

Pleasant Grove City Council Meeting Minutes
July 2, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd
Lee G. Jensen
Cyd LeMone
Jay Meacham
Kim Robinson

Staff Present:

Scott Darrington, City Administrator
Dean Lundell, Finance Director
Degen Lewis, City Engineer
Tina Petersen, City Attorney
April Harrison, Arts and Culture Director
David Larson, Assistant to the City Admin
Deon Giles, Parks and Recreation Director
Kathy Kresser, City Recorder
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Ken Young, Community Development Director
Libby Flegal, NAB Chairperson
Lynn Walker, Public Works Director

Other:

Representative Green

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah at 6:00 p.m.

1) **CALL TO ORDER**

Mayor Call called the meeting to order and noted that Council Members Boyd, Jensen, LeMone, Meacham, and Robinson were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Council Member, Cyd LeMone.

Council Member LeMone wished everyone a safe and happy Fourth of July. She asked that each person fly a flag for the holiday. She distributed flag pins and following the Pledge of Allegiance she played the Star Spangled Banner.

3) **OPENING REMARKS**

The Opening Remarks were given by Council Member LeMone.

4) **APPROVAL OF MEETINGS AGENDA**

Administrator Darrington stated that item “a” would be continued. Mayor Call stated that an Executive Session would be held at the end of the meeting to discuss pending litigation and the character, professional, confidential, physical, and mental health of and individual.

ACTION: Council Member Boyd moved to approve the agenda. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

5) **CONSENT ITEMS**

- a) **City Council and Work Session Minutes:
City Council Work Session Minutes for January 8, 2013;
Joint City Council and Planning Commission Minutes for January 22, 2013;
City Council Work Session Minutes for January 29, 2013;
City Council Minutes for May 21, 2013;
City Council Work Session Minutes for May 28, 2013;
City Council Minutes for June 4, 2013.**

- b) **To Consider for Approval Paid Vouchers for (June 10, 24 and 27, 2013).**

ACTION: Council Member Boyd moved to approve the consent items. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

6) **OPEN SESSION**

Mayor Call opened the public session.

Richard King gave his address as 1128 East Mahogany Lane and stated that his secondary water system has nearly no pressure. Mayor Call suggested Mr. King meet with Public Works Director, Lynn Walker, to discuss and resolve the issue. Mayor Call asked if this was a recent problem or an ongoing issue. Mr. King stated that they had pressure on Thursday, June 20 and by Saturday it was much lower and has consistently decreased each day. They were below the point where sprinkler systems are designed to operate.

Fire Chief, Marc Sanderson, stated that he emailed Mr. King regarding the fire hydrant system. He explained that the hydrant system is pressurized through the culinary water system, which is different than the secondary water system. As far as fire protection, the City is safe and prepared. Director Walker agreed to speak directly to Mr. King.

There were no further public comments. Mayor Call closed the public session.

7) **BUSINESS**

A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-22) TO REZONE 38 ACRES OF PROPERTY FROM RR (RURAL RESIDENTIAL) TO R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE, LOCATED AT APPROXIMATELY 1450 WEST 3300 NORTH; AND PROVIDING FOR AN EFFECTIVE DATE. (APPLICANT: THE WARNICK FAMILY) (MANILA NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Administrator Darrington stated that staff spoke with the Warnick family and suggested they address the Council about the specifics of their proposal. He felt it would be useful for the Warnick family to get feedback from the Council. They asked to be moved to the July 16 meeting. Mayor Call suggested the July 16 meeting not be a public hearing, which could be conducted later.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-23) AMENDING THE TRANSPORTATION MASTER PLAN IN REGARDS TO THE PLANNED CONNECTION OF 800 NORTH TO 100 EAST. (LITTLE DENMARK NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Community Development Director, Ken Young, stated that the matter has come before the City several times in the past. The City would like to resolve the issue. The request came before the Planning Commission and their recommendation was that the City amend the Transportation Master Plan and not allow a connection for the roadway. With respect to public safety, he thought it would be better for the connection to be created.

Mayor Call asked to hear from public safety officers and other staff members on the issue. Police Chief, Mike Smith, did not have a strong position either way and was of the opinion that neither option would be a safety issue in terms of traffic flow.

Chief Sanderson stated that for the Fire Department, the issue is accessibility to the 800 North corridor. Coming off of 100 East would provide better access in the event of a fire or medical response. He was in favor of keeping the possibility of future connection.

City Engineer, Degen Lewis, stated that the size of the block is his main concern. Like Chief Sanderson, he was concerned about accessibility. He stated that there is a piece of property just east of 1300 West. When it develops, the road will come out at 780 North. The 800 North corridor continues beyond just this neighborhood.

Engineer Lewis briefly looked at the changes to the Transportation Master Plan. Horrocks Engineering indicated that the model assumes the road is connected and moves roughly 4,000 cars off of a segment of 800 North with 2,500 of those cars being moved to 400 North. He noted that 400 North will take more traffic than originally anticipated and 1100 North will pick up the rest if the connection is not made.

Engineer Lewis stated that there are challenges with respect to Pleasant Grove Junior High being on that road, but the Jr. High renovations demonstrate how problems can be resolved. There used to be a parking and access problem at the school but that situation has improved. It was possible to develop the Timothy parcel while preserving the corridor. He stated that there was concern with making the connection in the near term.

Engineer Lewis' suggestion was to leave the Master Plan as-is and look for ways to accommodate both the Timothy's desire to develop their property and provide for the connectivity in the long

term. Engineer Lewis explained that as they look into developing the Pipe Plant Property they know it is not going to develop as residential as originally assumed in the Transportation Master Plan. It will develop in ways that allow the City to use it. There will likely be a considerable traffic flow into the area that does not exist presently.

Mayor Call opened the public hearing.

Sharon Mouritsen, a City resident, reported that she owns a home in the development area. They have asked the City for eight years to change the Transportation Master Plan. They went to the Planning Commission who after eight years decided to recommend that the City Council change the Master Plan. Ms. Mouritsen stated that they have done their due diligence and did not think the City should need more time to consider the situation. She stated that it will be very safe for the children who walk to the school. There will be no problem with cars dropping off or picking up students and there is no congestion or traffic. She asked that the Council approve the request so that they can have a peaceful quiet neighborhood.

Jennifer Baptista, a resident, gave her address as 32 North 1300 East. Ms. Baptista was present representing the school and reported that she has attended every meeting on this issue since 2006. She was present to answer questions and recommended the Council make the changes recommended by the Planning Commission.

Council Member Boyd asked if Ms. Baptista thought the issues were the same as when the Council previously discussed them. Ms. Baptista stated that the safety issues are worse. The volume of the school has grown so much that next year Valley View will no longer be part of the Junior High. Projections show that even with the removal of Valley View the school will still continue to grow. Ms. Baptista stated that this year there were 1,493 students and next year it is projected to remain at around 1,400 due to the removal of Valley View. The estimated number of students in the next five years will push them beyond their maximum of 2,000 students.

There were no further public comments. Mayor Call closed the public hearing.

Council Member Boyd commented that she has not changed her mind and still feels like it needs to be removed. She noted that all of the roads will lead to the Junior High and create more traffic. She was more in favor of the change if it was going further east.

Council Member Meacham's opinion also had not changed and he wanted to see the road go through. There are problems that exist currently that will need to be modified in the near or distant future. He remarked that there is too great a distance between 1100 North and 500 North to remove it to address both safety and accessibility concerns. Council Member Meacham reported that he had a conversation with two Alpine School District Superintendents who recognized the issue and were willing to work with the City. If the connection is made they understand that changes and modifications will have to be made with the Junior High. They requested that the City provide enough notice to allow them to budget for the changes.

Council Member Meacham had an issue with encouraging public use of private property. While it is orderly now, this was not something the City should want to promote in terms of pedestrians walking through the church property. He thought a controlled intersection would be safer.

Council Member LeMone also had not changed her mind since their last discussion and pointed out that safety is her top priority. She doubted the Alpine School District would make room in their

budget for the necessary changes after eight years of being uninvolved. If the school district had come forth with a plan detailing what needed to be done and how it would be funded she might feel differently, however, she did not expect anything to happen any time soon. Her concerns were for the safety of children. She was not convinced that another option was better.

Council Member Robinson agreed with the experts who understand the needs of the City to move forward. She noted that Engineer Lewis, John Schiess, Chief Sanderson, and Horrocks have all reported the same findings. When considering growth in the City it is evident that there will continue to be more concentrated traffic. Council Member Robinson liked Engineer Lewis' suggestion of leaving it in the Master Plan while allowing the Timothys to move forward. She considered safety to be first and foremost in everyone's mind but she did not feel the Traffic Master Plan was looking at the due diligence of the entire community. She remarked that this is the City Council's responsibility and they have to look to the future needs of the community. Council Member Robinson stated that she would vote to have it remain in the Master Plan.

Council Member Jensen remarked that his position has been unchanged for eight years. His main concern was that he does not think what is proposed creates a safe environment for students. Having the road go through will contribute to congestion at the school. He did not think eastbound traffic was enough of a reason to approve the amendment through. Council Member Jensen did not want to add more congestion to 100 East or more safety issues for students. He felt it was time to let the neighbors, school, and property owners know where the City Council stands.

Mayor Call stated that it appears to be clear where everyone stands. He wanted the public to understand that it has taken a long time to get to this point because it is a weighty matter and pertains to both safety and what is best for the City in the long term. He wanted the public to recognize that when a vote is taken each member of the Council will vote in accordance with their conscience.

ACTION: Council Member Jensen moved to approve Ordinance 2013-23 removing the planned connection of 800 North to 100 East on figure seven of the Transportation Master Plan and providing for an effective date. Council Member Boyd seconded the motion. A voice vote was taken and the motion passed 3-to-2 with Council Members Boyd, LeMone and Jensen voting "Aye" and Council Members Meacham and Robinson voting "Nay."

- C) **TO CONSIDER FOR ADOPTION A RESOLUTION (2013-021) AUTHORIZING THE MAYOR TO DECLARE APPROXIMATELY ELEVEN THOUSAND (11,000) HISTORICAL BRICK AS SURPLUS AND DIRECT THAT THEY BE SOLD ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: DIRECTOR GILES.**

Parks and Recreation Director, Deon Giles, stated that a few years ago the City received approximately 15,000 bricks from a project on Main Street. They are historic in nature and the City had planned to use them but found that they deteriorate quickly and are not suitable for the uses the City had in mind. Director Giles stated that there is a local service club interested in making modifications to their building and landscaping. Council Member Jensen asked if the only option was to sell the bricks as opposed to donating them. Director Giles stated that the first step was to declare the bricks surplus and decide what they are being sold for. City Attorney, Tina Petersen, stated that no negotiations had taken place with respect to the terms of that deal.

ACTION: Council Member Meacham moved to approve Resolution 2013-021 authorizing the Mayor to declare approximately 11,000 historic bricks as surplus property and direct that they be sold or disposed of according to the City's policy for disposing of surplus property. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting "Aye."

D) TO CONSIDER FOR APPROVAL A RESOLUTION (2013-022) AUTHORIZING THE MAYOR TO SIGN A BOUNDARY LINE AGREEMENT BETWEEN PLEASANT GROVE CITY AND AVERY BROWN AND ERIN CARTER BROWN TO ADJUST CERTAIN BOUNDARY LINES FOR PROPERTY LOCATED AT APPROXIMATELY 115 SOUTH 980 EAST; AND PROVIDING FOR AN EFFECTIVE DATE. (SCRATCH GRAVEL NEIGHBORHOOD) PRESENTER: ENGINEER LEWIS.

Engineer Lewis stated that the proposed resolution pertains to property just east of 980 East. Avery and Erin Carter purchased the property and want to develop a subdivision. The title indicates that their property line runs along the fence line where the sidewalk is proposed. It will jog out roughly five feet and back which leaves a gap in the description. With the gap in the title it theoretically means that no one owns that parcel of property. Engineer Lewis explained that the document states that the City and property owners agree that the fence is the property boundary and will close the gap and allow them to move forward with their development plans.

Mayor Call stated that while he lives in this neighborhood he did not feel it necessary to recuse himself since there is nothing controversial in the decision.

ACTION: Council Member LeMone moved to approve Resolution 2013-022 authorizing the Mayor to sign a boundary line agreement between Avery Brown and Erin Carter Brown and Pleasant Grove City to clarify or correct a minor difference on a certain boundary line along 115 South 980 East. Council Member Meacham seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting "Aye."

E) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-023) AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED BETWEEN PLEASANT GROVE CITY AND WAGSTAFF INVESTMENTS LLC, FOR A STORM DRAIN DETENTION/POND EASEMENT FOR PROPERTY LOCATED AT LOT #3 OF THE DANA POINT PLAT "B" SUBDIVISION; AND PROVIDING FOR AN EFFECTIVE DATE. (SAM WHITE'S LANE NEIGHBORHOOD) PRESENTER: ENGINEER LEWIS.

Engineer Lewis stated that the proposed resolution pertains to a swap of an easement located on the property where Holiday Oil is being constructed. When the subdivision plat was recorded there was a small detention basin area that was somewhat square in shape. As they laid out their site plan they needed room for vehicles to turn around. They were in actuality proposing the same detention volume in a different shape. Council Member Meacham asked if what is proposed is a change in volume rather than area. Engineer Lewis verified that the area is changing but the detention volume will remain the same.

ACTION: Council Member Meacham moved to approve Resolution 2013-023 authorizing the Mayor to sign a Quit Claim Deed between Pleasant Grove City and Wagstaff Investments, LLC.

Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting "Aye."

- F) **TO CONSIDER FOR APPROVAL MIKE WAGSTAFF'S REQUEST FOR A CLASS "A" OFF-PREMISE BEER LICENSE FOR THE NEW HOLIDAY OIL #54 CONVENIENCE STORE/FUEL STATION, LOCATED AT 579 SOUTH PLEASANT GROVE BOULEVARD. (SAM WHITE'S LANE NEIGHBORHOOD) PRESENTER: ATTORNEY PETERSEN.**

Attorney Petersen stated that the above application is a request for an onsite beer license by the owners of the new Holiday Oil gas station. Council Member Jensen asked if they are aware of the drive-up restriction contained in the City's ordinance. Attorney Petersen agreed to make the applicants aware.

ACTION: Council Member Jensen moved to approve Mike Wagstaff's request for a Class A Off-Premise Beer License for the new Holiday Oil #54 convenience store/fuel station, located at 579 South Pleasant Grove Boulevard. Council Member Boyd seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting "Aye."

- G) **TO CONSIDER FOR ADOPTION A RESOLUTION (2013-024) AUTHORIZING THE MAYOR TO SIGN A NON-EXCLUSIVE EASEMENT WITH AMERICAN FIBER FOR THE PURPOSE OF INGRESS AND EGRESS AND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND REPAIR OF UTILITY LINES, CABLES AND CONDUITS TO ACCOMMODATE THEIR SERVICE FACILITIES IN THE AREA OF 485 WEST AND 220 SOUTH (SHANNON FIELDS) AND 900 WEST 2600 NORTH AND PROVIDING FOR AN EFFECTIVE DATE. (SAM WHITE'S LANE NEIGHBORHOOD) PRESENTER: ENGINEER LEWIS.**

Engineer Lewis stated that American Fiber is a local telecommunications company that is requesting an easement on the rodeo grounds in the Shannon Fields area as well as at the intersection of 900 West and 2600 North. American Fiber is not doing a great deal of business in Pleasant Grove so rather than pursue a franchise agreement; the easement seemed like the best option. They are proposing a connection from the manhole located on the UTA railroad right-of-way and along the east boundary of the park near the detention pond. It will continue across the property to the west to the cell towers.

Engineer Lewis stated they are using the same corridor that Century Link currently uses. As compensation for the easements, they are providing the City with an additional line of conduit in the Shannon Fields area, which gives the City the ability to get through the property to connect down to Public Works at a future date. The franchise agreement with Rocky Mountain Power allows the City to co-locate on the poles.

Mayor Call asked who is paying for the conduit. Engineer Lewis reported that American Fiber will pay all costs. There will be no cost to the City. Council Member Meacham asked if there is talk of a future public works building. Engineer Lewis stated that staff has discussed the idea as they have thought of potential uses for the Pipe Plant. In the near term, however, things will remain as they are.

ACTION: Council Member LeMone moved to approve Resolution 2013-024, authorizing the Mayor to sign a non-exclusive easement with American Fiber for the purpose of ingress and egress and the construction, reconstruction, maintenance, and repair of utility lines, cables, and conduits to accommodate their service facilities in the area of 485 West and 220 South (Shannon Fields) and 900 West 2600 North. Council Member Jensen seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.”

H) TO CONSIDER AWARDING THE 2013-2015 STREET PRESERVATION – MICRO SURFACING BID TO GENEVA ROCK PRODUCTS. PRESENTER: DEGEN LEWIS.

Engineer Lewis stated that as part of the City’s Street Preservation Plan, various treatments and studies were performed on the City’s roads to determine pavement condition. One item that was recommended on the roads is known as micro-surfacing, which has been done on Center Street in the past. The second item recommended was referred to as a high density mineral aggregate mix. Engineer Lewis stated that the plan is to micro-surface all of 200 South and 600 West. It is a pavement preservation process with the thought being that better roads will cost the City less. They will take roads that appear to be in good condition and keep them that way.

Engineer Lewis said that the contracts are set up as three-year contracts. Both items have fixed bids for that three-year period. Next year the City will contact Geneva Rock with respect to the micro-surface and tell them what area they want done. They will document their costs and the City will fix the price. If their costs increase by more than 10% they have the right to ask the City to renegotiate the price set forth in the contract. The reverse is also true. If costs were to drop dramatically, the City has the right to ask them to renegotiate the contract.

Engineer Lewis stated that the first year has been bid but he is not familiar with the mechanics of years two and three. He noted that they can come before the Council each year to report their progress. Mayor Call clarified that the price has already been set for three years.

Council Member Jensen asked what the total budget allocated for the three years is. Finance Director, Dean Lundell, stated that the City gets roughly \$900,000 a year in Class C Road Funds with approximately \$750,000 used for the bond. Mayor Call stated that the City also allocated an additional \$200,000 from the General Fund for streets.

Mayor Call asked for a report or document showing what the City learned from the study and what the plan is moving forward. Engineer Lewis agreed to follow up with Director Walker to get the document. He added that there is a list of priorities he can provide to the Mayor and Council.

Council Member Boyd stated that because the micro-surfacing is going on roads that have recently been paved, she felt they need to get information to the public explaining why they are being worked on since they appear to be in good condition. Mayor Call suggested publishing a FAQ. Administrator Darrington agreed to put together an education plan regarding roads as well as an update to the public facilities FAQ. Engineer Lewis also including a priority list of what is planned for the various roads.

Council Member LeMone asked if it is just a matter of revenue with regard to why the streets that are in very bad condition are not being fixed before the roads that are in less need of repair. Engineer Lewis stated that the City’s budget of \$400,000 to \$500,000 will not go very far on roads,

especially when efforts are being made to pave a road. Council Member Jensen stressed that it is important that the Council and public understand that the City is not planning on paving roads.

Administrator Darrington stated that the micro-surfacing and other treatments will extend the life of roads that are currently in decent condition. If the City puts the money into paving one road, other roads will deteriorate at a pace that the City cannot keep up with and will cost millions down the line. He noted that they are trying to find a balance, which is difficult with only a small budget.

Engineer Lewis stated that the contractor's cost estimate came in slightly under what the City expected. Once they have the price fixed with the contractor, the City can add additional projects. He stated that they will not leave any of the money unspent.

Council Member Meacham asked when they plan to approve the contract. Engineer Lewis stated that the contract was approved during this meeting and they can do a change order for items needing to be adjusted. The price, however, is fixed for two years. Administrator Darrington stated that any funds not used on roads goes back into the pool for use later.

Council Member LeMone asked if this particular road was on the priority list from the study. Administrator Darrington stated that it was and that there are priority lists for roads that need to be paved, roads that need micro-surfacing, and roads that need reconstruction.

ACTION: Council Member Meacham moved to award the 2013-2015 Street Preservation for Micro-Surfacing to Geneva Rock Products in the amount of \$139,500. Council Member Jensen seconded the motion. A voice vote was taken and the motion passed with the unanimous consent of the Council.

I) TO CONSIDER AWARDING THE 2013-2015 STREET PRESERVATION – HIGH DENSITY MINERAL BOND BID TO HOLBROOK ASPHALT CO. PRESENTER: ENGINEER LEWIS.

ACTION: Council Member Meacham moved to award the 2013-2015 Street Preservation High Density Mineral Bond bid to Holbrook Asphalt Company in the amount of \$121,095.96. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed with the unanimous consent of the Council.

J) TO DISCUSS A PETITION FOR ANNEXATION FROM SID AND KAREN SMART, ½ ACRE OF REAL PROPERTY WITH THE RR (RURAL RESIDENTIAL) ZONE DESIGNATION INTO THE CITY PLEASANT GROVE, UTAH FROM UTAH COUNTY UNDER THE PROVISIONS OF SECTIONS 10-2-403 AND 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED. THE SUBJECT PROPERTY IS TO BE KNOWN AS “SMART ANNEXATION” LOCATED AT APPROXIMATELY 1240 WEST 3300 NORTH; AND PROVIDING FOR AN EFFECTIVE DATE. (MANILA NEIGHBORHOOD) PRESENTER: ATTORNEY PETERSEN.

Attorney Petersen stated that the City received a petition for annexation from the Smart family who owns property at 1450 West 3300 North. The Smarts own a significant amount of property in the unincorporated area of Utah County. They desire to bring in one-half acre of their total property and construct a residence on it. Attorney Petersen stated that the matter was originally scheduled for a resolution with the County who was to consider their petition. Concerns were identified, however, following staff's review. Attorney Petersen stated that staff desired input from the

Council regarding whether they are willing to consider just the one-half acre. Attorney Petersen stated that the process requires the Smart family to address the Planning Commission first and submit a formal plat signed by an engineer. Prior to going to that effort and expense they wanted input from the Council.

Administrator Darrington stated that staff indicated that the property is large and surrounded by City property. If it is ever to be annexed into a City it will be Pleasant Grove. The Smarts are asking to develop a small portion in order to get full benefits from the City. Typically when there are large properties, the preference is to annex the entire piece in an effort for it to fit into the City's zoning and planning efforts. He stated that staff's preference was to have the entire property annexed into the City in order to control the master planning of the area.

Attorney Petersen stated that in total it is a 38-acre property. Council Member Jensen asked if anyone knew why the Smarts only want to develop one-half acre rather than their entire plot. Administrator Darrington stated that there is one family member who wants to build a home.

Council Member Boyd stated that there is still a successful farm on the majority of the property. Mayor Call asked what the downside is for the Smarts to annex their entire property into Pleasant Grove. Administrator Darrington stated that the property tax would be quite small. If they annex the whole property in they will remain agricultural and have the tax benefit, which will limit the property taxes to a few hundred dollars per year. Council Member Boyd suggested giving the Smarts a list regarding what it would mean for their property if things remained unchanged and if they are annexed into the City. If the City approves the request to bring in the one-half acre of property they may want to require a basic vicinity plan for future development of their property. Administrator Darrington liked Council Member Boyd's suggestion about a vicinity plan; however, the City would have to think about the situation from their end. He explained that the Smarts cannot develop their property as long as they are in the County. The plan would have to include road and street infrastructure.

Mayor Call asked if the Council preferred the entire parcel come in at once or if they are comfortable with the applicant's request. Council Member Meacham was not comfortable with the request and felt that the entire parcel should be annexed into the City. Council Member Boyd felt that if they give the Smarts a balance sheet weighing the pros and cons she would be open to piecing the property into the City as long as there is an overall plan for the acreage.

Council Member Robinson agreed with Council Member Boyd. She suspected that the property owners are hoping to annex the property for one of their children and overall are happy with things as they are. She stated that the Smarts probably do not understand that it would not be a big deal to annex the entire parcel into the City and doing so would not change their ability to farm.

Council Member Jensen stated that if there is no financial or other consequence to the Smart family, he would prefer the entire parcel be annexed into the City. Administrator Darrington confirmed that if they just annex in the one-half acre, their responsibility for developing curb and gutter only applies to that small piece.

Engineer Lewis stated that he spoke with Karen Smart roughly one month ago and she informed him that they want to build a new home and be closer to the farm due to security concerns. The home would be for them and they do not want to annex all of the property in. Engineer Lewis informed her that there would likely be a question from the Council. He also informed her that a subdivision plan would have to be created on the entire parcel in order create the building lot.

Mayor Call requested that staff create a document to help the Smart family understand what it would mean to annex the entire parcel into the City as well as only the one-half acre. He asked staff to inform them that the Council's preference is to annex the entire parcel.

8) NEIGHBORHOOD AND STAFF BUSINESS

Representative Green stated that he has received a lot of input regarding issues he wants to convey to the Council. The first issue pertained to fireworks. He heard from two people who want tighter firework restrictions as well as those who think there are too many restrictions. Many complained that the State interferes too much in terms of fireworks. There was a bill in the last Legislative session regarding authority regarding firework restrictions. He wanted to bring to the Council's attention the fact that there are many who feel that the City should have more authority than the State. Representative Green is a proponent of local government and in terms of this issue he did not see a problem with cities controlling their own regulations. He asked for input from the Council and was comfortable taking it to the State level if there is a desire to remove some State control.

Mayor Call felt he could speak for the Council on this issue and stated that they want to see less State control. He explained that there are liability issues for the City because they are so close to federal land. Mayor Call reported that the State does not allow municipalities to distinguish between aerial and non-aerial fireworks. Last year they had a broad array of aerial fireworks that still allowed people to enjoy ground fireworks. Due to the new regulations, the City now has a large area where they had to ban fireworks all together.

Representative Green stated that much of the legislation was in relation to the International Fire Code, which tends to be uniform in each state. He noted that there is some room for small variations. He felt that the larger codes tend to overlook or not anticipate real life situations. He asked that the Council send their input for him to take to the Legislature. Mayor Call commented that the more the state allows municipalities to govern themselves, the better.

Representative Green reported that many people in his neighborhood complain about the lack of pressure in the secondary water system. He understands there is a separate secondary water system for people on the hill. Public Works Director, Lynn Walker, stated that the system extends the feed directly out of the canyon. Representative Green felt this system was the one having issues and not the lower system. He asked that staff look into the situation.

Representative Green reported that he read an online survey recently regarding the City and was asked to pass it on to the Council. Council Member LeMone read the survey as well. He offered to email the link to the Council. Council Member LeMone asked that if any other surveys of a similar nature are conducted to provide contact information for City officials in the event residents have questions.

Assistant to the City Administrator, David Larson, stated that the promenade scheduled for July 4 was cancelled. It was originally planned to occur on the 4th, but vendors and residents preferred to follow other traditions. Mayor Call asked for a report on the first night. Assistant Larson stated that it went very well. It was exceptionally hot, but there was a large crowd and the location was great. They were working to address minor issues that occurred, but overall things went well.

Chief Sanderson confirmed that the Council received his email and he reported that firework restriction signs were posted.

Chief Smith reported on personnel changes due to the resignation of an officer. He reported that Glenn Giles was hired as a new officer, Rebecca Mallory was hired as the new Victim Advocate, Taylor Abegg was hired as a new officer, and Nicole Humes was hired as a new Paper Service Officer. Chief Smith stated that the zoning position was open as well. Staff would present the new employees to the Council at a future meeting.

Engineer Lewis reported that he received the recent report on water usage and asked if the Council wanted the report to be posted. Mayor Call asked that he publish the report. Engineer Lewis agreed to post in on the City's website. Administrator Darrington stated that May 14 is when full-time enforcement began and when water usage dropped. To date, 900 warnings have been issued and there have been roughly 15 first time shut offs. Council Member Jensen asked if the number of warnings has decreased. Administrator Darrington indicated that they have not. They are still working to educate the public.

Administrator Darrington explained that a plan is being developed for the future open house for fire and police station tours. The tours will likely begin on the third week of July and there will be one during the week and one on Saturday. He hoped to conduct six tours before the August 7 public hearing. They plan to hang banners in addition to the typical social media in an effort to get the public to tour the facilities. The intent was also to host a tour before the public hearing on August 7. Staff was working on the logistics for that night.

Council Member LeMone asked if the Council will have an opportunity for discussion at the conclusion of the public hearing on August 7. Mayor Call stated that the Council will have a discussion after the hearing, but will not vote until the following meeting. Administrator Darrington stated that he would also take 15 minutes before the public hearing to do a basic FAQ to inform the public about details of the proposed buildings.

Council Member Boyd asked what the Council's thoughts were on demolishing the homes that have been approved to begin paving the way for development. Administrator Darrington stated that one home has renters who will be moving out around September. If the Council wants to move forward, however, they can begin the process. Engineer Lewis stated that it would be beneficial to combine into one contract. He noted that there is some demolition to be done at the Pipe Plant and on a few other properties that he would like to combine with the homes.

Council Member Meacham stated that if the City begins demolition before the public hearing it will look like they are moving ahead without public input. Administrator Darrington stated that if they tie all of the demolition projects together it will likely happen in September.

Administrator Darrington reported that they are working on a concept called City Games, which is a team building event for City employees. They divide into departments to compete in 10 separate events to take place September through November. The events will take place in the evenings and include activities like bowling and basketball.

Administrator Darrington stated that some department heads will be attending Emergency Management Training and will be gone all week. The federal government pays for their flights and hotel. The training will be in fire, earthquake, flood, and other disasters.

Arts and Culture Director, April Harrison, stated that they have not yet found an Arts Commission Chair. She asked for referrals and input from the Council.

9) **MAYOR AND COUNCIL BUSINESS**

Council Member Meacham reported that he received his increased utility bill. The reverse side of the bill shows the rates and the prorated costs. He did not think they were updated and asked that staff make the update.

Mayor Call reminded the Council that there would be no City Council Meeting the following week. The next meeting was scheduled for July 16. Mayor Call and Council Member Jensen would be out of town that night and unable to attend. Mayor Call stated that a Mayor Pro Tem should be elected at the beginning of the meeting. On July 23 the Council planned to meet with the Planning Commission.

10) **SIGNING OF PLATS**

No plats were signed at this time.

11) **EXECUTE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (UCA 52-4-205 1 (c)).**

ACTION: At 7:45 p.m. Council Member Jensen moved to go into executive session. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor:

Bruce W. Cal

Council Members:

Cindy Boyd

Lee G. Jensen

Cyd LeMone

Jay Meacham

Kim Robinson

Staff Present:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Kathy Kresser, City Recorder

12) **ADJOURN**

ACTION: Council Member Jensen moved to adjourn. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 8:17 p.m.

This certifies that the City Council Minutes of July 2, 2013 are a true, full and correct copy as approved by the City Council on August 7, 2013

Kathy T. Kresser, CMC City Recorder

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