make sure that everybody is on our side and that we are on their side we are not here to simply just make money, we are here to work with the community and make a profit at the same time.

Administrator Darrington said that it would also be good for the Council to know that in this particular zone apartments are a permitted use, so if they do head down this road there might be certain things that they have rights and entitlements to. A lot of what this is going to hinge on is their relationship with the HOA as opposed to the City saying that we do not want any more apartments in our city.

Mayor Call said that he feels the proper thing to do now because we are not taking action on this item tonight and the developer is just trying to gage the attitude of the Council, that one by one let us just take a poll to see where we are at with this. Council Member Boyd said “no.” Council Member Danklef said that he would say okay if they had the approval of the HOA already. Council Member Robinson said “lukewarm.” Council Member Jensen said that in the absence of enough information, “no.” Council Member Wilson said “no.”

Mayor Call then said that that should give a feel for were the Council sits on this and that it doesn't mean it's definite one way or the other but that he thinks it is smart of them to come forward to the Council as the first thing to get a sense of how this is perceived and now you can proceed at your own risk or reward.

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

- Neighborhood Chairperson Flegal reported that Director Bradford attended their meeting today and spoke to them about the situation with the hotel project and it was very helpful to have our questions and concerns addressed.
- Engineer Lewis said the he had a meeting with a representative of RBC and they drove around the Mayfield site so they could become more familiar with the site and they are still moving forward with the foreclosure and expect to take control of the project by the end of June.
- Director Walker stated that they have started the overlays and are currently working on 1100 North, the entire stretch from 100 East to the border, from there they will go on to

Locust Avenue and then on to 1800 North and 2600 North.

- Administrator Darrington said that for the work session next week we will be discussing social media and zoning in the Grove area and also some more discussion on the budget as a follow up to some items that the Council inquired about.

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

- Council Member Boyd said that she remembers that apartments were not allowed in the Grove and would like that researched so that we can include that in our discussion next week.
- Council Member Danklef said that he attended the Department of Transportation meeting today in Orem and stated that it was very informative about what they have planned for the next three years. All of the Mayors and Council members present were pleading to them that they restore the money for Geneva Road and SR-73. UTA was also there and they talked about the FrontRunner, it's forty percent complete but it is not due to be implemented until 2014.
- Council Member Robinson asked about our social media and does that encompass marketing because there has been some discussion in Community Development about the Strawberry Days sign and are there any plans going into that and are we going to attempt to replace it. Attorney Petersen said that the sign belongs to the Strawberry Days Association and there are still some ongoing negotiations with UDOT about replacing the sign and where it can go because it is on the State road.

Council Member Robinson mentioned that she has seen quite a bit of signage and marketing out there about the Pony Express Days but that it strikes her that Pleasant Grove really doesn't have anything out there for Strawberry Days or even marketing for the city as a whole. Mayor Call stated that Eagle Mountain is being very aggressive with advertising right now. Administrator Darrington added that that was a concerted effort on the part of Eagle Mountain City; they are spending a good amount of money on a campaign to raise the profile of their city.

- Council Member Jensen stated that he would like to have as a discussion in one of our work sessions, a review of our Master Plan for our roads and streets with the idea of looking at the possibility of identifying some roads and streets that would be exempt from any future requirements to put in sidewalks, these are mostly country lanes. Mayor Call said that that is a good item to discuss so let's put that on a future agenda.

Council Member Jensen said that he would like to get a feel from the Council about beginning discussions with Allied Waste to look at starting "Green Waste" recycling. Mayor Call said that that can also be put on a future work session agenda.

- Mayor Call stated that he will be out of town from June 19 -23.

#### **10. SIGNING OF PLATS**

No plats were signed at this time.

#### **11. REVIEW CALENDAR**

The 50<sup>th</sup> Annual Fireman's Breakfast will be held on Saturday, May 29<sup>th</sup> starting at 6:00 a.m. to 11:00 a.m.

The Memorial Day program will be held at the Memorial Gardens on May 31<sup>st</sup> at 9:00 a.m. World War II Veteran, Leonard Carter and decorated Veteran, Officer Jeff Long of Orem will be the speakers.

Mayor Call mentioned that we will be helping the Marketing on Main group with the cleanup of the downtown area for our work session meeting next week, it will start at 6:00 p.m. and we will meet on Main Street.

#### **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 May 18, 2010. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

#### **13. ADJOURN**

**ACTION:** At 7:15 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting "Aye."

This certifies that the City Council Minutes of May 18, 2010 are a true, full and correct copy as approved by the City Council on June 22, 2010

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Colleen A. Mulvey, Deputy City Recorder