

Pleasant Grove City Council Meeting Minutes
September 17, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd
Cyd LeMone
Jay Meacham
Kim Robinson

Staff Present:

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

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

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Council Member Kim Robinson.

3) **OPENING REMARKS**

The Opening Remarks were given by City Council Member Jay Meacham.

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

There were no changes to the agenda.

ACTION: Council Member Robinson moved to approve the agenda. Council Member Meacham 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 Minutes for the August 7, 2013 meeting.
City Council Special Meeting Work Session Minutes for August 12, 2013.**
- b) **To Consider for Approval Nanette Clark as an Arts Commission member**
- c) **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 Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

6) **OPEN SESSION**

Mayor Call opened the public session.

Sandy Carter, 2708 North 450 West, brought Fresh Sodas for the Public Works Department to thank them for all of the hard work they did for the Grove Creek residents during the big storm. She said the storm was scary and she was grateful for all of their hard work. As residents they often take water for granted until there is a chance it could be gone. She thanked them for restoring the water and making it clean and pure.

Ms. Carter also thanked the City and staff who went on Facebook to alert residents of what was happening. She found it very helpful and was pleased with the way the City responded.

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

7) **BUSINESS**

A) **INTERVIEW APPLICANT FOR CITY COUNCIL VACANCY.**

Mayor Call stated that there was a vacancy in the City Council due to Lee Jensen serving an LDS mission. Six applications were received that would be reviewed. He added that the term will expire in January 2014.

Mayor Call reported that he organized the candidates in alphabetical order, which was the order the candidates addressed the Council. The candidates were identified as Niels Fugal, Vaughn Mayo, Heather Pack, Jim Richards, Scott Richards, and Stanley Walker. Mayor Call asked the candidates

to take two minutes to tell the Council something about themselves and why they would be a good candidate.

Niels Fugal stated that if he was chosen to serve he hoped he would do as well as Council Member Jensen had. He reported that he had spent the majority of his life in Pleasant Grove and had great family heritage here. His heart is in Pleasant Grove and he truly cares about what happens here. He hoped to be more involved in the economic development of the City. He served as a volunteer parent for the Alpine School District and on the school and district community councils for the last 10 years. He served as Chair on both committees. His background was in real estate and he grew up in the construction business with his father and uncles. His focus was commercial real estate where he could help businesses expand and grow. He was excited about what people can create.

Council Member Boyd asked what his top three priorities would be during his short time on the Council. Mr. Fugal stated that he did not come with a set agenda and his top priority would be to serve in the manner desired by the community. The second priority is to educate the public as to the benefits of a new public safety facility. Economic growth was very important to Mr. Fugal. He worked with companies to help eliminate functional obsolescence within their properties and felt strongly that putting a Band-Aid on something instead of doing the development right was not beneficial. His third priority was to be cognizant of how voters feel economically about the bond. He wanted to be an instrumental part of educating the public on the vote.

Vaughn Mayo stated he has lived in Pleasant Grove for seven years and moved here to be close to his extended family. He applied for the City Council position because he felt that he did a lot of complaining about how things were done and decided over a year ago that if he wanted to complain it was time to get involved. When people complain or express frustration they often have a good reason for it, but they also are often uninformed. He felt this was an opportunity for him to be on the other side of the discussions. Mr. Mayo is a real estate investor and has dealt with City Councils in several cities and states in association with his business. He felt that his experience could bring additional insight to the City Council. Clear communication with residents was an important part of the Council's responsibilities. The Council Members are supposed to be public servants and sometimes the residents did not feel that. Mr. Mayo wanted to work to bridge that gap.

Council Member LeMone asked what his thoughts were regarding the public safety facility and his ability to educate the public on that topic. Mr. Mayo stated that he had not yet been on a tour of the facilities and was one of the individuals who spoke out against the facility at the public hearing based on the proposed cost of the facility compared to work he has done in other communities. He felt he needed to be educated on whether the facility is a legitimate need or if there are ways to cut back on costs. He considered economic development in the City to be extremely important.

Heather Pack stated that 10 years ago when she was a young mother she got a phone call asking if she could volunteer at the library. Saying yes to that opportunity changed her life and opened the door to many opportunities to volunteer in the City. Ms. Pack served as Chair of the Arts Commission for three years and that presented her with great opportunities to work with the R/UDAT Advisory Board and serve on the Community Image Committee. She was considering moving from Pleasant Grove at the time she was asked to participate in the Image Committee and her participation helped her to realize what a wonderful community she was raising her children. She ultimately decided to stay in Pleasant Grove.

Ms. Pack stated that she decided to take a break from volunteer work to obtain a Masters Degree in Public Administration but missed it so much that she asked to be on the Planning Commission and served with them the entire time she was in school. She spent time helping with different City events in fund raising capacities and has come to appreciate the process. She learned that as public administrators, their duties go far beyond and involves taking care of someone like a businessman takes care of a customer. Taking care of constituents gives people a voice and helps them feel appreciated. Ms. Pack remarked that citizen participation is very important to her and she had studied ways that administrators can communicate with citizens and vice versa.

Ms. Pack reported that she teaches Public Administration at BYU and Communication at the Marriott School of Business. She is able to take what she has learned from being involved with the City as she mentors and teaches future public administrators. She also learns from her students and applies that to her City service. Ms. Pack wanted to become a better advocate and community member and felt this was the perfect opportunity for her to be involved in the City once again.

Council Member LeMone asked Ms. Pack how she felt about being involved in campaigning and educating the public regarding the new public safety facilities. She said it would not mean she was for or against the facility, but educating the public would be extremely important. Ms. Pack stated that there is push communication and pull communication. There are times when information needs to be pushed to the citizenry, such as when the water was contaminated from the storm. There was no time for a public hearing to decide if the community should drink the water or not. She felt there are also times when local governments need to pull information from the public and find out what they think and feel. The education needs to go both ways and not just have the administration push information but also gather thoughts, concerns, and input from the community. She felt that educating the public was important along with focus groups, committees, and other avenues of sharing information and education.

Jim Richards reported that he was born and raised in Pleasant Grove and he loves living here. He believes everyone wants the same things, mainly a great place to live. He felt the City needs to focus on projects that will help bring in money to support growth and new infrastructure. Education will be a key issue moving forward. He stated that he is here to help the Council and community in any way he can.

Council Member Robinson asked if Mr. Richards is still on the Honorary Colonels. Mr. Richards confirmed that he was. Mayor Call stated that Honorary Colonels is a group that helps boost and support the Police Department.

Scott Richards stated that he has attended City Council Meetings for the last five to six years and serves currently as the Planning Commission Vice Chair. He is familiar with many of the issues regarding growth and development in the City as well as what needs to be modified to increase economic growth. He is a resident of the Manila neighborhood and has lived there for the last six years. He made it a point to get to know the community and its history. He has been involved in service in the community for many years including youth baseball and working in the schools.

Council Member Meacham asked how long Mr. Richards has served on the Planning Commission. Mr. Richards reported that he has been on the Commission for two years and is set to be the Chair

starting in January. Mayor Call stated that there are provisions to allow for a leave of absence from the Planning Commission in certain circumstances such as this.

Mr. Richards explained that he came from a police family and his father worked a policeman for 32 years. He supported the needs of the Police Department and looks closely at the most responsible way to fund the facility. He felt it would be possible to find a win-win situation for the City and community and he wanted to help as much as possible with the process.

Mayor Call stated that Stanley Walker was not present at the meeting. Mr. Walker would not be excluded from consideration because the Council had his information and would review it during the executive session. Mayor Call stated that the candidates placed the Council in a terrible and wonderful position because they will have the difficult task of choosing one person. He felt that regardless of who the Council selects to fill the vacancy for the next four months, it will be a win for the City.

Council Member LeMone thanked the candidates for their service throughout the City and community and hoped that if they were not selected tonight that it will not hinder their service. She thanked them for their willingness to assist the City.

Council Member Meacham thought it was impressive that these individuals were willing to join the Council at a time when there will be a lot of work and frustrated citizens to work with due to the upcoming bond ballot.

B) EXECUTIVE SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-5(1)(A)(I)).

ACTION: Council Member Robinson moved to adjourn into executive session to discuss the character, professional competence or physical or mental health of an individual. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council adjourned to executive session at 6:31 p.m.

Present:

Mayor Bruce W. Call

Council Member Cindy Boyd

Council Member Cyd LeMone

Council Member Jay Meacham

Council Member Kim Robinson

ACTION: Council Member LeMone moved to come out of executive session. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

The executive session adjourned at 7:09 p.m.

C) TO CONSIDER SELECTION/APPOINTMENT OF NEW CITY COUNCIL MEMBER WHO WILL SERVE THE REMAINING TERM OF OFFICE (FOUR MONTHS) LEFT VACANT BY COUNCIL MEMBER LEE JENSEN.

Mayor Call stated that it took a great deal of deliberation to reach a consensus due to the caliber of the candidates. The Council acted as a unified body in making the decision. He thanked the candidates for their willingness to serve and opened the floor to the Council for nominations.

ACTION: Council Member Robinson moved to nominate Heather Pack for the interim Council Member seat. Council Member Meacham seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham and Robinson voting “Aye.”

D) OATH OF OFFICE ADMINISTERED TO INTERIM COUNCIL MEMBER WHO WILL SERVE UNTIL JANUARY 7, 2014.

City Recorder, Kathy Kresser, administered the Oath of Office to Heather Pack.

E) PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO (A) THE ISSUANCE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$16,960,000 AND (B) ANY POTENTIAL ECONOMIC IMPACT AND IMPROVEMENTS, FACILITIES, OR PROPERTIES FINANCED IN WHOLE OR IN PART WITH THE PROCEEDS OF THE BONDS MAY HAVE ON THE PRIVATE SECTOR. (CITY WIDE) PRESENTER: ADMINISTRATOR DARRINGTON.

City Administrator, Scott Darrington, stated that bond counsel informed staff that there needs to be another public hearing on the GO Bond and the upcoming ballot. The State Legislature recently began requiring a public hearing in between the City determining that the GO Bond will be on the ballot and before the actual vote takes place. There will be no action tied to the public hearing. This was a chance for the public to speak and give input to the City Council. The bond was scheduled to be on the November 5 ballot.

Council Member Meacham stated that there were significantly fewer residents in attendance than at the last public hearing and he asked if the public was notified. Administrator Darrington stated that the public hearing was noticed as required. The City Council and staff went above and beyond the typical noticing for the Truth in Taxation public hearing, which likely contributed to the large turnout.

Mayor Call opened the public hearing.

Sandy Carter, 2708 North 450 West, stated that she was grateful the City was pursuing this option for the public safety building. From what she had learned she was in favor of the bond being passed. She had seen the facilities and felt they were subpar. After conducting research and listening to Administrator Darrington it was clear that a GO Bond was an unusual route to take for this type of facility. She was surprised at the amount of resistance the residents expressed.

Ms. Carter witnessed a terrible accident earlier in the day and was grateful that the Police and Fire Department were able to respond so quickly. One of the vehicles rolled off the road and before help arrived, City residents held the car in place to keep it from rolling off the side of the concrete wall. The large fire truck that residents had expressed dissatisfaction with was able to stabilize the car in order to allow officers and firemen to get to the driver of the vehicle. It was very scary but she was grateful for the fantastic work of the public safety crew and did not know what they would have done without the special fire truck. It was impressive to know that the Police and Fire Departments had the personnel, equipment, knowledge, and training to handle the situation.

The experience made Ms. Carter realize how much she wants to live in a safe community that has the proper and necessary facilities and equipment. She felt it was critical for the City's public safety workers to have what they need to keep the City intact, fully functional, and safe. Ms. Carter appreciated that the City Council and residents were discussing the facts and she wanted to hear more facts and less opinions. She thanked the Council and staff for trying so diligently to educate the residents and for allowing them to exercise their right to vote.

Rich Guernsey, 840 East Grove Creek Drive, stated that he felt fortunate to live in Pleasant Grove. He served in the Navy for 30 years and retired two years ago. His family was well taken care of by the City during those years when he was gone much of the time and now he wants to give back. It was gratifying for him to see the dedication and effort that the Mayor and City Council put into making Pleasant Grove and keeping it a wonderful place to live. After the Truth in Taxation public hearing he did not envy the City Council because of the many opinions expressed supporting both sides of the issue. He stated that they need to grow as a City in the right way and the right infrastructure is necessary to support that. The public safety building is extremely important and necessary for the growth of Pleasant Grove.

Mr. Guernsey stated that he would have supported the Council on the original bond to build the building, but he realized the division and strife that it would have caused among the citizens. He felt the Council made the right decision in giving the vote back to the City and was glad to see the various committees that had been established for educating and spreading information to the community. He wanted to be a part of that. He believed that if the residents get the facts and understand the need for the facility they will support the bond.

Andy Weight, 425 South 1100 East, stated that he had heard the Mayor and Council talk about putting together an FAQ to answer the questions and concerns of the residents. He requested that the Council do that as soon as possible and thought it would be the best way to clarify questions and kill rumors and misunderstandings. He thanked the Mayor for putting together the Blue Ribbon Committee to give citizens ease knowing that amazing people in the community will help ensure that the process is done right. He looked forward to getting more information out to the public and hearing the results.

Mayor Call asked Administrator Darrington if there had been a delay in the FAQ. Administrator Darrington stated that it had been revised and was currently online. Council Member LeMone stated that a large portion of the FAQ came from notes taken at the Truth in Taxation public hearing. The Police and Fire Departments also provided an FAQ explaining specific needs of their buildings and departments. Administrator Darrington asked that people email him any rumors they had heard so that he can address them on the FAQ. Council Member LeMone said that the FAQ

will continue to be updated as questions arise. The link to the Public Safety Buildings FAQ was at the top of the City website and staff will add a note to the link explaining that it had been revised and updated.

Robert Hart, 189 East 100 South, identified himself as the owner of the Lund Home at 199 East 100 South that was built at the turn of the century by former Mayor, Lewis Lund. They recently fully restored the home. Mr. Hart had been involved in government for 16 years' of his career including time with the Police and Fire Departments in Davis County. It was his opinion that no one deserves to be looked after more than public safety workers. In looking after the City, the government has a number of duties, but they also have to look after the cost of projects. It was easy to spend other people's money but they need to be careful and responsible.

Mr. Hart said there was obvious need for a new facility but that there were rumors that this was just the beginning phase of a four-block campus that will include many new buildings. City Creek in Salt Lake only covers two blocks and is very large. He was concerned about the City taking property through eminent domain to complete the facility. If the rumors are incorrect, he suggested they be addressed and dispelled. The City needs to progress but he did not want to lose his historic home. He felt there was a difference between needs and wants and the City will be best served if they can dispel rumors and be honest and clear with their intentions.

Mayor Call stated that the four-block campus is a long-range plan and as a Council they want a four-block City Center that will not exclude private property. In a master visioning they foresaw a time when there would be the four-block campus that will include several different City facilities. The City currently does not have a funding mechanism to do all of that. They are trying to lay the ground work for future elected bodies so that they have options. Mr. Hart stated that as a property owner, those types of projections create a title cloud and it felt like a partial taking by the City. Mayor Call stated that as long as he is Mayor, the City will not use eminent domain.

Jim Richards congratulated Heather Pack and thanked the police and fire personnel and City staff for all they do to make the community what it is. He thanked them especially for what they did during the recent storm. The police force and firemen often do not get the thanks and credit they deserve. He felt the new building was necessary and was willing to help and serve in any way the City needs.

Andy Weight stated that he had gone online to review the FAQ and thought it had not been updated. He recommended making a change to the link as suggested by Administrator Darrington.

Troy Christensen, 1100 East 100 North, was worried that the City's plan would not work out. She had initially heard that there would be a 50% tax increase. There was a shooting in Draper yesterday and the people who showed up to help were the first responders. If the residents could not support them, they should not expect the best from the first responders. She felt that if the Council helped the residents understand that this is a way to support their first responders that more residents will not only support the bond but help spread the word. After gathering all of the information she knew a new facility was necessary, but felt the Council may need to approach education differently.

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

Mayor Call said the City Council and staff were moving forward and trying to educate in as many ways as possible. He requested that as questions arise that they pass them on to the Council and staff. He remarked that the Council and staff are dedicated to being open and honest.

F) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-26) PERMANENTLY ABANDONING A ROAD RIGHT-OF-WAY LOCATED AT APPROXIMATELY 600 EAST 100 SOUTH. (STRING TOWN NEIGHBORHOOD) PRESENTER: ENGINEER LEWIS (CONTINUED FROM THE SEPTEMBER 3, 2013 MEETING).

City Engineer, Degen Lewis, stated that this was a process required by State Code. The older center of town was originally platted in 1937 and defines the lots and street widths in the town. The street widths were generally in the 66-foot wide range but the standard street width is only 56 feet wide today. As the Walker Landing project moved forward it was clear that there was a strip of land that would not have been required in the dedication of the new subdivision. The extra property totals roughly 210 square feet and the developer requested that the property piece be returned to the property owner and incorporated into their lot. Engineer Lewis stated that currently the curb and gutter to the east did not line up with the curb and gutter to the west, so an adjustment was necessary.

Mayor Call opened the public hearing. There was no public comment. The public hearing was closed.

ACTION: Council Member Meacham moved to approve Ordinance 2013-26 vacating a portion of a road right-of-way located at approximately 600 East 100 South and providing for an effective date. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Pack and Robinson voting “Aye.”

G) TO CONSIDER THE APPROVAL OF A 4-LOT FINAL PLAT TO ADJUST BOUNDARY LINES CALLED WALKER LANDING PLAT B LOCATED AT APPROX. 140 SOUTH 600 EAST IN AN R1-7 (SINGLE FAMILY RESIDENTIAL) ZONE. (OLD FORT NEIGHBORHOOD) PRESENTER: ENGINEER LEWIS (CONTINUED FROM THE SEPTEMBER 3, 2013 MEETING).

Engineer Lewis stated that the Plat had already been approved for the Walker Landing project. There were no changes to the subdivision other than to Lots 1 and 2, which would be slightly larger because of the land vacation completed in the previous agenda item.

Mayor Call opened the public hearing. There were no public comments. The public hearing was closed.

ACTION: Council Member LeMone moved to approve the four-lot final plat to adjust boundary lines called Walker Landing Plat B located at approximately 600 East 140 South in R1-7 Zone.

Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

H) TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-29) AMENDING TITLE 2 CHAPTER 1 “PERMANENT ADMINISTRATIVE COUNCILS, BOARDS, COMMISSIONS AND DISTRICTS” OF THE PLEASANT GROVE MUNICIPAL CODE TO ADD THE STRAWBERRY DAYS COMMITTEE AS ONE OF THE PERMANENT COMMITTEES AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.

City Attorney, Tina Petersen, stated that the above item is a housekeeping issue. The proposal would amend Title 2 Chapter 1, “Permanent Administrative Councils, Boards, Commissions, and Districts,” and add the word “Committees” to the title and add the Strawberry Days Committee to the list of permanent committees. She felt it would be prudent to change the title to include all of the different entities.

Mayor Call stated that the Strawberry Days Celebration had been going for 100 years and the committee had always remained a separate entity from the City. With the growth of the City and the complex nature of the celebration it was time to bring it on as an official City committee. He reported that Strawberry Days is the longest continuously running City celebration in the State and possibly the nation.

ACTION: Council Member Robinson moved to approve Ordinance 2013-29 amending Title 2 Chapter 1 “Permanent Administrative Councils, Boards, Commissions, and Districts” of the Pleasant Grove Municipal Code to add the Strawberry Days Committee as one of the permanent committees and providing for an effective date. Council Member Boyd seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Pack and Robinson voting “Aye.”

I) TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-30) ESTABLISHING A STRAWBERRY DAYS COMMITTEE, AMENDING TITLE 2 CHAPTER 2 OF THE PLEASANT GROVE MUNICIPAL CODE TO ADD SECTION I, “STRAWBERRY DAYS COMMITTEE; PROVIDING FOR APPOINTMENT OF A STANDING COMMITTEE AND OTHER RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.

Attorney Petersen stated that Ordinance 2013-30 is to establish the committee and amend Title 2 Chapter 2 to add a Section I Strawberry Days Committee. The committee would consist of 11 members, five of whom will serve as the Strawberry Days Board of Directors. The Board of Directors will consist of a Chair and Vice-Chair, Pleasant Grove City Arts and Culture Director, Strawberry Days Rodeo Committee Chair, and the Strawberry Days Co-Chair. The appointment of the Members of the Board of Directors will be by the Mayor with the advice and consent of the City Council. The Rodeo Committee Chair will be selected according to their bylaws.

Attorney Petersen stated that the Chair and Vice-Chair will serve a two-year term beginning September 1 and ending August 31.

Mayor Call stated that he had spoken to outgoing Chair, Betty Memmott, who helped review the bylaws and the new ordinance. Ms. Memmott was available to help and answer questions at any time. The new Committee would begin to be established the following week.

ACTION: Council Member Boyd moved to approve Ordinance 2013-30 establishing a Strawberry Days Committee amending Title 2 Chapter 2 of the Pleasant Grove Municipal Code to add Section I, "Strawberry Days Committee;" providing for appointment of a standing committee and other related matters; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Pack and Robinson voting "Aye."

J) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-036) AUTHORIZING THE MAYOR TO SIGN A LEASE-PURCHASE AGREEMENT WITH ZION'S BANK TO PURCHASE VEHICLES FOR THE POLICE DEPARTMENT, AND OTHER MATTERS IN CONNECTION THEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: DIRECTOR LUNDELL.

Finance Director, Dean Lundell, stated that a police officer was added to the force last year and was in need of a vehicle. The purchase price of the vehicle and all of the equipment was \$33,581 with an interest rate of 2.4%.

Council Member Meacham was surprised with the intensity of every approval associated with this issue. Director Lundell stated that as the government they were able to purchase the vehicle at a lower rate but because of this, an opinion from an attorney was required along with a great deal of paperwork. He said it was a standard process, but intensive. The lease payments had been budgeted in the Capital Equipment budget.

ACTION: Council Member Robinson moved to approved Resolution 2013-036 authorizing the Mayor to sign a Lease-Purchase Agreement with Zion's Bank for the purpose of acquiring a public safety vehicle and authorizing the Mayor to sign said lease-purchase agreement and authorizing the execution and delivery thereof. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Pack and Robinson voting "Aye."

K) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-037) AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT AMONG JORDAN VALLEY WATER CONSERVANCY DISTRICT, PROVO RESERVOIR WATER USERS COMPANY AND PLEASANT GROVE CITY FOR THE MONITORING OF WATER QUALITY AND THE CARRIAGE OF FLOOD FLOWS OF GROVE CREEK AND BATTLE CREEK IN THE PROVO RESERVOIR CANAL ENCLOSURE PROJECT AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ADMINISTRATOR DARRINGTON.

Administrator Darrington stated that for many years when the City had more storm water runoff during the peak season than the storm drain system could handle the City would dump the excess into the Murdock Canal. Once the Murdock Canal was enclosed and the City no longer had the ability to naturally discharge water into it, they had to construct a piping system to take the water

out of the drainages and into the Canal. The project was completed over two years ago at a cost of roughly \$2.5 million.

Administrator Darrington stated that during the process the City became aware of a Master Agreement between five different entities. Those entities consisted of the Metro of Salt Lake and Sandy, the Jordan Valley Water Conservancy District, Provo River Water Users Association, Provo Reservoir Company, and Central Utah Water Conservancy District. The Agreement discussed what water was allowed into the Murdock Canal pipe. When the Agreement was created it did not include the storm water runoff from Pleasant Grove, which was an oversight at that time. The Provo River Water Users Association assured the City it was okay to dump the water into the Murdock Canal.

Administrator Darrington said once they realized they were not allowed to put the excess water in the Canal there was an intensive six-month negotiation period to work out the details to allow the City to put the water into the Canal. In the process, Metro of Salt Lake and Sandy was going to get the other four entities to agree to allow the water into the pipe. Two of the entities agreed and two did not. The entities that did not agree were Jordan Valley Water Conservancy District and the Provo Reservoir Company. It was noted that the two entities have many of the same people involved in both groups.

Jordan Valley Water Conservancy contacted the City and stated that they did not agree and would need a deal similar to what had been created with Metro of Salt Lake and Sandy or they would oppose allowing Pleasant Grove to dump the excess water into the Canal, which legally they had the right to do according to the Master Agreement.

Administrator Darrington stated that initially Jordan Valley Water Conservancy District asked for things that were above and beyond what had been discussed with Metro of Salt Lake and Sandy. However, over time the City was able to get them to agree to the same deal that entered into between Salt Lake and Sandy. Stipulations are included in the agreement with respect to watershed protection and the testing of water and insurance issues. One requirement states that any of the entities have the right to notify Pleasant Grove City that they will no longer allow the City's excess water in the Canal. After giving notice the City will have 15 years to find another solution for the excess water. Metro of Salt Lake and Sandy also had the same language in their agreement. While this was not ideal for Pleasant Grove, they did not see any other alternative because they need the water to go into the pipe. If the City opts to create their own system it would cost roughly \$15 million.

Administrator Darrington stated that it was beneficial to the City to dump excess water into the canal and the agreement was to make it official and legal. Jordan Valley and the Metro of Salt Lake and Sandy had some issues with each other and Pleasant Grove was stuck in the middle of their conflict. Metro of Salt Lake and Sandy had considered triggering their 15-year notice to Pleasant Grove, but the City was able to work out the agreement with both entities.

Council Member LeMone stated that the Council had discussed a document from the 1950s that stated that Pleasant Grove was allowed to use the Murdock Canal to drain excess runoff. She asked if that document would eliminate the need for the agreement. Administrator Darrington stated that

if the document could be located they would likely hold on to it and use it only if one of the entities triggered the 15-year notice.

Council Member Meacham stated that as written, the agreement included four tiers for the capacity of acceptance. If the first tier has unavailable capacity it would move to the second tier. He asked once it got to the fourth tier if it would trigger a possible termination of the agreement. Administrator Darrington stated that he did not think it accounted for that and the other entities never expected the fourth tier to be used.

Engineer Lewis stated that the City only owned a certain amount of space in the pipe and the agreement outlined different ways for the City to use carrying rights in the pipeline. The worst case scenario would be that the City would be limited in how much water they could put into the pipe. If Pleasant Grove had spring runoff and another owner was using that capacity, the City would have no way to bump the other user out. The City could negotiate other methods if necessary. Attorney Petersen stated that the entities were granting Pleasant Grove capacity.

Council Member Meacham asked if the 15-year notice was triggered if termination of the agreement would occur at the beginning or end of the 15-year period. Attorney Petersen stated that the City would have 15 years from the date of notice to make other arrangements for their water. The agreement would be terminated at the end of the 15-year time period. She stated that the other entities would disconnect the City from the pipe and the City would pay the entity for the cost of disconnecting.

Council Member Robinson asked if the water was being tested in the same location by different entities. Public Works Director, Lynn Walker, stated that the sampling was taken from the same location and crossed checked. Council Member Meacham asked if the source protection plan was at the source of the headwaters. Engineer Lewis stated that they had a plan and it was updated occasionally. They had discussed increasing the distance to the entire drainage because currently the watershed protection was for the springs on the Battle Creek side. Grove Creek did not have direct impact on drinking water.

Attorney Petersen stated that originally as part of the negotiations, Jordan River wanted the City to increase the level of the source protection with things such as not allowing dogs up the canyon. Ultimately they agreed that as long as the sampling was coming back at proper levels Pleasant Grove would have the same requirements as Provo. If the samples begin coming back at poor levels they will be able to change requirements at that point.

ACTION: Council Member Boyd moved to approve Resolution 2013-037 authorizing the Mayor to sign an agreement with Jordan Valley Water Conservancy District, Provo Reservoir Water Users Company and Pleasant Grove City for the monitoring of water quality and the carriage of flood flows of Grove Creek and Battle Creek in the Provo River Reservoir Canal enclosure project. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Pack and Robinson voting “Aye.”

L) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-038) AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH MOUNTAINLAND HEADSTART, INC. FOR REAL PROPERTY LOCATED AT 485 WEST 220 SOUTH,

SUITE 100, PLEASANT GROVE UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: DIRECTOR GILES.

Parks and Recreation Director, Deon Giles, stated that the Council would be reviewing a Lease Agreement for the modular building that the City built a few years ago as the Shannon Field Complex was improved. The Lease Agreement was between the City and Mountainland Headstart, which was a lower income preschool for residents in the community and surrounding town. The Lease Agreement was renewed every five years. It was noted that the preschool had been a part of the City for many years.

ACTION: Council Member LeMone moved to approve Resolution 2013-038 authorizing the Mayor to sign a lease agreement with Mountainland Headstart, Inc. for real property located at 485 West 220 South, Suite 100 in Pleasant Grove, Utah. Council Member Pack seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Pack and Robinson voting “Aye.”

8) NEIGHBORHOOD AND STAFF BUSINESS

NAB Chairperson, Libby Flegal, stated that the Jubilee went well and there was a good turnout. Council Member LeMone reported that the Scratch Gravel neighborhood won the Facebook contest.

Community Development Director, Ken Young, stated they completed the final inspection of Holiday Oil and would have their ribbon cutting on Thursday, October 10 at 10:00 a.m. Council Member LeMone asked for an updated RAP sheet on the website. Director Young agreed to update it shortly.

Assistant to the City Administrator, David Larson, stated that the car show went well and the promenade was a huge success. He offered to prepare a full report on the promenade.

Director Walker stated that the water was back running and there were still numerous repairs to do up the canyon. He had a video from a policeman who flew a remote control helicopter over the canyon and discovered that it is still a very big mess. Tarzan’s Bathtub was cleaned out as were the tanks. One of the waterfalls had totally changed position. Council Member LeMone knew the canyon was open but wanted to know if it was safe and if the ground was stable. Director Walker stated that the ground was stable, but the trail was gone in several places. He said it looked like a new canyon.

Mayor Call thanked Director Walker and his crew for all of their hard work. Director Walker said the community was amazing as well and did so much to help each other. Council Member Meacham asked how the meeting with the Forest Service went. Engineer Lewis stated that it was a previously planned meeting to discuss items not related to the storm. They showed the Forest Service the photos of the canyon and they were looking into emergency funding.

Police Chief, Mike Smith, stated that they applied for FEMA funds with the County. Director Walker said FEMA would be coming for a tour shortly. Council Member Meacham asked if the funding from the Forestry Service was moving forward. There was no outside funding for the changes to the pipeline. The changes would be paid from the Culinary Water Fund. The City

hoped to obtain funding for emergency repairs and the Forest Service would work on some trail repair. Council Member Meacham asked if the City would be protecting the utilities as they put them back up. Engineer Lewis said they would be doing both where possible. Some areas could not be protected due to the location and not being able to bring equipment into the area.

Council Member LeMone asked if it was safe to walk around the waterfall. Director Giles said that it was and that the majority of the damage was at the bottom of the canyon.

Deputy Fire Chief, Dave Thomas, said that the accident described by Ms. Carter was accurate. The small retaining wall and five or six people were what held the car in place until the responders were able to secure the car.

Chief Smith stated that a few weeks ago he received a call from the United States Attorney's Office and a letter from US Attorney, David Barlow. The letter was addressed to Detective Rick Henderson. Detective Henderson had been selected as a recipient of the United States Attorneys Award for superior performance as a local law enforcement officer. The award is given annually and Detective Henderson had been nominated by his colleagues at the US Attorney's Office. Detective Henderson and his partner worked for a long time on a large scale narcotics case and the culmination of that case led to many indictments.

Engineer Lewis stated that work on the storm drain was being done on State Street. He reported that they are still on target with the project.

Attorney Petersen stated that she attended the Utah Municipal Attorneys Association Fall Conference regarding legislative issues. Billboards will be an important issue to keep track of for the upcoming session.

Administrator Darrington distributed a schedule for the Public Safety Building education process. He explained that the court facility issues and space needs will be posted on the website by the following morning. An economic development FAQ was nearly complete that would also go online by Friday at the latest. The architect would send an updated site plan in the morning that was expected to be online later in the day. The elementary school night public meetings had all been scheduled and the meetings would start at 7:00 p.m.

Administrator Darrington thought it would be most effective to post fliers on the door of every resident and asked if the Council thought neighborhood chairs could help with that. Council Member LeMone suggested taking a flier to each school and the fliers could go home with the family reps. Director Giles stated that his department often sends fliers to each house and they could work together to distribute them. Mayor Call suggested obtaining help from Scout troops.

Administrator Darrington stated that he and Chiefs Smith and Sanderson will present at each meeting. The Chiefs would discuss the needs of their departments and talk about the new building. Administrator Darrington planned on handling finance questions and FAQ items. The presentation was expected to be roughly 30 minutes. They would also like to show fire and police videos. Following the presentations, there will be a question and answer period. Administrator Darrington stated that it would be helpful to have as many Council Members at each meeting as possible. He asked that the Council email him with questions or thoughts on how the meetings should be run.

Attorney Petersen stated that no action would be taken at any of the meetings, they didn't need to worry about a quorum being present. The meetings are strictly informational. Council Member Pack suggested that the flier inform the community of the meeting format. She said it would be a good idea to inform the public that there will be a 30-minute presentation followed by a question and answer period.

Administrator Darrington stated that there would be an information blitz in the newsletter, in all social media, and other avenues to distribute the flier information. Chiefs Sanderson and Smith were working on dates for fire and police station tours for October. The tours would likely be every Monday night at 6:00 p.m. and every Saturday at 11:00 a.m. Tours would last approximately one hour. Deputy Thomas agreed to place several banners around the City to advertise.

Administrator Darrington stated that they had considered hosting another open house that would be similar to the presentation at the elementary schools. He suggested October 30 as a possible date to be held at the Rec Center.

Administrator Darrington stated that they would be meeting with all City employees the following day to educate them on how to answer questions that come from the public. A meeting was scheduled with the PG Chamber on Thursday morning and the Rotary on Thursday afternoon. They also hoped to make a presentation at the neighborhood chair meeting on October 1. A meeting for the downtown businesses still needed to be scheduled. All pertinent information would be on the front page of the October Newsletter and on social media. The meeting dates would be posted on the website the following morning.

Council Member Pack suggested rephrasing the term "rumor killing" because of negative connotation. Council Member LeMone agreed and thought it would be useful to create a specific FAQ to address the issues of rumors.

9) MAYOR AND CITY COUNCIL BUSINESS

Council Member Pack thanked the Council for selecting her to be a part of the City Council. She looked forward to working with people of their integrity.

Council Member Robinson asked for information on a woman who took staff on a tour of the Boulder Trails in Colorado. She met with the mountain bike team coaches at the high school and they are in need of a park. She hoped to see a conceptual design of the mountain bike park soon. Director Giles stated that he would like to see the community have a great plan. He wanted to be sure it was built correctly and hoped that building could begin next spring. Director Giles stated that the next step would be to bring in someone who can prepare a bike layout design and help determine what will fit in certain areas and help the City learn what sort of land changes need to be made. Draper City shared contacts of people the City could work with.

10) SIGNING OF PLATS

No plats were signed at this time.

11) **ADJOURN**

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

The City Council Meeting adjourned at 9:06 p.m.

This certifies that the City Council
Minutes of September 17, 2013 are a true,
-full and correct copy as approved by
the City Council on November 6, 2013

Kathy T. Kresser, CMC, City Recorder

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