

**Pleasant Grove City
City Council Regular Meeting Minutes
September 29, 2015
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

Excused: Scott Darrington, City Administrator

Staff Present: Degen Lewis, City Engineer
Mike Smith, Police Chief
Dave Thomas, Fire Chief
Ken Young, Community Development Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Deon Giles, Parks and Recreation Director
Sheri Britsch, Library and Arts Director
Marty Beaumont, Public Works Director

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, Boyd Jensen, LeMone and Stanley were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Lincoln Lyons.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Jensen.

4) **APPROVAL OF AGENDA**

City Attorney, Tina Petersen, reported that staff would like to have an Executive Session at the end of tonight's meeting to discuss the purchase of real property. Council Member Stanley recommended allowing public comment for Item 10C, and move it to Item 9B.

ACTION: Council Member Stanley moved to approve the agenda with the aforementioned changes. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

5) **OPEN SESSION**

Mayor Daniels opened the open session. There were no public comments. The open session was closed.

6) **CONSENT ITEMS**

- a) **To consider approval of paid vouchers for September 22, 2015.**

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

7) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **ACTION ITEMS WITH PUBLIC DISCUSSION**

- A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-36) VACATING MILLCREEK NORTH PLAT "A" SUBDIVISION LOCATED AT APPROXIMATELY 480 WEST 3300 NORTH. (NORTH FIELD NEIGHBORHOOD) *Presenter: Engineer Lewis.***

City Engineer, Degen Lewis, explained that this is an existing subdivision that was created about 10 years ago. At the time, streets were laid out based on a different development plan and property owners. Engineer Lewis explained that the vacation of Plat "A" is logical based on the current owner's future plans.

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

ACTION: Council Member Jensen moved that the Council adopt an Ordinance (2015-36) vacating Millcreek North Plat "A" Subdivision located at approximately 480 West 3300 North. Council Member Stanley seconded the motion. A public hearing was held. A voice vote was taken,

with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion carried.

Note: Item 10C was discussed after Item 9A.

10) ACTION ITEMS WITH READY FOR VOTE

A) TO CONSIDER ADOPTION OF AN ORDINANCE (2015-37) AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH VERACITY NETWORKS TO INSTALL FIBER OPTIC CONNECTIONS TO END USERS WITHIN THE CITY'S RIGHTS-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

At the request of Mayor Daniels, Attorney Petersen described the difference between an ordinance and resolution. She then proceeded to present the staff report. She reported that the City has been approached by Veracity Networks to install telecommunication lines for business customers. They will not be providing services to residents at this time.

Harold Paulos was present on behalf of Veracity Networks. Mayor Daniels explained that the City has been approached by other network providers in the past. At the same time, several requests from residents were made for fiber services throughout the City. He asked Mr. Paulos how they could get his company to provide services for the rest of the City. Mr. Paulos explained that it is difficult to generate sales and attract large customers in such a competitive environment. He stated that his company installed fiber networks for Provo City, prior to them turning the network over to Google. Veracity Networks also owns a fiber optic system at Traverse Mountain. Mr. Paulos stated that as indicated in their application, they want to start slowly to build their customer base in the area. Currently they have a specific client who is interested and from there they will be able to serve other clients that are within close proximity.

Veracity Networks has agreements with Century Link and Utopia. In response to a question from Council Member Andersen, Mr. Paulos explained that a vault is a subterranean box containing electronic equipment that serves as a junction. The vault will be located at 2600 North and 900 West, which is Pleasant Grove's right-of-way. Staff noted that Comcast and Century Link are the primary providers for residences and most of the other providers who have come forward for Franchise Agreements are only servicing commercial customers. Attorney Petersen explained that Veracity Networks will work in coordination with the Public Works Department. It was noted that an excavation permit will be needed for each new project.

ACTION: Council Member LeMone moved that the Council adopt an Ordinance (2015-37) authorizing the Mayor to sign a Franchise Agreement with Veracity Networks to install fiber optic connections to end users within the City's rights-of-way; and provide for an effective date. Council Member Andersen seconded the motion. A voice vote was taken, with Council Members Andersen, Boyd, Jensen, and LeMone voting "Aye". The motion carried.

Note: Council Member Stanley was not present for the vote on Item 10A.

B) TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-38) AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH FIRSTDIGITAL TELECOM LLC TO INSTALL FIBER OPTIC CONNECTIONS TO END USERS WITHIN THE CITY'S RIGHTS-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen presented the staff report and a Google Earth map identifying the location of the applicant's project. FirstDigital Telecom will be servicing several commercial buildings in the Grove area. Attorney Petersen explained that this will be a revenue source for the City. Companies who sign Franchise Agreements with the City pay a fee to the State, which is a certain percentage of their gross revenues. The State then rebates that money back to the City, similar to sales tax formulas. Companies are also required to provide insurance and proof of financial responsibility to prevent unfinished projects in the City. Staff modified the Franchise Agreement to require companies to coordinate collocation.

ACTION: Council Member Jensen moved that the Council adopt an Ordinance (2015-38) authorizing the Mayor to sign a Franchise Agreement with FirstDigital Telecom LLC to install fiber optic connections to end users within the City's rights-of-way; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, Jensen, LeMone, and Stanley voting "Aye". The motion carried.

C) TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-39) AMENDING TITLE 5 SECTION 1A-1 "DEFINITIONS" AND TITLE 5 SECTION 1D SUBSECTION 7 "RESTRAINT BY OWNER" AMENDING THE DEFINITIONS OF RESTRAINING AND REQUIRING ANIMALS TO BE RESTRAINED AT ALL TIMES; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Note: Item 10C was discussed after Item 9A.

City Attorney, Tina Petersen, explained that several months ago the Council advised staff to amend the City's animal control ordinance. The ordinance previously stated that animals either need to be on a leash or under the direct supervision of their owners. This language, however, has created some confusion, particularly along the Murdock Trail. There have been incidents where dogs have not been restrained or on leashes resulting in problems between trail users. The Council advised staff to modify the ordinance to specify that animals need to be restrained on a leash or lead at all times. During the previous discussion on the matter, suggestions were made to broaden the definition of restraint to also include e-collars and fences.

Mayor Daniels invited members of the public to comment on the matter.

Lisa Liddiard gave her address as 1095 East Canyon View Lane and commented that if restraints are added to properties there are other laws that indicate that fences can only be three feet tall in the front. She asked if the City will force residents to violate one law in order to enforce another or if the fence requirement will be lifted for residents with large animals they need to restrain.

Attorney Petersen suggested that residents could use electronic fences if the fencing in their front yard is not sufficient for restraining their animals or any number of other options. Ms. Liddiard replied that electronic fences need to be replaced often and asked if the City would consider modifying the law regarding fence height in the front yard. She expressed support for the proposed changes to the ordinance and stated that she has noticed problems with unleashed dogs in her neighborhood as well. Mayor Daniels explained that the owner is responsible to provide appropriate restraints for their animals. There are broad examples suggested within the ordinance.

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

Mayor Daniels remarked that the ordinance is written in a way that allows for future modification of the way restraints are defined without modifying the ordinance itself. This is important because as new technologies are developed, the ordinance will not need to be revisited. Mayor Daniels explained that this is forward-thinking. Council Member Andersen commented that dogs-at-large are a problem in Pleasant Grove. He agreed with Mayor Daniels's remarks. Council Member Stanley asked if the ordinance is overly restrictive and indicated that under the new law some owners may not be able to play with their dog in their own front yard. Council Member LeMone explained that owners may think that their dogs are well-behaved but minor things can trigger a dog's excitement and cause issues. She noted that her own dog has almost caused accidents even though she has an obedient dog. Council Member Boyd remarked that ordinances are important to protect everyone and explained that not everyone loves dogs. Council Member Jensen agreed with Council Member LeMone's remarks.

ACTION: Council Member LeMone moved that the Council adopt an Ordinance (2015-39) amending Title 5 Section 1A-1 "Definitions" and Title 5 Section 1D Subsection 7 "Restraint by Owner" amending the definitions of restraining and requiring animals to be restrained at all times; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion carried.

D) TO CONSIDER FOR APPROVAL OF A TWO-LOT SUBDIVISION FINAL PLAT CALLED PARKSIDE AT PLEASANT GROVE PLAT D WITH APPROXIMATELY 3.9 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 3414 NORTH 750 WEST IN THE R-R (RURAL RESIDENTIAL) ZONE. (MANILA NEIGHBORHOOD) *Presenter: Director Young.*

Community Development Director, Ken Young, presented the staff report and displayed an aerial photo of the subject property. A plat was recently approved on Robert Schow's property, however, the applicant determined that a particular lot is not sufficient in size for the type of home he would like to build. The matter has been reviewed by the Planning Commission and unanimously recommended for approval. There was further review of the aerial photo and it was noted that the applicant, Jeremy Ackley, was present at the meeting.

ACTION: Council Member Stanley moved that the Council approve a two-lot subdivision final plat called Parkside at Pleasant Grove Plat D with approximately 3.9 acres on property located at

approximately 3414 North 750 West in the R-R (Rural Residential) Zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

11) ITEMS FOR DISCUSSION - NO ACTION

A) DISCUSSION AND SECONDARY WATER DATA COLLECTION. *Presenter: Director Beaumont.*

Public Works Director, Marty Beaumont, explained that this is an important discussion because pressure irrigation and water are critical for the community. In years past, a frequently made inquiry has been whether the City has enough water to provide a sufficient level of service to residents. In particular, 2012 was a high water use year and the City was barely able to meet the needs of the residents. Director Beaumont reviewed Pleasant Grove's many water sources and referenced numbers Mr. Schiess presented last year regarding the system's future needs. In 2014, water usage decreased by 5% or 6% as a result of conservation efforts. This year, the City is about 10% below the water usage in 2012.

Director Beaumont stated that if the City continues to provide water at current demands, they will need to put more money into the system as expansion occurs. If the City can reduce water usage by 48% from 2012, they can begin addressing other needs including the purchase of a new tank and booster pumps. Metering is an effective method that could help reduce water usage in the City. Director Beaumont explained that recently a resident reported that he routinely drove by a certain home in his neighborhood and one day discovered that this particular home had watered the same zone for five hours straight.

Prior to secondary irrigation usage, staff estimated that 2 ½ to 3 gallons per minute per acre are flowing through the culinary water system. The Division of State Drinking Water estimates that the system can sustain up to four gallons per minute per acre. In 2013, the peak day usage was 7.7 gallons per minute per acre. In order to meet these demands, the infrastructure needs to be increased. The cost of providing culinary water for irrigation would be cost prohibitive.

Council Member Andersen asked if the City could purchase water to meet the water demands. Director Beaumont answered in the affirmative and added that developers will provide most of the water. In response to a question from Council Member Boyd, Director Beaumont explained that residents are seeing less water come through the pressurized irrigation system because the overall usage is high and the system cannot meet the demands. Other pressure issues can be attributed to a valve being shut off and not being turned back on.

Director Beaumont explained that staff installed a few pressure irrigation meters throughout the City, which will help them gather real data on Pleasant Grove City residents to compare with other cities. He presented the notice placed on residents' doorsteps within 24 hours prior to meter installment and noted that the meters will be used in the place of the City's current pressurized irrigation box. The goals of the study are to collect general real data from random zones in the City. Director Beaumont gave an overview of meter costs and associated equipment. Currently, 28 meters have been installed and two more will soon be installed. The majority of the data will be collected next year. Council Member LeMone thanked Director Beaumont for his efforts.

Director Beaumont indicated that staff is starting to install secondary water meters on City properties, starting at the Recreation Center. He would like to present more information on what would be required to install meters on every property owned by the City. He noted that installing meter on all City properties will be very expensive (close to \$100,000), which should be taken into consideration. The cost of installing 30 residential meters as part of the aforementioned water usage research project is around \$10,000, according to Director Beaumont.

Council Member LeMone recalled that prior to Director Beaumont assuming the position of Public Works Director, the Council discussed installing secondary meters on one or two of the City's properties, namely parks, as opposed to all of them. Director Beaumont agreed that installing meters in one or two parks would be beneficial, especially for determining whether the City is severely overusing water in these areas. Mayor Daniels commented that while there have been previous discussions regarding the installation of meters on City properties, this is the first time costs associated with the project have been presented. Furthermore, the Council did not formally make a decision or communicate the matter to the general public.

Council Member Stanley inquired about the technical specifications of the meters. Director Beaumont stated that based on his knowledge, the meters do not need to be recalibrated on a regular basis. He described the differences between meters that service secondary and culinary water, as well as the differences between older and newer models. New meters are all electronic, magnetic and open flow, which run on batteries with a 20-year life cycle. Additionally, some meters have power generators that automatically recharge the battery and never need to be replaced. The new meters being installed are programmable to be read a number of ways.

Council Member Stanley asked what the standard policy is for launching projects administratively without receiving prior consent from the Council. Attorney Petersen explained that the City has a purchasing policy in place that outlines purchase order approvals. However, in terms of implementing a study there isn't anything that specifically outlines whether the Council needs to give their consent. Director Beaumont stated that he pitched the idea to City Administrator, Scott Darrington, who agreed that this would be valuable data to collect and subsequently gave his authorization to proceed. Council Member LeMone suggested that projects involving the public be discussed beforehand.

With regard to purchasing water, Director Beaumont explained that the City uses that water first. It allows the City to store more of its own water for use later in the season. Next year, if there is an enormous amount of snowfall and water starts spilling out of Deer Creek Reservoir, the water we stored could potentially be lost. A graph detailing the City's usage was reviewed.

Mayor Daniels invited members of the public to comment on this item.

Darrold McDade gave his address as 671 South 1500 East and acknowledged that Director Beaumont is very knowledgeable on the subject matter he presented. He encouraged the Council to implement his suggestions.

Jennifer Baptista, who resides at 32 North 1300 East, asked if there would be any way to collect data from before the secondary water system was installed. Director Beaumont replied that staff

could possibly collect this data. There may be some validity in assessing how much water was used in the winter versus the summer on a metered system. This data, however, may not be relative to what is being used today. Staff and Council continued to deliberate on the matter. Ms. Baptista asked if population growth has been taken into account with regard to increased water use. Director Beaumont responded that they have not yet gone into this depth in the analysis.

Ms. Baptista asked if there was a way for residents to opt out of participating in the study. Director Beaumont answered in the affirmative and noted that residents can opt out by contacting the Public Works Department. Ms. Baptista explained that there was confusion with some of the residents not understanding the purpose and intent of the installation. As a result, they may start changing their watering habits, which will affect the raw data.

It was noted that thus far out of 28 installations, only one resident has called to opt out of the study. Council Member Boyd asked if the people contacting Ms. Baptista were personally selected for the study or if they are just expressing general concern. Ms. Baptista stated that she heard from 1 person who heard about the study second hand, that person was not selected to be part of the study.

Diane Moss gave her address as 391 East 200 South and asked why meters are being implemented if the City already knows how much water is being used. Mayor Daniels explained that the City currently owns a certain amount of water shares. If everyone continues using the same amount of water that is currently being used, ultimately the City will run out of the amount of water that is in those shares. Furthermore, just because the City owns shares does not guarantee that much water; the City only has access to the amount of water that Mother Nature provides in any given year. The purpose of the metering is to assist residents self-regulate their usage in comparison to the recommended amount.

Molly Andrew, who resides at 1125 Sage Drive, thanked Director Beaumont for his hard work.

In response to a question from Council Member Stanley, Director Beaumont compared Orem's system to that of Pleasant Grove's. In order to provide all water used through the culinary system, all of the City's lines would need to be upsized, which is very costly. Furthermore, it costs millions of dollars to operate treatment plants. Using a secondary water system makes financial sense.

There were no further public comments. Mayor Daniels closed the discussion to the public.

12) DISCUSSION ITEMS FOR THE OCTOBER 6, 2015 MEETING

The agenda for October 6, 2015 was reviewed. Item 8A will be an update from Becca Mallory, Victim Advocate. Item 9A will be a public hearing that will be continued to October 20 and involves an ordinance amending lot areas per dwelling as well as twin home development standards. Item 9B will be a public hearing regarding the addition of new and used auto sales in the Downtown Village Zone. Steve Tholl is the applicant and owns the property on the corner of Center Street and 600 West. His property was used as a junk yard for a long time. The property has been cleaned up and many of the old cars on the lot have been removed. As the property owner, he would like to make use of the lot for auto sales, which is in the Downtown Village Zone.

The Downtown Village Zone was established several years ago with the intent that it would be a walkable community area. Furthermore, the Downtown Village Zone was envisioned with a gateway entrance into Pleasant Grove. As such, certain uses were not included as permitted uses for this zone, including auto sales. Staff was not recommending this change and the Planning Commission also recommended denial with a divided vote.

Mayor Daniels recalled that several years ago the same applicant came forward wanting to use the property for a U-Haul operation. The applicant even began using his property in this manner prior to receiving Council approval. Director Young explained that if auto sales were to be permitted, the applicant would be required to make road and landscape improvements.

Item 10C will be a final plat for a two-lot subdivision called Honeysuckle Estates. Director Young explained that the Council should be familiar with this item and provided an overview of the item. He mentioned that a Code amendment was recently made that defined the front yard corner lot requirements, thereby allowing the proposal to come forward. Last, Item 10B was a resolution to amend the fee schedule for rental of the Lions/Sportsmen Center and adoption of the Policy and Procedure Manual. Parks and Recreation Director, Deon Giles, mentioned that staff has been working with the Lions Center on this item for about a year.

13) NEIGHBORHOOD AND STAFF BUSINESS

Members of staff shared updates relevant to their respective departments. Director Beaumont stated that the staff in his department are dedicated, hard-working, and always get the job done. They are working to improve communication and data management.

Police Chief, Mike Smith, reported that this weekend there was a Statewide SWAT competition and four of Pleasant Grove's employees participated in two separate teams. One of the teams placed first and the other team placed fourth. There were 100 total teams that participated. Chief Smith also reported that over the last three months the Major Crimes Task Force has worked several significant cases. In one case, 20 pounds of heroin and \$43,000 cash in four vehicles were seized. He reported multiple other cases where significant amounts of heroin, marijuana, dab oil, cocaine, methamphetamines, weapons, stolen cars and cash were all seized in Utah County. Some of these cases occurred in Pleasant Grove and many items were seized as part of a drug trafficking organization taking place out of Mexico. Chief Smith provided additional statistics relative to the legalization of marijuana throughout the nation.

Library and Arts Director, Sheri Britsch, reported on a Boy Scout project. She stated that the downstairs of the library used to be a senior citizen center, and for the last several years it has been primarily used for storage. Some Boy Scouts recently cleaned up the area and made it more functional. Director Britsch also reported that she followed up on the elevator project and the documents are currently being finalized with HUD. Attorney Petersen noted that she will be gone next week from Monday through Wednesday at a conference in Las Vegas. City Engineer, Degen Lewis, circulated two plats that needed to be signed.

14) MAYOR AND COUNCIL BUSINESS

Council Member Stanley announced a new business that just opened called Sodalicious, and invited everyone to check it out. Council Member Andersen noted that the owner also owns several other restaurants. Council Member Stanley suggested that the City put together a master calendar that can be shared with the community. Mayor Daniels informed the Council that he will be out of town next Tuesday through Thursday.

15) SIGNING OF PLATS

The following plats were signed: Garden Grove Plat "A" and Palisades Plat "F".

16) REVIEW CALENDAR

There were no additional calendar items to review.

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

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

ACTION: At 8:24 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 passed with unanimous consent of the Council.

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

Staff Present: Degen Lewis, City Engineer
Tina Petersen, City Attorney
Kathy Kresser, City Recorder

18) ADJOURN

ACTION: At 8:49 p.m. Council Member Jensen moved to adjourn Executive Session and go back into regular session. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

ACTION: At 8:49 p.m. Council Member Jensen moved to adjourn. Council Member Andersen seconded. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 8:49 pm.

Minutes of September 29, 2015 were approved by the City Council on October 20, 2015.

Kathy T. Kresser, City Recorder

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