

**Pleasant Grove City Council Meeting Minutes**  
**May 7, 2013**  
**6:00 p.m.**

**PRESENT:**

**Mayor:**

Bruce W. Call

**Council Members:**

Cindy Boyd  
Lee G. Jensen  
Cyd LeMone  
Jay Meacham

**Excused:**

Kim Robinson, Council Member

**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  
Ken Young, Community Development Director  
Lynn Walker, Public Works Director  
Cody Jolley, Fire Captain  
Marcus Wager, Intern  
Brent Chase, Intern

**Others:**

Andrea Bishop, Property Owner  
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.

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**1) CALL TO ORDER**

Mayor Call called the meeting to order and noted that Council Members Jensen, Meacham, and LeMone were present and that Council Member Boyd would be arriving shortly. Council Member Robinson was excused from the meeting.

**2) PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Boy Scout Jackson LeMone.

**3) OPENING REMARKS**

Opening Remarks were given by Council Member, Cyd LeMone.

Council Member LeMone asked that everyone remember their mothers this weekend and celebrate Mother's Day with them.

#### 4) **APPROVAL OF MEETINGS AGENDA**

City Administrator, Scott Darrington, stated that the Council will need to hold a brief executive session with respect to a property issue. He added that item "N" under "Business" would be pushed to next week.

Mayor Call stated Council Member Jensen would be making an announcement before item "A" under "Business."

**ACTION:** Council Member Meacham moved to approve the agenda. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Jensen, Meacham, and LeMone voting "Aye."

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

- a) **City Council and Work Session Minutes:  
City Council Minutes from April 2, 2013.**
- b) **To consider for approval paid vouchers for (April 23, 2013).**

**ACTION:** Council Member LeMone moved to approve the consent agenda items. Council Member Meacham seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone and Meacham, voting "Aye."

#### 6) **OPEN SESSION**

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

#### 7) **BUSINESS**

Council Member Jensen reported that he has served on the City Council for eight years and described it as an interesting, and even life changing experience. He has worked with wonderful Council Members, Staff, Directors, and Department Heads. He appreciated the opportunity to serve and the trust put in him. The time had come for him to accept another opportunity and he planned to resign his position on the Council in August. Council Member Jensen announced that he and his wife were called to serve as LDS missionaries in the Copenhagen, Denmark Mission in the Copenhagen Temple for the next two years. Council Member Jensen specifically thanked Council Member Boyd for mentoring him and helping him become a Member of the City Council. He also thanked Mayor Call for being an excellent colleague and leader. He thanked all of the Council Members, his wife Pia, and the Citizens of Pleasant Grove.

Mayor Call was sad to see Council Member Jensen leave, but was extremely excited for him. Mayor Call asked that Council Member Jensen remain on the Council for as long as possible. After Council Member Jensen has resigned, efforts will be made to fill his vacant position on the Council. Council Member Boyd thanked Council Member Jensen's wife, Pia, for her time and service to the City.

**A) THE UTAH MOTHERS ASSOCIATION OF THE AMERICAN MOTHERS, INC. TO RECOGNIZE JILL BIGELOW, MELISSA FINCH AND 5<sup>TH</sup> GRADE ESSAY WINNER RICKY FASSBINDER FOR THEIR OUTSTANDING ACHIEVEMENTS. PRESENTER: DEANNE TAYLOR, UTAH MOTHERS ASSOCIATION CHAIR.**

Utah Mothers Association Chair, Deanne Taylor, thanked Council Member Jensen on behalf of the citizens of Pleasant Grove for his service. She was present to recognize outstanding citizens of Pleasant Grove. She reported that recently selections were made for outstanding mothers and women who have contributed to the State of Utah.

Ms. Taylor reported on a recent 5<sup>th</sup> grade essay contest. She announced that Ricky Fassbinder, of Pleasant Grove, was the 4<sup>th</sup> place winner of the State competition. Ricky read his essay to the Council. The Council recognized Ricky's mother Diana. She stated that the essays must be handwritten with spelling, punctuation, and grammar as part of the overall score.

It was reported that the Utah Mothers Association also recognizes outstanding mothers of achievement. Ms. Taylor stated that these are women who have contributed not only to their families, but also to the community. Two women were recognized from Pleasant Grove. She first introduced Melissa Finch, a working mother, who is employed by the Department of Workforce Services. She was recognized for her work with mothers and families facing difficult times. In addition to working, she supports her daughters in their various activities. Ms. Taylor informed the Council that Ms. Finch is Council Member LeMone's mother.

The second mother recognized was Jill Bigelow. Ms. Bigelow was not able to be in attendance due to birth of her 33<sup>rd</sup> grandchild. Ms. Bigelow received a \$1,000 grant from Judge Thompson of Oklahoma who established the Barbara Thompson Gift. The recognition was to be given to a worthy mother to continue the work they do. Ms. Bigelow works with the American Heritage School and specifically with the Teddy Bear Project. The grant was awarded to the American Heritage School in Ms. Bigelow's name to help further the work of the Teddy Bear Project.

Ms. Taylor was excited to have such wonderful mothers representing the community. She remarked that these women can help all remember the great value mothers bring to the communities they are a part of.

**B) INTRODUCTION OF NEW EMPLOYEES.**

Community Development Director, Ken Young, introduced new Intern, Marcus Wager, a recent BYU graduate with a degree in Urban Planning. Director Young hoped to be able to keep Mr. Wager beyond an internship role. He stated that Mr. Wager has been with the City for a week and is already making a lot of progress.

City Engineer, Degen Lewis, introduced new Intern, Brent Chase, a BYU graduate who plans to attend Utah State in the fall. He will be working as an Engineer Intern. Mr. Chase is originally from Los Angeles and is working on a graduate degree in Civil Engineering.

**C) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION OF THE PROPOSED PARKS & RECREATION IMPACT FEE FACILITIES PLANS.**

**ORDINANCE (2013-11) CONTAINING PROPOSED REVISIONS TO PLEASANT GROVE CITY CODE REGARDING IMPACT FEES, AND UPDATES TO THE AFFECTED IMPACT FEES CHARGED BY PLEASANT GROVE CITY; AND PROVIDING FOR AN EFFECTIVE DATE. (CONTINUED FROM THE APRIL 16, 2013 MEETING.) PRESENTER: DIRECTOR LUNDELL.**

Finance Director, Dean Lundell, stated that the study to reevaluate the Park Impact Fee was recently completed. Reviews were conducted periodically on all impact fees to determine if the City is charging the right amount. Director Lundell stated that Zions Bank conducted a study for the City and evaluated how much land is available. A portion of the impact fee takes into account how much open space the City has per citizen and the types of park amenities available.

Director Lundell stated that the current impact fee for a single-family home is \$1,018.53. The study recommends \$1,803.28. He stated that the fee is charged to residential structures and not commercial structures. A public hearing was held a few weeks earlier and tonight's discussion item is a continuation of the public hearing.

Council Member Meacham asked how frequently the update will occur. Director Lundell stated that it should be updated every five to six years. He explained that Park Impact Fees change because land values fluctuate. The last evaluation took place in 2002.

Council Member Jensen asked if the City has identified a future park site. Director Lundell reported that the City is working on a Master Plan, but Park Impact Fee studies are based primarily on open space and amenities. It identifies potential projects but not specific ones. Administrator Darrington stated that there is an item on the next agenda to review the Master Plan.

Mayor Call asked Director Lundell to explain impact fees to the high school students in attendance. Director Lundell reported that impact fees are charged to a new development in the City. The idea is that existing residents put money into infrastructure in an effort to keep the City up to date. It is a way for new development to buy into the City. Mayor Call stated that when a home is built, it will have an impact on the City. Accordingly, Park Impact Fees are charged to maintain a healthy ratio between open space and people.

Mayor Call stated that this item is a public hearing and then opened the meeting to the public. There were no public comments. Mayor Call closed the open session.

**ACTION:** Council Member Jensen moved to approve and adopt Ordinance 2013-11 containing proposed revisions to Pleasant Grove City Code regarding Impact Fees, and updates to the affected impact fees charged by Pleasant Grove City. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken and with Council Members Boyd, Jensen, LeMone and Meacham voting "Aye." The motion passed unanimously.

**D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-12) THE REQUEST OF SCOTT BISHOP TO REZONE A PORTION OF LOT 7 IN THE CANYON BROOK SUBDIVISION FROM AN RR (RURAL RESIDENTIAL) ZONE TO R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE LOCATED AT APPROX. 359 WEST 2900 NORTH (MANILA NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.**

Director Young stated that the above request was submitted by Scott Bishop to rezone a portion of his property. He explained that the entire area in the City boundary is under the same General Plan designation, Very Low Density Residential. All property in the City north of 1800 North is located within that designation. The area also contains three potential zones that can be applied. The A-1 Agricultural Zone, the RR or Rural Residential Zone, which requires one-half acre and is the zoning surrounding the property in question, and the R-1-20 Zone, which allows for lots up to 20,000 square feet.

Director Young stated that the property in question is 267 square feet under the minimum lot size for the RR Zone for a home to receive a building permit. The property has been divided by ownership but a subdivision plat has not been recorded. Director Young reported that 10 years ago the neighborhood was platted but the property in question was not large enough to develop. The request is to apply the R-1-20 Zone to the property, which would allow for issuance of a building permit.

Director Young stated that staff identified two options for the property. The first was to apply the R-1-20 Zone and allow the parcel to be slightly smaller than is typically required. Granting this allowance would not increase the density or impact on the neighborhood. The second option would require compliance with the one-half acre minimum requirement in the RR Zone by purchasing a portion of an adjoining property. Director Young stated that the owner attempted unsuccessfully several times to purchase additional property, which led him to bring the request to the City.

Mayor Call asked if there was a problem creating spot zoning. Director Young reported that roughly 10 years ago there was an amendment to the State Code that formally recognized Spot Zoning as legal. Director Young stated that the property is currently part of a subdivision. Mayor Call asked if they have done lot size averaging. He wanted to find a way to make the request work without changing the zoning. Engineer Lewis did not know if lot size averaging was done when the subdivision was built 10 years earlier.

Mayor Call asked if the owner could request a variance with the Board of Adjustment. Director Young had considered this option, but did not think this type of zoning would be something the Board of Adjustment would address. He explained that the owner would have to show that it is not a self-imposed hardship, which he doubted he would be able to do.

Council Member Jensen asked where access to the property will be if the zone change is granted. Director Young replied that there is an existing driveway used by the property to the north that will be shared by the new home. He explained that allowing the change will not have an impact on the City or the surrounding homes.

Council Member Boyd did not like making exceptions for one person and wanted to see if lot size averaging could fix the problem. She remarked that when the original approval was granted 10 years ago, the City was concerned about driveways on 100 East. If possible, she hoped to avoid spot zoning since it does not conform to the vision of the City.

Property representative, Andrea Bishop, stated that they have tried to purchase the additional 267 feet from the owners of the surrounding lots, but none were willing to sell. The preference of the surrounding owners was for the property in question to be divided up and sold off to other adjoining

property owners. Ms. Bishop stated that they have offered to sell to the surrounding property owners but none were interested in that either.

Mayor Call requested that Director Young and Engineer Lewis consider lot size averaging. Engineer Lewis stated that lot size averaging would still require a re-plat because the property was recorded as one large lot. He explained that re-platting would require all lot owners to sign the plat. Mayor Call asked City Attorney, Tina Petersen, if this was something that could be considered by the Board of Adjustment. Attorney Petersen stated that if the current property owner had a hand in the initial illegal subdivision they would have a difficult time meeting the burden of the hardship not being “self imposed.” She thought it would be a good idea to look at the old subdivision file before moving forward. Mayor Call asked that this be done as quickly as possible but also in a responsible and thorough manner.

The Council agreed that staff should take another week and acquire as much information as possible on the original subdivision and determine whether lot size averaging is possible. Mayor Call informed Ms. Bishop that he was confident a solution can be found that will work for her and her family.

**ACTION:** Council Member Jensen moved to continue item 2013-12 until May 21, 2013. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, Meacham and LeMone voting “Aye.”

**E) TO CONSIDER THE REQUEST OF THREE S LLC FOR A 4-LOT FINAL PLAT CALLED WALKER LANDING LOCATED AT APPROX. 140 SOUTH 600 EAST IN AN R1-7 (SINGLE FAMILY RESIDENTIAL) ZONE. (OLD FORT NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.**

Director Young reported that Walker Landing is a subdivision plat that will create four lots from one parcel, which is slightly less than one acre in size. The request was to take the corner piece, which is largely undeveloped, and divide it four ways. It was noted that the lot meets the minimum space requirement. There would be one provision to create a flag lot, which is not the preferred way to develop land. If, however, there was no other way to divide the property, a flag lot could be approved. The Planning Commission reviewed the request and recommended approval.

Mayor Call stated that what is proposed will create a sidewalk on 100 South and 600 East. Council Member Jensen stated that it seemed to make more sense to enter the lot from 600 East. Director Young stated that the corner lot requires more frontage, so the road cannot come from that spot.

**ACTION:** Council Member Boyd moved to approve the request of Three S LLC for a 4-lot final plat called Walker Landing located at approx. 140 South 600 East in an R1-7 (Single Family Residential) Zone. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone and Meacham voting “Aye.”

**F) TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-13) AMENDING TITLE 1 CHAPTER 7A SUBSECTION 3B “FILING FOR ELECTIVE OFFICE AND FILING FEES” OF THE PLEASANT GROVE MUNICIPAL CODE TO PROVIDE FOR AMENDED FILING DATES PURSUANT TO RECENT CHANGES IN THE**

**ELECTION LAWS OF THE STATE OF UTAH AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.**

Attorney Petersen reported that the proposed ordinance will bring the City's code into conformance with recent changes made at the State level regarding filing dates for municipal elections and reduce the length of time for filing. The State Code now allows approximately one week. The time to file is between June 1 and June 7 for any municipal election. The other changes were housekeeping in nature and ensure that the dates are consistent. The new ordinance also changes the filing time for write-in candidates. Candidates must pay the \$35 filing fee 60 days before the municipal general elections. Council Member Jensen asked if the June date will change from year to year. Attorney Petersen stated that there is a provision that states that if the date falls on a Saturday or Sunday the filing date will be extended to 5:00 p.m. the following Monday. The State Statute will always be June 1 to June 7. Depending on when the days fall in the month, a candidate will have three to six days to file.

**ACTION:** Council Member Meacham moved to approve Ordinance 2013-13 amending Title 1 Chapter 7A Subsection 3B "Filing for Elective Office and Filing Fees" of the Pleasant Grove Municipal Code to provide for amended filing dates pursuant to recent changes in the election laws of the State of Utah and providing for an effective date, with a change to the date of June 3, to June 1. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Boyd, Jensen, LeMone and Meacham voting "Aye." The motion passed unanimously.

- G) **TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-14) ENACTING TEMPORARY ZONING REGULATIONS REGULATING THE APPROVAL OF NEW SUBDIVISION PLANS IN A SPECIFIED AREA OF THE GROVE ZONE, INTERCHANGE DISTRICT FOR SPECIFIED LAND USES; PROHIBITING THE APPROVAL OF NEW PROJECT PLANS FOR LAND USES THAT DO NOT FURTHER THE PURPOSE AND OBJECTIVES OF THE DISTRICT, SPECIFICALLY, PROHIBITING NEW PROJECTS PROPOSING ONLY COMMERCIAL OFFICE AS A SOLE USE OR A PRIMARY USE AND LIMITING NEW PROJECTS TO THOSE INCORPORATING A MIX OF COMMERCIAL OFFICE WITH COMMERCIAL RETAIL LAND USES AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Petersen stated that the proposed ordinance is in response to the Council regarding the interchange district where the Hammons project is located. The discussion was centered around the idea that currently Class A Commercial office space as a single use would be permitted, which was not the desire of the Council. The Council requested that a temporary zoning ordinance be enacted prohibiting sole use as commercial office space. Attorney Petersen stated that it would still be permitted in conjunction with a true mixed-use if it brought in retail. She explained that they will be working on a permanent zoning arrangement and zoning ordinance that will incorporate the City's desires.

Council Member Jensen asked if there is a specific number or percentage of retail stores necessary to meet the mixed-use requirements. Attorney Petersen responded that there will be discussion about how much detail and how structured the Council would like the ordinance to be. The idea was not to zone out commercial office space entirely, but to have a true mix. Mayor Call stated that this represents an immediate action that buys the Council time to develop the ordinance they want.

Attorney Petersen stated that the temporary ordinance does not specify a percentage of mixed-use, but states that it must be mixed-use and cannot be primarily office space.

Council Member Jensen asked if there has ever been a survey that tells if the income generated by commercial space in the form of property tax is financially substantial for the City. Administrator Darrington used doTERRA as an example. They are building several large buildings, but will only have a small retail operation. The amount of sales tax revenue generated is very close to the property tax revenue that the City receives. He explained that sales tax is generally more than property tax. Attorney Petersen stated that with a retail or commercial retail operation, the City gets both the increased property tax revenue and the sales tax revenue. If there is only office space the City receives only the property tax increase.

Administrator Darrington stated that cities often have to provide incentives to developers to encourage them to build, and those are dealt with on a case-by-case basis. The proposed temporary zoning ordinance is only to allow for time to determine what the Council feels is best for this part of the City.

Administrator Darrington reported that he spoke with Brandon Fugal who represents the property in question and updated him on what the City is doing with the temporary zoning ordinance. The property owner, Dennis Baker, had some frustration with enacting the requirements. He stated that the parties must work together and have a combined vision to make the project work for both the developer and the City. Mr. Baker found a potential buyer and the City has now zoned the property in such a way that his buyers can no longer develop. Administrator Darrington stated that the Council and City need to be very aware as they establish the requirements and changes as to how they will affect people. He reported that the City has always been cautious about what will go into the Interchange Zone because it is the gateway to the City and Mr. Baker is very aware of that. As the Council moves forward to create a permanent solution for this piece of property, Mr. Baker will need to be included in the discussion. Administrator Darrington asked Mr. Baker to submit a letter outlining his frustrations, which he did. The letter was to be attached to the paperwork pertaining to the proposed ordinance.

Council Member Boyd did not expect the ordinance change to take a lot of time to complete, which would allow Mr. Baker to move forward very soon. Council Member Jensen stated that the Council can often be at odds with the developer, the landowner, and the City. He stressed that the Council has to protect the best interest of the City.

**ACTION:** Council Member LeMone moved to approve Ordinance 2013-14 enacting temporary zoning regulations regulating the approval of new subdivision plans in a specified area of the Grove Zone, Interchange District for specified land uses; prohibiting the approval of new project plans for land uses that do not further the purpose and objectives of the District, specifically, prohibiting new projects proposing only commercial office as a sole use or a primary use and limiting new projects to those incorporating a mix of commercial office with commercial retail land uses and providing for an effective date. Council Member Boyd seconded the motion. A voice vote was taken with Council Members Boyd, Jensen, LeMone and Meacham voting “Aye.” The motion passed unanimously.

**G) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-012) TENTATIVELY ADOPTING THE PLEASANT GROVE CITY BUDGET FOR THE FISCAL YEAR**

**BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014, WHICH INCLUDES THE PLEASANT GROVE REDEVELOPMENT AGENCY TENTATIVE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: FINANCE DIRECTOR, DEAN LUNDELL.**

Director Lundell stated that staff has been working on the budget for the last several months. According to State law, at the first Council Meeting in May the City must tentatively adopt the budget. The above agenda item confirmed that staff continued to work on the budget. A public hearing was scheduled for June 4. The entire booklet containing budget details was to be published uploaded to the City website on May 8. Director Lundell stated that page two of the booklet contains a summary identifying frequently asked questions regarding revenues and expenditures for the larger fund and the City. It also contains information on employee raises and benefits and utility and rate increases. Numerous other topics were also included in the summary.

Mayor Call thanked Director Lundell for the summary and found it to be very helpful. Council Member Jensen did not notice the revenue expenditure difference in the budget. Director Lundell explained that Capital Projects are paid primarily with money saved from previous years in the General Fund. When the budget is looked at as a whole the expenditures will be greater than the revenues because the City is spending money saved from previous years. Administrator Darrington stated that if a project was not started or completed the previous year, but the money was saved and moved to the next budget year, it is not shown as revenue. The expenditure, however, will show up even though the revenue was in the previous year's budget. Mayor Call suggested this topic be described in more detail in the budget summary.

Administrator Darrington stated that with the adoption of the tentative budget, Chief Smith will begin recruiting for his new Investigations Police Officer and potentially be fully staffed by July 1. The City continued to contract dispatch services to neighboring communities. If resolved soon, it will be added to the final budget. Administrator Darrington stated that June 4 will be the public hearing on the budget, which will be adopted on June 18. This will be the only item on the June 18 agenda.

**ACTION:** Council Member LeMone moved to approve Resolution 2013-12 tentatively adopting the Pleasant Grove City budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014, which includes the Pleasant Grove Redevelopment Agency tentative Budget; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Boyd, Jensen, LeMone and Meacham voting "Aye." The motion passed unanimously.

**H) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-013) AUTHORIZING THE MAYOR TO SIGN A GROUND LEASE AGREEMENT WITH BARNARD PG, LLC, PROVIDING FOR A FIVE YEAR LEASE OF FIVE ACRES OF REAL PROPERTY OWNED BY PLEASANT GROVE CITY AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ADMINISTRATOR DARRINGTON.**

Attorney Petersen stated that the above resolution was discussed at previous meetings. She reported that the City is purchasing the 40-acre Pipe Plant property. The current owner wants to lease back a portion of the property to continue storing equipment on. Staff spoke with the property owner and made a few amendments to the Lease Agreement.

The first amendment states that the lease will be for 2.37 acres rather than the previously discussed five acres. The second amendment states that if the landlord, Pleasant Grove City, requires the property be vacated, the City must give the tenant six months' written notice. The City agreed to lease the property to the current owners for a minimum of five years. In the event the City asks them to relocate, the agreement allows the City to move them to a new location and requires the City to pay for the lighting and the fencing currently on the property. Attorney Petersen stated that it is very unlikely that the City will ask to relocate the current owners. The proposed amendment states that the City will not relocate the tenants in the first two years. Once the agreement expires at the end of five years the City may or may not opt to renew the contract.

Attorney Petersen said that the monthly rent will be \$711 based on the rental rate of \$300 per acre, which was determined to be fair market value. Mayor Call asked if the amendments are in the contract currently or if the contract needs to be redrafted. Attorney Petersen stated that the changes are in the contract, with the exception of the acreage amount. Attorney Petersen reported that the access point to the property will remain as-is with an entrance on 400 North. She stated that no changes will be made to the property. The current company will keep their equipment in an existing fenced area.

**ACTION:** Council Member Meacham moved to approve Resolution 2013-013 authorizing the Mayor to sign a ground lease agreement with Barnard PG, LLC, providing for a five year lease of 2.37 acres of real property owned by Pleasant Grove City and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Boyd, Jensen, LeMone and Meacham voting "Aye." The motion passed unanimously.

I) **TO CONSIDER FOR ADOPTION A RESOLUTION (2013-014) AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE SITE LEASE AGREEMENT WITH T-MOBILE WEST LLC, TO EXTEND THE OPTION PERIOD FOR THE LEASE OF REAL PROPERTY TO CONSTRUCT A WIRELESS COMMUNICATION TOWER AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.**

Attorney Petersen stated that roughly two years ago the City executed an option agreement with T-Mobile to construct a cell tower near the City Cemetery. T-Mobile has not constructed the cell tower, but would like to extend their option by one year. In consideration of the extension, T-Mobile agrees to pay the City an additional \$1,000. Once the tower is built the City will receive \$1,500 per month in rent. Attorney Petersen stated that the current option expires on May 12, 2013, this renewal will expire in May 2014.

**ACTION:** Council Member LeMone moved to adopt Resolution 2013-014 authorizing the Mayor to sign an amendment to the site lease agreement with T-Mobile West LLC, to extend the option period for the lease of real property to construct a wireless communication tower and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Boyd, Jensen, LeMone and Meacham voting "Aye." The motion passed unanimously.

J) **TO CONSIDER FOR ADOPTION A RESOLUTION (2013-015) AUTHORIZING THE PLEASANT GROVE CITY PARKS AND RECREATION DEPARTMENT DIRECTOR TO SUBMIT APPLICATION FOR THE 2013 UTAH COUNTY**

**COMMISSION MUNICIPAL RECREATION GRANT FOR IMPROVEMENTS TO BE MADE TO RECREATIONAL FACILITIES THROUGHOUT THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: DIRECTOR GILES.**

Parks and Recreation Director, Deon Giles, stated that the above resolution is an annual Utah County Recreational Grant application. This year the grant will cover benches for the recreation center, picnic tables, drinking fountains, and additional park equipment for the Manila Creek and Mahogany Parks. He reported that they will be asking for \$19,503.95. Mayor Call stated that this is a fairly consistent grant amount based on what has been received in the past. In response to a question raised by the Mayor, Director Giles reported that the benches will be placed on the exterior of the entrance way to the recreation center. The tables will be placed in the Manila Creek Pavilion and drinking fountains will be located in both parks. Playground equipment will also be replaced at the Mahogany Park playground.

Mayor Call clarified that the grant does not require a match, which is beneficial to the City. Council Member Meacham asked why Director Giles needs approval from the Council to apply for a grant. Director Giles stated that it is part of the tourism tax ensures that the funds go where the City Council wants them to.

**ACTION:** Council Member Meacham moved to approve Resolution 2013-015 authorizing the Pleasant Grove City Parks and Recreation Department Director to submit application for the 2013 Utah County Commission Municipal Recreation Grant for improvements to be made to recreational facilities throughout the City; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Boyd, Jensen, LeMone and Meacham voting “Aye.” The motion passed unanimously.

**K) DISCUSSION ON THE PENALTY FOR VIOLATING THE PRESSURIZED IRRIGATION ORDINANCE AND POSSIBLE ORDINANCE AMENDMENT INCREASING THE PENALTY FEE. PRESENTER: ADMINISTRATOR DARRINGTON.**

Administrator Darrington stated that the Council previously requested a discussion on the watering schedule, enforcement, and the fines currently in place. Due to a shortage of water, the Council agreed to purchase 1,000 acre-feet of water from the City of Orem in order to meet the City’s demands. The City currently allows odd numbered homes to water on Monday, Wednesday, and Friday and even numbered houses to water Tuesday, Thursday, and Saturday. No watering is allowed on Sunday with the exception of schools, churches, and the City. The first violation results in a warning informing the violator of the rules. If there is a second violation secondary water will be shut off and a \$50 reconnect fee imposed. If there is a third violation, the secondary water will be shut off once again and a \$200 reconnect fee will be assessed. In the event someone reconnects without the permission of the City, a \$500 fine will be imposed.

Administrator Darrington stated that in the past enforcement has rested on the Public Works crew during the day. He reported that they typically have only a dozen or so infractions. Occasionally crews drive through neighborhoods on Saturday and Sunday evenings. Administrator Darrington stated that the majority of residents water in the middle of the night so there is very little enforcement. Director Walker and Administrator Darrington created a plan that will allow the City to hire 24-hour enforcement. The Public Works crew will continue to monitor watering during

daytime hours and the newly hired crew will work two evening shifts from 5:00 p.m. to 12:00 a.m. and from 12:00 a.m. to 7:00 a.m. There will also be crews monitoring water usage all day Saturday and Sunday. These crews will monitor both residences and businesses.

Administrator Darrington reported that hiring the new employees will cost the city roughly \$10,000 to \$15,000. Because the City had to purchase water from Orem, they feel strongly about enforcing water usage. Full-time enforcement was to begin on May 15. He stated that the employees will have very specific customer service training. Employees working the night shift will not leave their cars, but make notes and have the day shift leave the violation notice on the door the following morning. Council Member Jensen clarified that the day shift will make an effort to speak to homeowners before leaving the notice on the door.

Council Member LeMone asked what the watering schedule is for larger areas such as parks and churches. Administrator Darrington stated that there are exceptions for those that have a large amount of watering. Schools, churches, and the City are allowed to water every day. He reported that the City Cemetery is on an eight-day watering rotation to get all parts of it watered. Schools and churches are run in a similar way. Administrator Darrington stated that the Council needs to decide how to enforce these larger entities.

Administrator Darrington stated that a violation for schools, churches or City areas would involve water running down the gutter, or watering the same area for an extended period of time. For schools there would be a notification for the first violation. If there is a second infraction the City can fine the School District. If a church has a violation the City can contact the Church Facility Management Group and fine them accordingly. Director Walker met with the Church Facility Management Group and informed them of the requirements. He planned to meet with the School District later in the week.

Council Member Meacham stated that non-compliance is difficult to document. Director Walker stated that churches have been very supportive of the City's plan to conserve water. If their facilities are found to be wasting water the City will turn it off. Administrator Darrington thought the schools would feel the same.

Administrator Darrington stressed that it is important for the Council and staff to remember that larger facilities will water more frequently. Smaller landscaped churches will still need to comply with a watering schedule, however. Administrator Darrington asked if the Council was comfortable with the proposed \$50 and \$200 fines. He stated that the City will get feedback from residents in a way they never have before because of the 24-hour monitoring.

Mayor Call asked what the door hanger warning says. Director Walker reported that the door hanger specifies whether it is a first, second, or third offense, the fine amount, and what the violation is. It also informs the violator what the next offense fine will be. A case number is recorded with the Police Department. Director Walker stated that they will always try to make personal contact with the homeowner, especially on the first infraction. Mayor Call asked what happens on the fourth or fifth violation. Administrator Darrington stated that in the past they have suggested turning off the secondary water permanently after the third infraction and the violator would be required to come before the Council to have the water turned back on.

Administrator Darrington stated that all violations begin fresh at the start of each watering season. If a resident receives two violation notices in 2013, they will start the 2014 water season with no record of violations. Attorney Petersen stated that the Ordinance allows the City to cite the violator criminally as a Class B Misdemeanor and if the City can prove there were multiple infractions. There are larger fines associated with that charge.

Council Member Jensen stated that some citizens will feel like City leadership is taking too much control, and asked what the City is doing to educate the public about the water situation. Mayor Call stated that the recent newsletter had an FAQ included, which is also on the website. The consequences will be added to the website, as it has been in the past. Mayor Call suggested adding to the website that for the first time there will be 24-hour enforcement because of the severe nature of the water shortage. There was also information included in the water utility bill.

Administrator Darrington asked the Council if anyone had a problem with the amount of the fines. The Council was comfortable with the fines. Staff was in close contact with the churches and schools and will not hesitate to administer fines if necessary.

**L) CONTRACTING DISPATCH : ADMINISTRATOR DARRINGTON.**

Administrator Darrington stated that several months ago Highland and Alpine Cities contacted Pleasant Grove about contracting out the City's dispatch services. Cedar Hills also expressed interest in a similar contract. Highland and Alpine are both part of the County dispatch and are seeing an increase in their costs. They hope to save money by contracting with Pleasant Grove. The two cities are currently working on what they would pay Pleasant Grove for their services. He reported that Pleasant Grove would have to hire more dispatchers and would need to put in a third console. He hoped to send Highland and Alpine a Memorandum of Understanding, which would be followed up with an inter-local agreement stating that Pleasant Grove will provide 911 dispatch services to Highland and Alpine for both Police and Fire Services beginning July 1, 2013.

Administrator Darrington stated that the annual fee of \$93,819 for Highland and \$50,349 for Alpine would be billed quarterly. The fee will increase annually by 3% for the full term of the 10-year contract. Any parties involved will have the right to terminate the contract with one full year's notice. If Highland or Alpine withdraw from the contract before the 10 years there will be a negotiated sum for the capital costs incurred. Administrator Darrington stated that there will also be an annual review in order to assure that the service and cost is going well.

Administrator Darrington reported that State 911 fees are paid on every phone bill with a certain amount allocated to the City. Pleasant Grove will receive Highland and Alpines 911 fees. They will provide the inter-local agreement to the cities in the near future to get approval as soon as possible. The final details and legalities will be completed once the inter-local agreement has been agreed to.

Council Member LeMone asked if this will allow the City to hire more full-time dispatchers. Administrator Darrington reported that the City will hire three full-time dispatchers and keep the current full-time and part-time employees. Pleasant Grove charges the cities enough to cover all of their costs. He clarified that the City will benefit both in revenue and job opportunities. Council Member Meacham asked how the City will facilitate the new hires and added dispatch responsibility. Administrator Darrington reported that there is room for another work station and

not all six of the full-time employees will work at the same time. There are currently three functioning work stations that will be upgraded to four stations, which will be sufficient.

Council Member Jensen asked if the fee Pleasant Grove will charge has already been negotiated with the other cities. Administrator Darrington stated that he, along with the Police and Fire staff have negotiated the fees with the other cities' administrators and Fire Chief. He added that the fee charged is the same the cities have paid in previous years. He reported that Pleasant Grove will be charging a set fee regardless of the amount of calls received. The cities will be billed quarterly. He added that any money the City spends to get the additional dispatch running has been built into the contract to be repaid over time. If the other cities cancel their contract before the 10 years has passed, they will pay a prorated cancellation fee so that Pleasant Grove will not lose any money.

Council Member Jensen thought it would be beneficial to charge a lower amount per year and have them make an initial investment upfront, rather than require Pleasant Grove cover the capital costs. Mayor Call explained that the City is acting as landlord capacity and wants to own the system and not have shared ownership. For that reason the City was fronting the entire cost.

Council Member Jensen expressed concern about taking 10 years to recoup the funds invested. Mayor Call stated that this is a major step toward becoming the best run City in the State. He considered it a great investment for the City. Administrator Darrington stated that there have already been feelers put out by other cities who are interested in a similar dispatch set up. The Council agreed to have Administrator Darrington present the agreement to Highland and Alpine.

Administrator Darrington stated that Cedar Hills has approached the City about contracting police services. Cedar Hills is currently under contract with American Fork. A group of staff members met with Cedar Hills staff to discuss specific services. Administrator Darrington stated that police services are straight forward and for the fee they are paying America Fork, Pleasant Grove could accommodate their needs with an even higher level of service. The item was to be on the next meeting agenda.

Administrator Darrington stated that fire services may be more challenging because they are part of the Lone Peak Fire District. Cedar Hills would have to pay more to Pleasant Grove than they are paying to Lone Peak. He explained that a benefit of contracting services is that the City will have Pleasant Grove personnel at the Lone Peak Fire Station. Pleasant Grove and Cedar Hills will be one area as far as fire services are concerned. He added that the northern part of the community will have a reduction in call times. Revenue will be important, but so far there has been a lot of positive talk. He requested approval from the Council to move forward in discussions with Cedar Hills. It was noted that Cedar Hills would like to make a decision prior to July 1.

Administrator Darrington stated that the agreement would be similar to the Dispatch Services Agreement. If Cedar Hills chooses to contract their police services the City will add their dispatch. He added that this will provide an opportunity to tie up loose ends regarding utilities. Council Member Boyd stated that response times for Cedar Hills would be much better if Pleasant Grove managed their fire, police, and dispatch.

Administrator Darrington said that equipment may present an issue because Cedar Hills does not know what they are entitled to from Lone Peak. The City has enough fire equipment to service both stations, but they would like to see some equipment come with Cedar Hills. He stated that if all of

the cities brought all of their police, fire, and dispatch to the City, they would likely hire one more full-time dispatch employee, three more full-time police officers, and six new fire fighters. Administrator Darrington stated that they will move forward in discussions with each City and report back to the Council.

**8) NEIGHBORHOOD AND STAFF BUSINESS**

Representative Green stated that the Legislature will be meeting next week. He asked if there was anything that he should be aware of. Administrator Darrington stated that the City’s primary issue is additional funding for roads as well as sales tax distribution. Representative Green agreed to pass that along.

Director Young stated that the Boulder, Colorado trip was rescheduled to May 15, 2013. He added that trees are being placed at the Evermore Theme Park property. The City has not yet received a final site plan, but there is a more detailed concept plan on how they propose to do the park.

Fire Captain, Cody Jolley, reminded the Council of the Fire Fighter Breakfast scheduled for the following Saturday. He noted that tickets can be purchased at the Fire Station.

Police Chief, Mike Smith, stated that the Citizens Academy has begun and the first class went well. There were roughly 20 participants.

Administrator Darrington stated that the Storm Drain Impact Fees and the Parks and Rec Impact Fees on the Master Plan will be on the next agenda. He will also present the numbers for bringing Cedar Hills Fire to Pleasant Grove.

**9) MAYOR AND COUNCIL BUSINESS**

There was no Council or Mayor business.

**10) SIGNING OF PLATS**

No plats were signed at this time.

Mayor Call asked for a motion to go into executive session to discuss the purchase, exchange, or lease of real property. (UCA 52-4-205 (1)(d)).

**ACTION:** At 8:17 p.m. Council Member Jensen moved to go into executive session to discuss the purchase, exchange, or lease of real property. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, Meacham and LeMone voting “Aye.”

**PRESENT:**

- Mayor Call
- Council Member Boyd
- Council Member Jensen
- Council Member LeMone
- Council Member Meacham

**EXCUSED:**

- Council Member Robinson

**STAFF PRESENT:**

Tina Petersen, Attorney  
Scott Darrington, Administrator  
Degen Lewis, City Engineer  
Kathy Kresser, City Recorder

**ACTION:** At 8:41 p.m. Council Member Jensen moved to come out of executive session. Council Member LeMone seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone and Meacham voting “Aye.”

He then asked for a motion to adjourn.

**11) ADJOURN**

**ACTION:** Council Member LeMone moved to adjourn. Council Member Meacham seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone and Meacham voting “Aye.”

This certifies that the City Council  
Minutes of May 7, 2013 are a true,  
full and correct copy as approved by  
the City Council on June 4, 2013

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Kathy T. Kresser, CMC City Recorder

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