

**Pleasant Grove City
City Council Regular Meeting Minutes
November 18, 2014
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cyd LeMone
Ben Stanley
Jay Meacham
Cindy Boyd

Staff Present: Scott Darrington, City Administrator
David Larson, Assistant to the City Administrator
Dean Lundell, Finance Director
Degen Lewis, City Engineer
Deon Giles, Parks and Recreation Director
Tina Petersen, City Attorney
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Ken Young, Community Development Director
Lynn Walker, Public Works Director
Kathy Kresser, City Recorder
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 Daniels called the meeting to order and noted that Council Members Andersen, LeMone, Stanley, Meacham, and Boyd were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member LeMone.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Boyd.

4) APPROVAL OF AGENDA

ACTION: Council Member Meacham moved to approve the agenda as public record. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

5) CONSENT ITEMS

- a) **City Council and Work Session Minutes;
City Council Minutes for the September 17, 2014 Special Meeting.
City Council Minutes for the October 21, 2014 Meeting.
City Council Minutes for the October 28, 2014 Meeting.**
- b) **To consider for approval of paid vouchers for (November 10, 2014).**

ACTION: Council Member LeMone 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

Jennifer Baptista gave her address as 32 North 1300 East and referred to discussions regarding the \$435,000 that the City acquired through the sale of Battle Creek Park. She felt that the money would be better served toward the Public Safety Building rather than toward Shannon Fields. She took offense with some of the conversations that took place at last week's meeting over this matter. She requested that nothing be placed on the agenda that is not open for public discussion. Ms. Baptista was of the opinion that there are too many discussions taking place for which citizens do not have a voice. She stated that when it comes to taxpayer dollars and large investments for the City, the citizenry should be able to provide input. She encouraged the elected officials to always hear both sides of an issue when making decisions.

Council Member LeMone commented that Council Members seek to gain as much information as possible from staff. She noted that the Council receives a staff report several days before each meeting in order to review and study each issue carefully. Council Member LeMone explained that even if a certain question is not raised during a meeting, it does not mean that the question has not been addressed directly with staff. Ms. Baptista replied that the Council should ask the same questions that are reviewed with staff privately, during public meetings.

Mayor Daniels summarized Ms. Baptista's concerns. Ms. Baptista added that at times the Council will have a discussion on an item and then go straight to a vote, without allowing the public the opportunity to ask questions and give input. City Administrator, Scott Darrington, stated that staff is willing to sit down with members of the public at any time to review details on any issue. City Attorney, Tina Petersen, explained that a public hearing has certain noticing requirements that have to be met according to State Statute. However, any item can be open for public comment. She clarified that it would be problematic to term everything on the agenda as a public hearing; however, the Mayor is always entitled to open an item up for public comment. There was further discussion on ways to incorporate additional opportunities for public comment during Council Meetings.

Rich Guernsey gave his address as 840 East Grove Creek Drive and expressed appreciation for Ms. Baptista's comments. Furthermore, he was appreciative of her service and the service provided

by the Mayor and Council. Mr. Guernsey was grateful to live in Pleasant Grove and acknowledged that the City takes the time to recognize local veterans. He spoke about the number of veterans who are injured every year and stated that there are a few wounded warriors who call Pleasant Grove home. Mr. Guernsey asked the Mayor and Council if they would be interested in sponsoring a wounded warrior family that lives in the community.

Mayor Daniels recognized Mr. Guernsey as a retired Captain in the United States Navy. He explained that Mr. Guernsey also served in various other capacities around the world. The audience gave Mr. Guernsey a round of applause for his service.

Lisa Liddiard gave her address as 1095 East Canyon View Lane. She requested that the Mayor allow public comments after items C and D. Additionally, she reported that she has organized a group interested in learning more about how the Constitution works. One aspect of participation in the group involves reading certain books. Some individuals purchased books with the intent of donating them to the library. Ms. Liddiard asked if it would be possible to have a corner or section of the library dedicated to this group.

Mayor Daniels deferred the question to Administrator Darrington since Library and Arts Director, Sheri Britsch, was not present. Administrator Darrington was not aware of sections of the library being dedicated to individual groups simply because the books need to be accessible through the card catalogue. He commented that there is probably a certain procedure that the library follows for private book donations. Council Member Stanley commented that he currently sits on the Library Board and agreed that there is a process to follow.

Blaine Thatcher gave his address as 120 North 1400 East and felt it would be logical to relate the open session to specific agenda items. Mayor Daniels stated that the Council is generally open to the idea of receiving public comment for each agenda item.

Council Member Stanley apologized on behalf of the Council to anyone who has ever been offended or felt they were not being heard during a Council Meeting. He expressed empathy for the concerns citizens have with the government process and stated that he fought hard to ensure that as elected officials, they work transparently. Furthermore, he informed the public that items have been added to the Planning Retreat agenda scheduled for January that will specifically address the public's trust. Council Member Stanley hoped that as a City processes can be implemented so that the public feels they have a voice and that their concerns are addressed.

Karen Pinson gave her address as 144 North 260 East. She expressed concerns with children crossing dangerous streets when attending the nearby charter school. She noted that there isn't a stop sign, stop light, or crossing guard to help ensure safety. Ms. Pinson stated that in general, she hopes all school children are being protected as they walk to and from school each day.

Council Member Boyd added that the intersection Ms. Pinson was referring to is located at 3300 North 1300 West near Lincoln Academy. Administrator Darrington agreed to meet with the Police Department to come up with a solution. Attorney Petersen informed those in attendance that schools are responsible under State law to provide a safe walking route and develop a plan through their Parent/Teacher Association (PTA). If there are still problems after a plan has been developed and published for the school's families, the City can intervene and provide additional assistance.

There were no further public comments. Mayor Daniels closed the open session.

Fire Chief, Marc Sanderson, reported that he has been working with Chief Thomas and Lieutenant Haws for six months to develop a new program. He turned the time over to Chief Thomas and Lieutenant Haws for further review of the program.

Merrill Haws introduced himself as the Fire Department's Lieutenant. He explained that several months ago, he and Chief Sanderson had a conversation about how to make the community safer. They discussed the possibility of organizing a program such as VIPS or CERT and conducted research on other concepts cities are implementing in their communities. In researching the matter, Lieutenant Haws came across a Homeland Security volunteer program that seemed to be a good fit for Pleasant Grove. He stated that the Fire Department would like to establish a volunteer program based on Homeland Security's program model. A document was distributed that outlined five target areas the Fire Department would like to focus on in Pleasant Grove. Lieutenant Haws explained that the Fire Department will start collecting volunteer applications to move forward with the program.

The five areas of focus outlined in the document were reviewed. First, the Fire Department will create a reserve corps that will allow new members to receive training. The second focus will be for a medical group. These individuals will learn CPR and First Aid and likewise teach community classes in these areas. The medical group will also support the City's full-time first responders.

Third, a Fire Support Group will learn how to use equipment and where it is stored. Lieutenant Haws stated that while the Fire Support Group will not replace the full-time first responders, they will be able to support them when needed. Fourth, a logistics group will be formed. Last, a Fire Prevention Group will provide inspections. Lieutenant Haws noted that they are still trying to decide on a name for the proposed volunteer program. He suggested PGCAG, or CAG for short, which could stand for Pleasant Grove Community Action Group.

Mayor Daniels asked if the program will operate under a charter. Lieutenant Haws replied that currently they will work under the Fire Chief. He didn't feel a charter would be necessary since they will fall under an existing organization.

7) **BUSINESS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-36) PERMANENTLY CLOSING AND ABANDONING A ROAD RIGHT-OF-WAY ALONG THE WEST SIDE OF 1450 WEST FROM 3300 NORTH TO APPROXIMATELY 2750 NORTH. AREA OF THE STRIP IS APPROXIMATELY 9497 SQUARE FEET OR .22 ACRES OF LAND, AT THE REQUEST OF KYLE SPENCER, NORTHERN ENGINEERING. MANILA NEIGHBORHOOD. Presenter: Engineer Lewis.**

City Engineer, Degen Lewis, explained that the above item was discussed a few months ago. At that time, an issue was brought to staff's attention relative to public noticing. Engineer Lewis stated that the issue has since been resolved. He reviewed an aerial map of the subject property, and identified the road right-of-way that will be closed and abandoned. Administrator Darrington commented that last week, the Council instructed staff to meet with a resident who previously expressed concern with a particular intersection. Staff was unsuccessful in reaching the resident and Council Member Boyd offered to help set up a meeting.

Mayor Daniels opened the public hearing. There were no public comments. Mayor Daniels closed the public hearing.

ACTION: Council Member Meacham moved that the Council adopt an Ordinance (2014-36) permanently closing and abandoning a road right-of-way along the west side of 1450 West from 3300 North to approximately 2750 North. The area of the strip is approximately 9,497 square feet or .22 acres of land. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, LeMone, Boyd, and Andersen voted "Aye". The motion carried.

- B) **TO CONSIDER A RESOLUTION (2014-048) AUTHORIZING THE MAYOR AND MUNICIPAL COUNCIL SITTING AS THE BOARD OF CANVASSERS TO ACCEPT THE ELECTION RETURNS AND DECLARING AND CERTIFYING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 4, 2014.**
Presenter: Recorder Kresser.

City Recorder, Kathy Kresser, informed the Council that all 16 precincts reported during this year's election. The total number of votes cast was 6,862, which includes all of the absentee and provisional ballots. There were 3,248 votes cast in favor of the GO Bond and 3,614 votes were cast opposing the bond. The bond was, therefore, defeated with the overall turnout being 43%. Mayor Daniels remarked that the total number of registered voters has declined by around 1,000 since last year.

Mayor Daniels invited members of the public to make comments. There were no additional public comments.

ACTION: Council Member Stanley moved that the Council pass a Resolution (2014-048) authorizing the Mayor and Municipal Council sitting as the Board of Canvassers to accept the election returns and declare and certify the results of the General Election held on November 4, 2014, and declare that the bond was defeated. Council Member Meacham seconded the motion. A voice vote was taken. Council Members Andersen, Boyd, LeMone, Meacham, and Stanley voted "Aye". The motion carried.

- C) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-049) AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE RETAINER AGREEMENT WITH VANCOTT BAGLEY REGARDING TIMPANOGOS SPECIAL SERVICES DISTRICT.** *Presenter: Administrator Darrington.*

Administrator Darrington explained that the above issue relates to key properties located in Pleasant Grove City for future economic development. He stated that this has been a prevalent discussion for several years. Administrator Darrington explained that in his first few years as City Administrator, staff tried working with the TSSD Board of Directors and the County Commissioners to remove existing offsite compost from one of the properties. Staff felt that removal of the compost would help the City better develop the property.

Developers mentioned that the odor caused by the compost is an issue and deterrent for development. For example, when doTERRA came to Pleasant Grove, they expressed the importance of having the compost removed. They communicated that they were coming to the area with the understanding that the City would do everything possible to resolve the issue. Other

businesses considered relocating to Pleasant Grove, but ultimately decided not to move forward because of the problem.

In a final effort to get the compost removed, Pleasant Grove City joined other property owners who have been affected, including American Fork City, and formed the group CCAP (Citizens for Clean Air Progress). The group planned to file a lawsuit with TSSD to get the compost removed. The plan developed about two years ago; however, support started to dwindle, particularly when it came time to pay the bills for the lawsuit. Administrator Darrington recognized Mark Robinson, the Owner of the North Point Business Park in American Fork, as a business representative who has remained committed to the lawsuit. He stated that Pleasant Grove City has also remained committed and now has a balance that is owed to the attorneys who have assisted with the case.

VanCott, the law firm hired to represent CCAP in the dispute with TSSD, submitted a proposed agreement, stating that if Pleasant Grove City will make the payment of \$100,484.96 in full, they will reduce their hourly rates. The reduced rates would be applied retroactively and moving forward, thereby saving the City around \$20,000. The agreement also states that the City may seek repayment from CCAP or other members of CCAP, including Mr. Robinson, to reimburse them for fees paid to VanCott. All future invoices will be mailed to both CCAP and the City.

Administrator Darrington noted that the bill will be paid from the City's Sewer Fund, which is money that has been collected from sewer bills. Council Member Meacham asked why the City is using sewer funds to pay the lawsuit fees. Administrator Darrington responded that this is a sewer-related issue.

Mayor Daniels invited members of the public comment.

Lisa Liddiard gave her address as 1095 East Canyon View Lane. She was of the opinion that it would be best for the City to pay the fees for work VanCott has done to date, and then pull out of the lawsuit. She explained that if the government is to provide equal protection and treatment under the law, taxpayer dollars should not be used to pay for the lawsuit since the action will only benefit a few select business owners. She felt that the private property owners should pursue the lawsuit rather than the City. Ms. Liddiard noted that she was in possession of a letter from Environmental Quality from the State of Utah, indicating that TSSD is in compliance.

Mayor Daniels explained that a study was completed that projected an additional \$4 million per year in property and sales tax revenue that could be generated from what was remaining to be developed in the area. The additional revenue would benefit all Pleasant Grove citizens. Ms. Liddiard stated that this figure is based on theory, not fact. Mayor Daniels replied that these estimates were projected on more than just theory. Zoning ordinances are considered law and indicate what can be developed. He explained that even if the estimate is off by 50%, there would still be at least \$2 million in additional revenue generated each year.

Furthermore, Mayor Daniels stressed that the odor is cited as one of the major deterrents in developing the property. Ms. Liddiard replied that as she has spoken with other citizens, they have not observed a problem with the smell. Mayor Daniels commented that currently it appears that the problem will go away as a result of the lawsuit and it will be money well spent in the long run. He stated that the City is not in the position to discuss the details due to the confidential nature of the lawsuit. He explained, however, that there have been studies conducted in addition to the one Ms. Liddiard provided.

Ms. Liddiard asked how many citizens would need to speak up in order to drop the lawsuit. Mayor Daniels deferred the question to Attorney Petersen. Attorney Petersen replied that there isn't a specific formula. Ms. Liddiard remarked that she will continue to push the issue and stated that taxes are out of control. Mayor Daniels responded that while her opinion is respected, as a City they have to weigh every situation individually. Council Member LeMone asked Ms. Liddiard if she had an alternative solution for removing the compost if the City decides to drop the lawsuit. Ms. Liddiard stated that the business owners need to deal with the issue privately, because it only affects them.

Council Member Meacham added that there is a list of developers who refuse to locate in the City if the compost issue is not resolved. Council Member Boyd explained that the City's biggest goal is to expand the City's economic development. Furthermore, as staff and the elected officials have spoken with businesses that have been affected by the compost, they have indicated that their employees go home sick each day from the smell. There was continued discussion on ways to generate more revenue for the City.

Council Member Meacham remarked that the conditions with the smell have improved over the last few years. He was of the opinion that the situation has improved as a result of the lawsuit. For instance, TSSD has controlled their schedule of turning their compost, such as rotating it at night and where there are less wind conditions. He noted that composting takes place year round.

Mayor Daniels described the purpose of TSSD, and stated that it was created by the County. The District comprises member cities in the northern part of Utah County and they send their sewer to this facility, which is located in Pleasant Grove. The more development that takes place in the participating cities, the more sewage that comes to the facility. The more sewage that comes to the facility, the more composting that takes place. This increases the odor coming from the facility, which harms the people, businesses, and cities that directly surround the facility.

Mayor Daniels explained that CCAP tried to peacefully resolve the issue with TSSD. When CCAP was formed, the intent was to bring private pressure to the issue to resolve the problem. Pleasant Grove City was part of the commitments made and those efforts caused TSSD to analyze the problem and whether it is preventable. The route the City has taken in the past 11 months is slightly different than what was done previously. Staff and the elected officials are hopeful that these actions will lead to an actual solution. Mayor Daniels stated that all citizens are impacted by this issue and that the City is committed to making a resolution for the least amount of money and within the shortest time frame.

Council Member Andersen explained that about five years ago, she brought a company to Pleasant Grove that was thinking about relocating in Pleasant Grove. The company had \$20 million in escrow and were serious about coming. However, the day that Council Member Andersen took the company representatives to the site was the same day that TSSD was rotating the compost. Council Member Andersen relayed that the company ended up walking away from the possibility of moving to Pleasant Grove due to the neighboring compost site. Additionally, she subsequently brought a restaurateur to visit the site, and they also walked away. Last, Council Member Andersen added that people purchase the compost for about \$300,000 per year. She clarified that the City is not requesting that TSSD move the facility, but rather the composting.

Council Member Stanley remarked that as complex as this litigation strategy has been, staff and the elected officials are committed to seeing a positive solution. He stated that they reevaluate regularly to make sure that as a City, they are moving in the right direction.

Emily Varney gave her address as 1786 North 390 West. She expressed support for the City continuing with the lawsuit. Ms. Varney stated that this has been an ongoing problem and for many years there have been discussions about the importance of bringing economic development to Pleasant Grove. She commented that the City is behind many neighboring communities and now is the time to adopt a long-term vision for the future. Ms. Varney stated that just because Pleasant Grove is the last man standing in this fight, doesn't mean that they shouldn't move forward. She remarked that legal action is the right thing to do.

Bill Lee gave his address as 835 North 500 East. He remarked that oftentimes the government is on the opposite end when it comes to defending property. In this case, however, the City is standing in defense of property. Mr. Lee applauded the City for the position they have taken on this matter.

Blaine Thatcher gave his address as 120 North 1400 East and asked how much has been paid in legal fees to this point. Administrator Darrington answered that the City has paid around \$25,000 to this point. Additionally, an odor expert was hired to pinpoint the amount of odor being emitted and how it is impacting the City. Approximately \$35,000 was spent on this particular resource. Administrator Darrington reported that the City will pay around \$100,000 to VanCott and Mr. Robinson will reimburse half of that amount to the City. The proposed reduced hourly rate was then reviewed.

Mr. Thatcher remarked that it appears that the City is in a sense, suing itself. He suggested that the potential impacts of the lawsuit be considered such as increased sewer fees. He also noted that the overall tax burden needs to be weighed. Mr. Thatcher stated that there are other factors that play into the City's economic development. Last, he urged the Mayor and Council to determine how their actions will affect taxpayers.

Merrill Haws gave his address as 956 North 600 East. He commented that other sewer treatment plants have chosen not to continue the practice of composting, due to how it impacts property values. Therefore, Pleasant Grove City is not asking for anything more than what other communities have chosen to do with their sewer.

Karen Pinson gave her address as 956 North 600 East and remarked that she had the impression at one point that Pleasant Grove was also suing the other cities involved. Mayor Daniels replied that in effect, this is the case, because all of the cities in the district are part of the same contributing group. Ms. Pinson commented that this problem should be remedied, but the City should not be the only entity paying to resolve it. She loves living in Pleasant Grove and explained that more economic growth will result in lower property taxes. Last, Ms. Pinson remarked that moving forward on this issue is a step in the right direction.

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

Mayor Daniels thanked the public for their input and remarked that everyone is calmer when there is open dialogue on an issue. Furthermore, open discussions allow for more facts and less emotion. Mayor Daniels then acknowledged that hiring the odor expert has helped the City predict the outcome of the situation. He explained that the facts collected by the expert will prevent endless

discussion and potential court hearings. Administrator Darrington added that staff is still actively exploring other options to avoid going all the way through the entire lawsuit process.

ACTION: Council Member LeMone moved that the Council adopt a Resolution (2014-049) authorizing the Mayor to sign an amendment to the Retainer Agreement with Van Cott and Bagley regarding Timpanogos Special Services District. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, LeMone, Boyd, and Andersen voted "Aye". The motion carried.

Note: Council Member Boyd left the meeting at 7:21 p.m.

D) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-050) AUTHORIZING THE MAYOR TO SIGN A PROFESSIONAL SERVICE AGREEMENT WITH THE UTAH TRANSPORTATION COALITION. Presenter: Administrator Darrington.

Administrator Darrington reported that the Mayor received communication from the Utah Transportation Coalition about one month ago, asking the City to participate in a joint effort with citizens and participating cities to petition the State Legislature for additional transportation funding. He explained that the lack of road funding is not a problem that is unique to Pleasant Grove.

The City receives Class C road monies, which are tied to the gasoline tax. The tax that is paid is a set amount based on the number of gallons used. When people start driving more fuel efficient cars or drive less due to higher gas prices, the City receives less money to maintain roads. Administrator Darrington stated that the cost to maintain roads increases every year; however, the Class C road revenues have essentially remained stagnant. Furthermore, Class C road monies are based on population and the number of road miles within the community. At this point, the road network in Pleasant Grove is nearly built out. The Utah League of Cities and Towns (ULCT) is working with the State Legislature to make a change in the modeling of the gas tax. Alternatively, they are working to change the sales tax component with money specifically earmarked for roads.

Administrator Darrington explained that these efforts are primarily being spearheaded by the Salt Lake Chamber of Commerce, and they have asked all of the cities in Utah to participate. A big kick-off meeting was held the previous day in Farmington to begin gathering awareness with the general public as to the enormity of the issue. The coalition is asking for \$1,000 from the City, and the money will be used toward communication efforts to help inform the public on the issue. A portion of the money will also be used towards working with the State Legislature. Administrator Darrington read the letter sent to the City by the Utah Transportation Coalition.

Council Member LeMone asked which fund would be used to pay the \$1,000. It was noted that the money will come from the General Fund. Council Member Meacham referred to the note within the proposed resolution that each of the respective services will be completed on June 30, 2015. Administrator Darrington explained that the lobbying and political process has gained the momentum to move at full speed during the next Legislative Session.

Council Member Meacham remarked that if the efforts are successful, the City would receive more road funding than they receive through the Class C road monies. He asked if the Class C road funds would be eliminated as a result of the changes. Administrator Darrington explained that they would not be eliminated but there would be more funding. Currently, the City receives about \$1 million

per year in Class C road funds. Depending on which structure is amended, the City could potentially receive up to an additional \$1 million per year.

Mayor Daniels asked Administrator Darrington to explain how $\frac{1}{4}$ of \$.01 sales tax increase would affect Pleasant Grove citizens. Administrator Darrington replied that the additional \$1 million in revenue would be generated from the $\frac{1}{4}$ of \$.01 increase. He didn't have the exact formula but mentioned that this was the information relayed to him by the coalition. It was noted that an increase in the gas tax would result in approximately an extra \$200,000 per year, allocated for roads.

Council Member LeMone was excited by the efforts the Utah Transportation Coalition is making to provide cities and towns with additional road funding. She stated that this is a great opportunity to be a part of something positive. Administrator Darrington mentioned that the private sector has pledged the majority of the needed funds for the coalition to operate. Council Member Stanley asked if the coalition will disband after the next Legislative session is over or if it will make recurring requests. Administrator Darrington was not sure but surmised that if progress isn't made during this next session, the group will likely remain intact. He stressed that there is power in numbers and with both the public and private sectors involved, the coalition stands a good chance of reaching a solution at the State level.

Mayor Daniels invited members of the public to comment.

Ms. Baptista asked for clarification on how the \$1,000 will be spent. Mayor Daniels responded to her inquiry by re-reading the letter sent to the City by the Utah Transportation Coalition. Council Member Meacham brought her attention to the "Description of Services" portion of the proposed Resolution. In this section, four tasks are outlined: The first relates to transportation issues research and analysis. The second involves advocacy and a public awareness campaign. The third pertains to a local government toolkit. Task four focuses on legislative and governmental relations. Council Member Meacham explained that the City will pay the coalition, which will in turn have a consultant perform the various tasks.

Ms. Pinson asked who comprises the coalition and what their motives are as an organization. She expressed concern with whether or not this will be money well spent.

Mr. Thatcher asked if the \$1,000 includes membership to the Salt Lake Chamber of Commerce and stated that the coalition's website makes this assertion. Administrator Darrington was not under the impression that this membership would be included. He explained that the Salt Lake Chamber of Commerce is spearheading the private donations being made to the coalition. Council Member LeMone added that the contract doesn't make any membership specifications; however, staff and the elected officials can look into the matter. Mayor Daniels invited Mr. Thatcher to review the proposed resolution.

Mr. Thatcher expressed concern with paying into these types of groups and encouraged the Council to further examine the potential benefits. Furthermore, he was concerned with future tax impacts on the citizens. Mr. Thatcher discussed the importance of living within one's means, and made reference to other similar organizations. Council Member LeMone asked Mr. Thatcher if he had details regarding a specific organization to which the City belonged that he found to be concerning. Mr. Thatcher referred to ULCT and Mountainland Association of Governments (MAG) and stated that each of these organizations, including the Utah Transportation Coalition, all seem to be pushing

for more taxes. Council Member LeMone explained that while the City takes part in each of these organizations, they do not fully fund them. She stated that each of these organizations benefits Pleasant Grove City in significant ways. There was continued discussion on the matter.

Jason Hunter gave his address as 680 East 300 North. He explained that in researching the Utah Transportation Coalition, he was impressed with the number of companies represented on the board. Mr. Hunter mentioned that the Salt Lake Chamber of Commerce is hosting the website and nothing prevents an individual or entity from joining. He expressed appreciation for the Council seeking out solutions to the City's road problems. He remarked that the only two ways to fund projects is by reducing costs and increasing revenues.

Mr. Hunter commented that a national spending habit has created local issues. He does not trust the Federal Government, because their reach is too far. He continued that the State Government is more in line and he appreciates the approach the City is taking to repair the roads. Mr. Hunter stated that all of the roads in the City need to be examined. He was of the opinion that a one-time payment of \$1,000 is a wise investment, especially if the return is \$200,000 to \$1 million extra per year. Last, Mr. Hunter voiced his support for the Council adopting the proposed resolution.

Eric Jensen gave his address as 120 North Main. He remarked that he loves the road in front of his street and noted that it has a giant pothole in the middle that serves as a speed bump. Mr. Jensen applauded the Mayor and Council for taking action and looking to the future for the City's roads. He stated that by joining the coalition, the City is building synergy and working as a team.

Mayor Daniels summarized the points made and closed the discussion to public comment.

Council Member Stanley remarked that the City needs to quantify the benefit that the City will receive by joining the coalition. He encouraged the other elected officials to be cautious in assuming that the Legislature will be a savior in this situation by providing a solution that will address each of the City's concerns. Council Member Stanley stated that there is a high likelihood that the Legislature will provide a solution that will put a working resolution back onto the cities. Furthermore, with regard to the City's participation in other organizations, he recalled that at one point Pleasant Grove declined to participate in a project involving Utah Lake. It was determined at that time that the benefits would not outweigh the investment. He questioned whether the situation with the Utah Transportation Coalition would be another instance where it wouldn't be necessary for the City to participate.

Mr. Thatcher was skeptical that the State Legislature will reallocate gas tax revenues back to road funding for the cities. He was of the opinion that even if the City gets additional money, the amount won't be significant. Mr. Thatcher encouraged the Council to alternatively consider self-sustainable options, rather than relying on the State.

Mayor Daniels mentioned that staff is currently working on quantifying what will be required to solve the City's road problems. Tonight's discussion focused on one component of the overall strategy. In conclusion, Mayor Daniels stated that staff and the elected officials feel that exploring this particular option is a responsible route. He agreed with Mr. Thatcher that seeking a self-sustainable plan is the wisest option. He stated, however that seeking a self-sustainable plan among 2.1 million people, rather than 35,000 people, is still reasonable and fair.

ACTION: Council Member LeMone moved that the Council adopt a Resolution (2014-050) authorizing the Mayor to sign a Professional Service Agreement with the Utah Transportation Coalition. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Andersen, LeMone, Meacham, and Stanley voted "Aye". The motion carried.

E) DISCUSSION REGARDING TIMING OF PLANNING/BUDGET RETREAT.
Presenter: Administrator Darrington.

Administrator Darrington stated that each year at the end of January or the beginning of February, staff and the elected officials have an all-day Planning/Budget Retreat. During the retreat, numerous issues are discussed and prioritized for the upcoming year. Next year's retreat has been tentatively scheduled for January 30 and 31, 2015. Administrator Darrington recalled that Council Member LeMone also recently suggested that the retreat be facilitated a bit differently to garner more public input. He turned the time over to Council Member LeMone to share her suggestions.

Council Member LeMone emphasized the importance of gaining public input on what they would like to see discussed at next year's retreat. She relayed an idea that was previously suggested by Council Member Andersen who suggested that the City conduct a survey over the next couple of months to determine what issues to discuss and ways to involve the public in the process. Council Member LeMone stated that this should not be the only source of data for determining the direction of the retreat since the Mayor and Council also need to hear from the department directors and listen to their needs as well. Additionally, she felt it would be best to hold the retreat onsite next year and asked if it could be held earlier, rather than later in January.

Administrator Darrington asked the Council if they would be interested in holding a meeting at the junior high, where citizens can use the clickers to answer a series of around 50 questions. It was noted that the clickers provide an instantaneous response, thereby creating a real time survey. In addition to holding a public meeting, the same survey can also be posted online. Administrator Darrington stated that staff will try and compose as detailed of a survey as possible.

Mayor Daniels liked the idea of gaining instant feedback. He asked staff and the Council Members ways to collect a broad sample of the public so that there is meaningful statistical representation. He agreed that in order to obtain meaningful data, questions need to be as specific as possible. Administrator Darrington echoed Mayor Daniel's concerns about collecting a broad data sample. Council Member Andersen remarked that gathering information in real time can be very productive.

Mayor Daniels invited members of the public to comment.

Diane Moss gave her address as 391 East 200 South and agreed that using the clickers for real time data can be useful. She noted, however, that clickers can be expensive to purchase. Ms. Moss stressed the importance of providing information such as the City's revenue sources and funding abilities on the survey when distributing it to the public. It is important that citizens have the facts prior to making a determination on the City's future.

Council Member Stanley thought it could be beneficial to get input from the citizens on what questions to include in the survey. Council Member Andersen suggested that each of the department heads also submit questions for the survey. Ms. Baptista asked if the City is planning to purchase 300 clickers for the meeting. Council Member Andersen responded that she knows someone who is willing to rent as many clickers as the City needs. There was brief discussion

regarding an upcoming confidentiality app. Administrator Darrington suggested that all of the questions be submitted by December 15, 2014, so that the survey can be conducted in time for the retreat in January. He encouraged the citizens in attendance to send their questions to his work email. Further discussion regarding the logistics of the upcoming retreat could be discussed during the December 2, 2014, City Council Meeting.

Mr. Hunter stated that as a CPA, he is required to get 40 hours of continuing professional education (CPE) each year. He made this comment in order to preface a suggestion to hold the retreat in a location other than the Council Chambers. He was concerned that if the retreat is held at the regular location the public won't take it seriously. Administrator Darrington informed him that in the past, the retreat has been held at the Fox Hollow Golf Course, at no cost to the City.

Debbie Hong expressed concerns with the varying demographics of citizens; i.e., age groups, residents with varying access to technology, different time constraints, and scheduling conflicts. She stated that it will be difficult to find just one way that will allow all to participate.

Council Member Andersen asked if a survey could be conducted through Everbridge. Police Chief, Mike Smith, answered that a survey of this magnitude couldn't be conducted through this software. Administrator Darrington encouraged all to continue brainstorming which to generate a significant amount of participation. Mr. Hunter asked what direction the City will take if the majority of the survey-takers indicate that they want the City to prioritize a splash pad. Ms. Moss added that the City needs to be prepared to discuss solutions on how to pay for the public's needs and wants. Council Member Andersen agreed that there needs to be a quantifying amount to every question asked.

Mayor Daniels stated that in reality, there is a certain amount of revenue, and that it will be plus or minus 2%. There is an annual budget, and each year the City typically spends about 2 ½% less than what is projected. He explained that it would be wise for the City to continue to put the money that isn't spent into a savings account so that it can be carried forward for future projects. Mayor Daniels suggested that staff prepare a list of needs that currently exist in each of the City's departments. This is important information when educating the public on where the annual budget is spent each year. The City's capital projects can then be discussed and prioritized in the context of that information. He referred to Mr. Hunter's previous comment about the splash pad and commented that this item probably won't come up because the dialogue will be focused.

Council Member Andersen remarked that the Council Chambers logistically and schematically will not work for anticipation of a large public turnout at the planning retreat. She stated that the Fox Hollow is much larger and noted that the City partially owns that facility as well. Administrator Darrington agreed that there is more space in that conference room. There was continued discussion regarding various points made previously. Mr. Jensen suggested that neighborhood chairs also get involved. Council Member Stanley noted that a survey was conducted in 2012 and asked if staff had a sense as to the shelf life of that data. Administrator Darrington replied that based on what has occurred over the past two years, it would be best to start over.

Mayor Daniels summarized the suggestions and input made. Council Member LeMone remarked that the purpose of the retreat is to listen to each of the department's needs and stated that the Council barely made it through all of the agenda items last year. She explained that while the public is invited to attend the planning retreat, the purpose of each weekly meeting is to allow

citizens to provide input on various agenda items. She hoped to see the majority of the retreat dedicated to the department heads.

Ms. Pinson suggested that the public submit questions and concerns to the Mayor and Council prior to meeting with staff so that they can take the citizen's input directly to the department heads prior to the retreat. Mayor Daniels planned to meet with Administrator Darrington over the next couple of weeks and would have a proposal ready for the December 2, 2014, City Council Meeting.

8) NEIGHBORHOOD AND STAFF BUSINESS

Staff members provided various updates. NAB Chairperson, Libby Flegal, made an announcement relative to accessory apartments. Public Works Director, Lynn Walker, announced that he will be retiring sometime in the next six months. Chief Smith reported that a survey was conducted on 1180 East and that there has been additional enforcement in that area over the past week. He stated that the officer patrolling the area verified the information identified in the survey and that a few speeding tickets were issued. Chief Smith explained that when an officer is trained to run radar, they must first visually estimate speeds. Radar is then used to confirm the speed. He explained that the visual estimation has been higher than what is being shown on the radar. Therefore, it makes sense that residents are seeing speeds they feel are much higher than what is being detected on the radar.

9) MAYOR AND COUNCIL BUSINESS

Council Member Meacham reported that Community Development had a retreat last Friday. He relayed that Director Young had his staff spend 15 minutes training other staff. Council Member Meacham was very impressed with the quality of the training that took place. Additionally, he announced a meeting scheduled for the following Thursday at 6:00 p.m. The purpose of the meeting will be to discuss the downtown. Council Member Meacham indicated that he would not be able to attend due to a scheduling conflict. He planned to attend a TSSD Board Meeting that evening. Last, there will be a meeting regarding accessory apartments next Monday at 5:30 p.m.

Council Member Andersen reported that Mary Craft's open house at Culinary Crafts was delightful. She remarked that it is wonderful to see such a beautiful and successful business come to town. Additionally, Council Member Andersen mentioned that she received a call from the coach of Pleasant Grove's baseball team. There are buildings that the City owns on the pipe plant property that they would like to use during the winter. The baseball program agreed to pay for all of the power, heat, and rent. The baseball coach also indicated that they have a waiver that should cover everything else. They would have a key to the gate, and players would always be accompanied by an adult. The team would like to begin using the property on December 15.

Attorney Petersen stated that there isn't an agreement currently in place. She received a waiver form that is given to all of the baseball program's participants, and noted that staff would need to draft their own form. Attorney Petersen explained that there are still other issues that need to be addressed with allowing Alpine School District to rent the facility from the City. Mayor Daniels asked Administrator Darrington if this matter could be placed on the agenda for the December 2, 2014 Meeting. Administrator Darrington answered in the affirmative and agreed to work with Attorney Petersen on the matter.

Mayor Daniels reported that the Hammon's made the payment on their property.

10) SIGNING OF PLATS

There were no plats signed.

11) REVIEW CALENDAR

Mayor Daniels those present that there will be no meeting next week due to the Thanksgiving holiday. There will be two meetings next month, on December 2 and 9. Staff was reserving December 16 for any planning issues that come up at the last minute. Council Member Andersen announced that there will be a Roads Meeting at the State's Department of Transportation the following morning. Last, Parks and Recreation Director, Deon Giles, announced the Tree Lighting Ceremony scheduled for December 1, 2014, at 6:00 p.m. downtown.

12) EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(d))

Mayor Daniels called for a motion to go into executive session to discuss the purchase, exchange or lease of real property.

ACTION: At 8:45 p.m. Council Member Stanley moved to go into Executive Session to discuss the purchase, exchange or lease of real property. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cyd LeMone
Ben Stanley
Jay Meacham
Cindy Boyd

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

ACTION: At 9:03 p.m. Council Member LeMone moved to come out of executive session and into regular session. Council Member Meacham seconded. The motion passed with the unanimous consent of the Council.

Mayor Daniels directed staff to notify the property owner that the City is not interested in purchasing their property at this time.

The Mayor then reported that the Hammons Group has made the December payment for the bond. He said that the City has had a discussion with the Hammons Group and they are still interested in building the hotel as soon as they are done with the lawsuit that they are in. He noted that Attorney Petersen is working on an extension of the agreement; there will not be any term changes just dates. They have asked for a 2 year extension and after the call it was discussed that with the lawsuit that

they are in we decided to call them back and offer to extend the agreement for 3 years. The agreement will need to come back before Council for consideration.

Council Member Meacham asked if it is to our advantage to go 3 years. Attorney Petersen replied the Hammons Group was thinking that they could be done with the lawsuit in June or July of 2015 and then they could start building. She thinks that they didn't realize that the project had to be completed at the end of the 2 years. Council Member Meacham asked if they could have it done in 3 years. Mayor Daniels answered that in 3 years they could be far enough along that we could agree to give them a little more time if necessary. He also noted that they did commit to continue to make the bond payment. Administrator Darrington said that the end of the 3 years we will put some analysis together showing how much is going to be left on the bond and then we will tie that into a per square foot cost. We won't know how much the property will be worth but we will know how much is left on the bond.

Administrator Darrington cautioned the Council about telling people that the Hammons is going to start building in a year, he said that the discussion should be that they have extended the contract for 3 years and have committed to making the bond payment for those 3 years.

To answer Council Member Stanley's question Attorney Petersen said that she doesn't know where in the process they are in litigation, she tried to look it up and wasn't successful. However, during the conversation on the phone they had gotten a ruling from the judge that in some aspect was adverse to their position but in some aspects it puts them in better position for the overall litigation and it had to do with the portfolio and what the liquidation clause meant. The judge ruled that they did have to liquidate but the liquidation doesn't have to take place until after the person that they are in litigation with sells his portfolio.

Attorney Petersen reported that the Common Cents Coalition has misinformation on their website where they have Chief Smith's picture purporting that he made a comment but Director Young made the statement in the budget retreat last February. It has been suggested that the City draft a letter to them and ask that they correct the information by either putting the correct picture with the statement or take it off of their website. She said that she didn't feel comfortable about drafting the letter without speaking with the Council first. She did note that she hasn't looked at the website recently so she was not sure if it was still there or not.

Council Member Stanley remarked that if the information is wrong then it should be corrected. He assumed that it wasn't done intentionally. Attorney Petersen replied that they have been told that the information is wrong and it is still up.

Council Member LeMone said that she looked at the website and the website is down, however, on their Facebook page the picture of Chief Smith is still there. She then asked Attorney Petersen to draft a letter and email it to Council for approval before sending it to the Coalition. The Council agreed to this.

Council Member Andersen questioned when are we going to discuss the 4 block Civic Center plan. Administrator Darrington remarked that we could talk about it at the retreat or at any work session.

Council Member Stanley asked if the Civic Center Plan was ever officially adopted. Administrator Darrington answered that when it was initially looked at there wasn't an official adoption but there

was a Council action saying that this is the plan. The Council agreed to have the Civic Center plan discussion on the agenda in January 2015.

Mayor Daniels questioned if there was another way to ask the Coalition to take down the picture of Chief Smith without sending a letter. He said that he would be willing to call the Coalition and ask that they take it off and then give them a deadline as to when the City would like it to be taken off. The Council agreed that the Mayor should contact the Coalition first.

Council Member Andersen noted that she was a little confused about the comment that Ms. Baptista had made at the beginning of the meeting. Did Ms. Baptista report something that the Council had missed? Mayor Daniels answered that Ms. Baptista felt that she had discovered something Attorney Petersen had missed and pointed it out to Attorney Petersen in a conversation and Attorney Petersen informed him that that is not the case.

Council Member LeMone commented that she would like to have a discussion about the suggestion of opening up every item on the agenda to public comment. She said that we had 5 agenda items that took 3 hours when it should have only taken ½ hour. She doesn't see this being an efficient use of the Staff's time. If the public sees something on the agenda and they have questions about they should contact the City to get their questions answered before the meeting. Next she said that she thinks that opening up an item for comment is doing a disservice to the items on the agenda that have been noticed as a public hearing. She also feels that maybe someone saw something on the agenda and wanted to come to the meeting but it wasn't advertised as a public hearing so they didn't come to the meeting.

Mayor Daniels asked how do we continue to ask the public to come and participate in the meetings and then when they come to participate there is not forum for them to participate. Council Member LeMone answered that there are other ways to participate. They can ask questions before or after the meetings, they can send emails to Council or staff.

Administrator Darrington commented that some of the questions that were asked tonight could have been taken care by a phone call to him or staff.

Mayor Daniels then asked "why" do we have this sudden influx of people wanting to come to the meetings and want to question the actions that are being taken by the Council. What is the motivation behind this?

Council Member Stanley remarked that he feels that there is a loss of trust of the government and what they are doing with the City money. He felt that the citizens just want to be heard, they want to know that we are being asked tough questions about the money. He suspects that allowing the public to speak within a few months the trust will be restored.

Council Member Andersen agreed with Council Member Stanley that the goal of some people is to discredit the City. When they see that the Council is willing to listen to them it will have to mean something to them, this will only last a couple of months.

Attorney Petersen suggested using the work session more efficiently. When items for the next meeting are presented if the public has questions they can be asked at that time. A discussion then ensued as to the placement of items on the agenda to make the meeting run more efficient.

Mayor Daniels summarized the discussion by saying that the order of the items placed on the agenda will go as follows: the pledge, prayer and consent items will remain as usual. Next will be an open session where he will ask if there are any items on the agenda that the public will specifically want to address, then the public hearing items will follow then the other items will be addressed, if necessary one or two of those items will have comment. Instead of structuring the meetings so that all of the work session items are on one day which will cause a longer meeting we will combine the meetings and have a regular session meeting each week.

Next the Mayor noted that we will have to make sure that it is clear to the public that when we have those discussions that involve the public comment this is the time to speak because when the item comes before the Council for approval there will be no more public comment.

Council Member Stanley voiced his concern about combining the meetings. He values the distinction between the work session and regular council meeting; he liked the different layout of the room and feels that they are over reacting to the request. Administrator Darrington suggested that we try this approach for a while to see where it takes us, the Council agreed.

Mayor Daniels asked if there was any further discussion, being none he called for a motion to adjourn.

13) ADJOURN

ACTION: At 10:32 p.m. Council Member Stanley moved to adjourn. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 10:32 p.m.

As approved by the City Council on January 6, 2014.

Kathy T. Kresser, City Recorder

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