

**Pleasant Grove City  
City Council Regular Meeting Minutes  
June 3, 2014  
6:00 p.m.**

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen  
Cyd LeMone  
Ben Stanley  
Cindy Boyd  
Jay Meacham

Staff Present:

Scott Darrington, City Administrator  
David Larson, Assistant to the City Administrator  
Dean Lundell, Finance Director  
Deon Giles, Parks and Recreation Director  
Degen Lewis, City Engineer  
Kathy Kresser, City Recorder  
Mike Smith, Police Chief  
Dave Thomas, Deputy Fire Chief  
Lynn Walker, Public Works Director  
Ken Young, Community Development Director  
Sheri Britsch, Library and Arts Director  
Libby Flegal, NAB Neighborhood Chair

Other:

Mark Greenwood

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah.

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1) **CALL TO ORDER.**

Mayor Daniels called the meeting to order and noted that Council Members Andersen, LeMone, Boyd, Meacham, and Stanley were present.

2) **PLEDGE OF ALLEGIANCE.**

The Pledge of Allegiance was led by Council Member Stanley.

3) **OPENING REMARKS.**

The opening remarks were given by Council Member Meacham.

4) **APPROVAL OF AGENDA.**

Administrator Darrington informed the Council that an Executive Session to discuss the purchase, exchange or lease of real property (UCA 52-4-205) and to discuss pending or reasonably imminent litigation (UCA 52-4-205 1 (c) and to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205 (1) (a)) will take place at the conclusion of the City Council's Regular Meeting.

**ACTION:** Council Member LeMone moved to approve the agenda with the addition of an executive session. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

5) **CONSENT ITEMS.**

- a) **City Council and Work Session Minutes;  
City Council Work Session Minutes for April 29, 2014.**
- b) **To consider for approval Change Order No. 2 and Final Pay Request for the Grove Creek Irrigation Pipe Project for S & L Inc.**
- c) **To consider for approval Change Order No. 1 and Final Pay Request for the FY 2013-14 Sewer Rehabilitation Project for Insituform Technologies.**
- d) **To consider for approval paid vouchers for (May 22, 2014).**

**ACTION:** Council Member Boyd moved to approve the Consent Items as presented. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

6) **OPEN SESSION.**

Mayor Daniels opened the public session.

Mark Bezzant gave his address as 1192 East 200 South and complimented Parks and Recreation Director, Deon Giles, who maintains Pleasant Grove's cemetery. He stated that the cemetery looked very lovely this past Memorial Day. Mr. Bezzant acknowledged City Engineer, Degen Lewis, for his expertise and professional conduct when meeting with representatives from other engineering firms. He found Mr. Lewis to be very knowledgeable, honest, full of integrity, and well-respected. Next, Mr. Bezzant thanked City Recorder, Kathy Kresser, and noted that he interfaces with her on a regular basis on various issues. He commended her for her organizational and professional skills as Pleasant Grove's City Recorder. Furthermore, Mr. Bezzant expressed his appreciation for the public service exerted through the PROUD Program. He thanked the staff and elected officials for the installation of the secondary water system at Battle Creek, as well as the primary system. In conclusion, Mr. Bezzant remarked that Pleasant Grove is a wonderful community and great place to live.

Engineer Lewis introduced Luke Kovan as the City's new Summer Intern. Mr. Kovan is a BYU student who will be assisting with the City's storm water system, specifically pertinent system updates. Mr. Cohan has also been recently investigating various commercial sites.

Craig and Angie Day gave their address as 1528 West 920 North. Mrs. Day stated that they were representing 32 residents of their neighborhood who signed a petition for revocation of a home occupation permit, for O'Neal Aquatics. She reported that she has presented evidence and a letter to Director Young, who informed Mrs. Day that a public hearing on the matter would be required. Mrs. Day was under the impression that a public hearing would not be necessary, and requested that immediate action be taken. It was noted that the owner of O'Neal Aquatics continues to conduct business with multiple violations.

Administrator Darrington explained that there are two forms of action that the City can take. First, the City can revoke the business license, which would require a hearing in front of the City Council. Another option was to have the matter presented as a violation of a conditional use permit, which would then be reviewed by the Planning Commission. The conditional use permit would need to be revoked by the Planning Commission. It was noted that the item is on their agenda for June 26, 2014. Administrator Darrington mentioned that a letter was sent to Attorney Petersen and stated that the City is following the proper procedure as defined by law.

Mrs. Day's primary concern was with the home occupation permit, rather than with the conditional use permit. She read from Municipal Code Section 10-21-7, which addresses issues relative to non-compliance of home occupation permits. Mrs. Day stated that the petition and other supporting documentation was submitted to Director Young on May 27, 2014. Administrator Darrington explained that revoking the home occupation permit would in actuality revoke the business license. Director Young added that the conditional use permit is required for the home occupation permit; therefore, they are one and the same. He recommended that the City wait to take further action until Attorney Petersen has had sufficient time to review the matter. If there are certain parameters by which administration can act, Attorney Petersen will advise accordingly.

Council Member Stanley explained that there is a certain due process which the City and governing body of the City Council must follow. Both sides of the debate need to be given equal opportunity to provide full representation. He assured Mrs. Day that the City is moving forward in following the proper procedures. Mrs. Day asked if administration could implement suspension of O'Neal Aquatics' home occupation permit as a short-term solution. The three sections of City Code as referenced on the matter were noted as Sections 10-21-7, 10-2-7, and 10-2-1 (hearings notice procedure).

Council Member Boyd inquired as to what actions the City Council can take, if there is a concern with the health, safety, and welfare of a neighborhood. Mayor Daniels asked if the Police Department could get involved. Mrs. Day stated that emergency access would be nearly impossible due to all of the cars that surround and travel to the business owner's home each day. She has also almost been hit by a car while jogging in the neighborhood as have several other residents. All of the issues were addressed in the letter submitted to the City.

Mr. Craig Day clarified that O'Neal Aquatics consists of six instructors, six lanes, and lessons that each last 20 minutes. An average of 10 to 12 cars per hour travel in and out of the cul-de-sac

neighborhood. Mrs. Day obtained a copy of the lesson schedule for the Council to review as well. Mr. Day reiterated that all 32 residents of the neighborhood have agreed that the business does not operate under normal conditions. He also explained that another neighbor tried to have the home occupation permit revoked five years ago because the noise was insufferable. There was continued discussion about following due process. Mrs. Day was encouraged to stay in contact with City staff. The item was to remain on the Planning Commission's June 26 agenda.

Christopher Miller gave his address as 1588 West 1010 North and explained that he is one street removed from O'Neal Aquatics. He addressed other safety and legality problems and explained that other instructors have been illegally parking on his street, blocking driveways, garbage cans, mailboxes, and fire hydrants. Mr. Miller asked what he can do to resolve the problem. Chief Smith responded that each parking incident needs to be reported to his department. Mr. Miller added that the parking often blocks him in his own property and causes him to get to work late. He was advised by the Police Department that legally he cannot call a tow truck in these situations. Mayor Daniels asked Chief Smith to meet with Mr. Miller on the matter.

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

7) **BUSINESS.**

A) **STRAWBERRY DAYS ROYALTY PRESENTATION.**

Miss Pleasant Grove introduced herself as Stephanie Acerson, with First Attendant Tate Stewart Chester, Second Attendant McKinzie Taylor, Third Attendant Kaylie McGee, and Fourth Attendant Rachel Cannon. Next, the Strawberry Days Rodeo Royalty was introduced as Savannah Steed as Rodeo Queen, Kaycee Goodrich as First Attendant, and Heidi Colborn as Second Attendant.

Miss Pleasant Grove, Stephanie Acerson, invited the Council to attend the upcoming Strawberry Days events, which will take place June 18 through 21. Each of the Royalty Members described their favorite aspects of Strawberry Days. First Attendant, Kaycee Goodrich, announced that the rodeo will begin each night at 8:00 p.m. She encouraged those in attendance to arrive early to get good seats. She also announced that this will be the first year that reserved seating will be available. Tickets can be purchased at Macey's, Smith's, and online. There will also be fireworks each night after the rodeo. Last, Ms. Goodrich encouraged parents to pre-register their children who are under the age of eight for the Mutton Bustin' Rodeo Event. This can be done online. The show will begin each night at 7:00 p.m., before the regular rodeo.

B) **CITIZENS ACADEMY GRADUATES PRESENTATION.** *Presenter: Chief Smith.*

Chief Smith provided details on what comprises the Citizens Academy. He explained that the Citizens Academy is a seven-week course during which citizens can learn firsthand the role that the Police Department plays in the City. Chief Smith reviewed some of the activities that take place such as patrol tactics, "less lethal" night, SWAT night, investigations night, "life in the day of..." night, range day, and graduation. Chief Smith stated that the Academy had great students this year. He expressed his enthusiasm for the program. The graduates were identified as Jason and Lindsey Skinrod, Richard and Diana Gurnsey, Greg and Holly Richardson, Michael Harney, David Young,

Mike Petersen, Michael Stringham, Scott Richards, Nicholas Broderick, Bryce Penrod, Jonathan Wadley, and Bobby Anthony.

Council Member Meacham asked how individuals are selected for the program. Chief Smith explained that it was advertised on the Department's Facebook page, and anyone is welcome to participate. There is a brief background check and application process involved, but nothing overly complex. Diana Gurnsey encouraged others to participate next year as it brings awareness to what local law enforcement goes through on a regular basis. She stressed the importance of treating police officers with respect. Council Member Meacham asked when the next Citizens Academy will take place. Chief Smith responded that they occur on an annual basis, usually in the spring. Council Member Stanley remarked that the program provides an incredible service to the community, and acknowledged that officers and their spouses donate a lot of time to the event.

**C) PUBLIC HEARING TO CONSIDER FOR APPROVAL A 17-LOT FINAL PLAT CALLED WALKER RIDGE PLAT B LOCATED AT APPROXIMATELY 400 NORTH 1350 EAST IN THE R1-12 (SINGLE FAMILY RESIDENTIAL) ZONE. (GROVE CREEK NEIGHBORHOOD) Presenter: Director Young.**

Mayor Daniels explained that the above item was previously remanded back to the Planning Commission for further review. Director Young presented the staff report and an aerial map of the subject property. Issues relative to the realignment of 1350 East and the soils stability in the area were of most significant concern. Upon holding another public hearing on the matter on May 22, there was much discussion and many questions asked by the public. Director Young felt that the developer's engineer answered all of the questions and concerns satisfactorily regarding soil issues in the area.

In trying to accommodate access to the property to the north, while also addressing the City's engineering concerns, the developer sought two variances which were approved by the Board of Adjustment in March 2014. The first variance will prevent 400 North from being built because the grade would otherwise be too steep. This will make the block longer than what is typically allowed. The second variance is to allow a flag lot to come off of a cul-de-sac so that the property to the north can be accessed.

Staff reviewed the proposal for realignment of the road. An agreement with the Matlock Family is in place with the property that borders the subject property on the north end of Lot 22. Therefore, there should be no additional concerns on the matter. Furthermore, two geotechnical soils reports were prepared for the subject property and sent to the City Council for review.

Mayor Daniels opened the public hearing.

John Ellis gave his address as 276 North 1350 West, and stated that he was not aware of the Planning Commission Meeting held on May 22, 2014. Mr. Ellis felt that 400 North and 1350 West were at a shallower grade and that 250 North had a steeper slope. He explained that roads cannot be blocked if they have been used by people for over a year. He stated that 400 North has been used for a long time. Mayor Daniels responded that the matter was previously addressed by the Council and referenced discussions relative to handicap access. Engineer Lewis reiterated that the proposal to eliminate 400 North and allow a flag log is due to grading issues.

Mark Greenwood, the developer's engineer, stated that the issues have been discussed many times. He explained that the existing conditions on 400 North are not necessarily problematic. The issue is what would be needed in the construction of the road to bring it up to code. Mr. Greenwood described other options were explored for the road and noted that the dilemma was that they either violate the handicap accessibility laws or the street grades. Both objectives could not be met. Mr. Greenwood stated that the proposed plan was the best way of accommodating all needs. He noted that three full days were spent deliberating each option.

Mr. Ellis asked if the road at 1350 East and 400 North would be increased to 20 feet. Mr. Greenwood responded that at one point it will be. Since the Board of Adjustment allowed them to eliminate this section and the road has been elevated to a more natural grade. The contractor had also already done some grading prematurely. Mr. Greenwood identified a section of the road that has been paved and stated that the Fire Marshall supported eliminating 400 North. It was noted that the Berry Family owns property on the south side of 400 North and they will be signing a plat to ensure that the area isn't illegally subdivided. When the property was sold to the Berry Family, they were unable to obtain any kind of permit because they didn't have a dedicated public street running from that property. Therefore, the proposed plan will benefit them, as they will gain access into their lot from 1350 East.

Mr. Ellis stressed that he does not agree with the assessments that have been made about the elevation of 400 North. He reiterated that people have been using it for over 20 years. He felt that the public should have access to the road.

Jill Butt gave her address as 372 North 1300 East and stated that she felt that the citizens were misrepresented when the statement was made that all public questions were answered at the meeting held on May 22. She stated that there are still a lot of concerns. Ms. Butt explained that she had communicated with the Metropolitan Water District of Salt Lake City and Sandy, and stated that the northeast portion of the subject property is located on Water District property. Mr. Greenwood clarified that the lot to which Ms. Butt was referring, is the northeast corner of Lot 32. Ms. Butt was given the impression by the Metropolitan Water District that this corner of the property is still being negotiated.

She inquired about the BLM line, and explained that there was a vacant home in the area for approximately five years. The home had become run down and a detriment to the neighborhood. Ms. Butt indicated that she would hate to see the same thing happen again. An unidentified audience member explained that after the home was built, there was litigation with the Water District because the surveying conducted prior to construction was not done properly. In turn, the matter caused the home to essentially become abandoned. It was stressed that it is critical that the issue be reviewed before moving forward.

Mr. Greenwood responded that his firm conducted the survey of the property. Salt Lake also had another firm conduct a survey of the property. Mr. Greenwood was working with Salt Lake Metro to release an easement in Plat A. They contacted Mr. Greenwood's firm about 10 days ago to inform them that their surveyor has a dispute with the location of a line. There are two ties to the parcel description which were identified. He stated that his firm does not have an issue with relinquishing whatever boundary is claimed by Salt Lake Metro and they are in the process of

correcting all necessary documentation. While a portion of property will be cut off, it will not substantially affect Lot 32. Mayor Daniels inquired about the proximity between the aqueduct and the right-of-way. There was further review of the aerial map. Mr. Greenwood reassured those in attendance that the matter will be resolved prior to recording.

Matt Erickson gave his address as 564 Dalton and stated that he attended the May 22 Planning Commission Meeting and his questions were answered at that time. The three main questions that he had related to soil, grading of the road, and area esthetics. He expressed his hope that the developer will make the new homes look as good as possible and that a third party geotechnical engineer will check each lot for sensitive soils. Last, Mr. Erickson asked where the area meets the Bonneville Shoreline. Mayor Daniels responded that the trail mirrors the right-of-way for the aqueduct.

Dwayne Snyder gave his address as 378 North 1350 East and expressed concern with soil compact and erosion on the lot directly adjacent to his. Grading occurred above 1380 East, which has built up the lot next to his property by seven or eight feet. Prior to grading there was a gradual slope. Mr. Snyder assumed that when the lots were built the same terrain would be maintained with access in front of the house off of 1350 East. It appeared that the homes will face the east, whereas his faces west. He pointed out that because the lot has been built up, half of the lot drops off at a steep 45 degree angle. Therefore, about half of the lot is unusable, making it an eye sore.

Council Member Boyd asked who is moving the land. Mr. Greenwood responded that the contractor working on Plat A is MC Green, based in Centerville. Mr. Snyder added that they have used the area as a dumping ground for concrete and asphalt. Mr. Greenwood explained that they will eventually have to haul the materials away. Council Member Boyd asked if this was allowed. Engineer Lewis explained that an ordinance is not in place that would prevent an owner from moving dirt around on his property. He wasn't aware of any disposal of trash occurring on the property. Mr. Greenwood added that in speaking with MC Green, they were given the option of working on this as a second project phase. They've started to do some rough grading on the site, however, Mr. Greenwood's firm has since asked them to stop. Mr. Greenwood discussed potential features of the proposed homes.

Jeron Walker stated that the area was owned by his family. In recent years, Mr. Walker's father did some excavation work on the end of Lot 32 to flatten it out and make it a buildable lot.

Michael Butt gave his address as 372 North 1300 East and asked what the heavy machinery that continues to move up 400 North is doing if approval has not yet been granted. Mayor Daniels referred to Engineer Lewis's comments about City Ordinance not preventing a landowner from moving dirt around on their property. Mr. Butt was curious if a study was conducted on how development of the lot will impact real estate. He felt this information should be reviewed prior to approval.

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

Mayor Daniels summarized the concerns raised during the public hearing. Matters of concern include the 400 North right-of-way, resolution of the Metropolitan Water District of Salt Lake and

Sandy right-of-way, dirt compaction, and market value for the houses that street frontage on more than one side.

Council Member LeMone explained that as she read through the geotechnical study, she was unable to find a specific recommendation from the engineering firm. The study did not include an opinion on whether or not the development should move forward. Engineer Lewis responded that the study identifies several potential problems and provides recommendations on how to mitigate those issues. For example, the study identifies areas of pinhole soil and recommends that those soils be excavated until it is gone. This process is monitored by a geotechnical engineer, who is required to make a site visit in order to determine whether or not the site has been excavated. This will be done on a case-by-case basis for every lot.

Council Member Meacham was concerned with the report, where it refers to moisture-sensitive material. He felt that the terminology was very subjective to anyone other than a qualified geotechnical engineer. He suggested that adding verbiage to the plat with specific recommendations from the geotechnical report would be helpful. There was discussion on what language should be included in the motion and recorded on the plat.

Council Member Boyd felt there had been several red flags with the proposed development, namely the soil and geotechnical issues, and exceptions that have been made to City Code. The Council approves proposals based on how they will affect the health, safety, and welfare of Pleasant Grove's citizens. She could not seriously determine whether to move forward with the project and referred to problems that have arisen in neighboring cities. Council Member Meacham asked for a specific example of exceptions or violations that have been made to City Code while undergoing the development process. Council Member Boyd referred to comments made during the public hearing.

Council Member Andersen remarked that she has spent hours researching the project over the past year and all of her red flags have been addressed. She asked if the Water District property line will diminish the size of Lot 32. Mr. Greenwood stated that it will still be the largest lot in the development.

Council Member Meacham asked about lots that have frontage to a road on two sides, and questioned whether they will follow the same setback requirements for both sides. Engineer Lewis answered in the affirmative and stated that both setbacks will be treated the same. Mayor Daniels pointed out that there is a stretch of road on Canyon Drive where the homes have both a private cul-de-sac road on the east side, as well as the street 100 East on the west.

Council Member LeMone asked what the procedure for moving forward will be if the third party geotechnical engineer has additional findings on any of the foundations. Engineer Lewis explained that the developer will then need to do what is required to completely remove problematic soils. Throughout the process there may be sites that are either exceptionally better or worse than what was indicated in the report. Council Member Stanley asked who would assume liability if the geotechnical engineer makes an incorrect assessment and a landslide occurs. He suggested that engineering malpractice insurance would offset any damage, and that the City would not be at fault. Engineer Lewis added that the City is relying on a highly specialized, licensed professional. Next, Council Member Stanley inquired as to what details and disclosures will be recorded on the plat. Retaining walls were then discussed.

Mayor Daniels explained that the process that the Council is currently undergoing is that of plat approval. Each development will be individually developed and go through their own process of approval. It was noted that Henry Walker Homes has first right of refusal of the lots. Council Member LeMone asked if approval of this item to this point has been unanimous by the Planning Commission and Board of Adjustment. Director Young replied that he would have to check the record but recalled that it was unanimously approved by both bodies in the most recent meetings.

Mayor Daniels reopened the public hearing.

Mark Bezzant gave his address as 1192 East 200 South and expressed concerns for the residences on 1500 East that see 15 to 20 feet of retaining wall when looking out their kitchen windows. The retaining walls negatively impact their quality of life. Mayor Daniels responded that this is a common complaint and explained that if an individual doesn't want development to occur in their backyard, they should purchase the lot. This is the only way to guarantee an unobstructed view. Mayor Daniels explained that because the City has decided to live together as a community, they need to be willing to work out the details.

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

**ACTION:** Council Member Andersen moved that the Council approve the final plat, known as Walker Ridge Plat B, and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. The following statement from the Geotechnical Study conducted on September 20, 2013, by The Boyer Company be recorded on the plat as follows:

*"[It is recommended that] a qualified geotechnical engineer observe foundation excavations to identify that all potentially collapsible soils have been removed and that suitable soils have been encountered or to make recommendations for additional excavation and/or replacement with structural fill."*

Council Member Stanley seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Stanley and Meacham voting "Aye," and Council Members Boyd and LeMone voting "Nay." The motion carried 3-to-2.

Mayor Daniels thanked the citizens for their involvement in the process.

**D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-22) AT THE REQUEST OF MIKE MILLER TO AMEND CITY CODE SECTION 10B-7-F5 REAR AND SIDE SETBACK ON A CORNER LOT; AND PROVIDING FOR AN EFFECTIVE DATE. (CITY WIDE) Presenter: Director Young.**

Director Young explained that the Planning Commission recommended approval of the item to the City Council on April 10, 2014. At the City Council Meeting it was decided that more clarifying verbiage was needed with regard to the clear vision area on corner lots. The item was remanded back to the Commission for further review. The code currently states that on a corner lot, an

accessory building needs to have a 25-foot setback from the street, regardless of whether it is in the side or rear yard. The applicant would like to change that to be a 10-foot rear or side yard setback from the street on a corner lot. The corner clear area would also need to be met. The proposed new verbiage to this section of code states:

*"Additionally, all accessory buildings must be approved by the City Engineer and comply with the Clear Vision Area; Corner Lots, Section 10-15-10."*

Staff feels that the issue of clear vision that arose at the City Council Meeting should be satisfied with this new verbiage. Director Young and Engineer Lewis both felt that the proposal is fair and should not create any problems on corner lots. Following their review of the proposal on May 22, the Planning Commission unanimously recommended that the City Council approve the proposed text amendments.

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

**ACTION:** Council Member Andersen moved that the City Council approve Ordinance (2014-22) the proposed text amendments to Section 10-9B-7-F5, yard requirements in the R-1 Single Family Residential Zones, of the Pleasant Grove City Code, and adopt the exhibits, conditions, and findings contained in the staff report. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, LeMone, Meacham, Boyd and Stanley voting "Aye." The motion passed unanimously.

**E) PUBLIC HEARING TO TAKE PUBLIC COMMENT ON THE CITY'S INTENT TO RESTRUCTURE THE FINANCING ON TRUCK NUMBER 71 WHICH WILL PROVIDE FUNDING FOR THE REBUILDING/REFURBISHMENT OF ONE 1994 ENGINE TRUCK AND THREE AMBULANCES. Presenter: Chief Sanderson.**

Mayor Daniels informed those in attendance that Chief Sanderson was excused from the meeting due to a family emergency. Deputy Fire Chief Dave Thomas would be filling and making the presentation.

Deputy Chief Thomas presented a PowerPoint Presentation on the Fire Department's apparatus refurbishments. The City's apparatuses were listed based on year and their current value. Units ranged between the years of 1933 and 2005. It was noted that any apparatus that is 10 or 15 years old doesn't have much retail value primarily because safety features in older models have become obsolete.

Deputy Chief Thomas received three bids to purchase a new Engine/Pumper. The bids ranged from \$425,000 to \$550,000. The cost of new ambulances were between \$150,000 and \$250,000. He explained that the original plan was for a company out of Las Vegas to rebuild the City's 1994 Pierce Pumper, which would have cost approximately \$160,000 to \$280,000. However, when Deputy Chief Thomas met with the company, they had a used 2001 Pierce Quantum Pumper. They were willing to sell it for \$40,000, and then rebuild it for a grand total of \$205,754.

Deputy Chief Thomas explained that ambulance rebuilds give the apparatus about another 10 years of service life. He explained that the City has a maturing lease of \$162,754, and a refurbishment

lease of \$160,646. Images of the rebuilding process for ambulances as well as quantum pumpers were shown and described.

Deputy Chief Thomas reviewed the differences between the Arrow and Quantum apparatuses. If the City were to rebuild the existing 1994 Pierce Arrow, it wouldn't have any new capabilities. However, the 2001 Pierce Quantum would have a bigger engine, better pump, more storage, a larger and safer passenger compartment, and in general it would have a newer and more functional design. The cost difference between the two options could be offset by putting the 1994 Pierce Arrow on the market, with the anticipation of selling it for \$25,000 to \$40,000. The Department would also trade the 1988 engine to offset the additional costs. Mr. Thomas next listed recommendations outlined by the National Fire Protection Association, or NFPA.

According to Finance Director, Dean Lundell's, calculations, the City should be able to pursue the 2001 Pierce Quantum and three ambulances for a comparable amount to that of the maturing leases as well as with funding resources generated from selling the 1994 Arrow and trade for the 1988 Engine. Administrator Darrington reminded the Council that in a previous meeting when the idea was presented by Chief Sanderson, the Council requested that he coordinate with the company in Las Vegas and Director Lundell to make sure that all of the numbers match up. Administrator Darrington reassured the Council that Director Lundell ran all of the numbers and verified that the math adds up.

Mayor Daniels asked for clarification on number of apparatuses that the City would have after all of the refurbishments have been completed. Mr. Thomas explained that the 1994 Arrow and 1988 Engine would be replaced with the 2001 Quantum as well as three like-new ambulances. The 2001 Quantum would cost approximately \$205,754 and the ambulances would cost \$92,016 each. Director Lundell reported that the grand total, with the refinancing of the ladder truck included, would be \$1,087,280 financed over a seven-year period. The City is currently getting bids on rates. Director Lundell predicted that the interest rate will be less than 3.5%.

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

Council Member Boyd asked about the monthly payment. Director Lundell replied that the total spending for all of the apparatuses was about \$162,000 per year. The refinancing will bring the amount down to \$160,000 per year. Director Lundell explained that once the bids are in for the lease, a resolution will need to be passed.

*The Council took a five-minute break.*

- F) TO CONSIDER FOR APPROVAL THE REQUEST OF CADENCE HOMES FOR FINAL PLAT APPROVAL OF A 26-LOT SUBDIVISION CALLED PLEASANT VIEW PLAT B PREVIOUSLY KNOWN AS BEZZANT RIDGE LOCATED AT APPROXIMATELY 200 SOUTH 1200 EAST IN THE R1-9 (SINGLE FAMILY RESIDENTIAL) ZONE. (BATTLE CREEK NEIGHBORHOOD).** *Presenter: Director Young*

Director Young explained that the proposed plat is to divide the property into 26 separate lots, all of which exceed the 9,000 square feet required in this zone. The subdivision will have two access

points. The first will be off of 200 South at 1150 East and the second will come from the west side at 400 South. There will be three cul-de-sacs associated with the subdivision. The Planning Commission approved the preliminary plat on May 8, 2014.

**ACTION:** Council Member Stanley moved that the Council approve the final plat, known as Pleasant View Plat B, and adopt the exhibits, conditions, and findings contained in the staff report. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**G) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-018) AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH EVERBRIDGE FOR EMERGENCY MASS COMMUNICATION SERVICES. *Presenter: Chief Smith.***

Chief Smith explained that three different companies provided three different presentations and the Police Department was most impressed with Everbridge. Not only did Everbridge present leading services, but they also presented the City with the best bid. Chief Smith expressed his confidence in the services they will provide and that they will be reputable for the City. The contract will last one year, with an opportunity for renewal up to four times at the same price. Mayor Daniels confirmed that the funds were set aside in the budget. Chief Smith added that Springville and Provo will also be going with Everbridge. Orem has also expressed an interest in retaining their services.

Mayor Daniels noted that in a previous meeting, the Council discussed police vehicles and the difference between three and five-year leases. Director Lundell has since researched the matter further and determined that it is cost savings. He added that the City is getting a significantly higher resale value with this round than with what they received three years ago.

Council Member Meacham asked if a one-year contract is typical. Chief Smith responded affirmatively, noting that if the City isn't satisfied with Everbridge's services after one year, they will have an opportunity to walk away without incurring additional expenditures. Council Member Meacham asked if the data is transferrable. Chief Smith noted that it is the City's responsibility to gather the data, therefore, it belongs to the City. Information is gathered through a public awareness campaign. Most of the training is web-based and once the contract is signed there is about a 48-hour turnaround time. Avenues by which to distribute and gather information from the public were discussed.

**ACTION:** Council Member LeMone moved that the Council adopt Resolution 2014-018 authorizing the Mayor to sign a contract with Everbridge to provide emergency mass communication services. Council Member Boyd seconded the motion. A voice vote was taken with Council Members Andersen, LeMone, Meacham, Boyd and Stanley voting "Aye". The motion passed unanimously.

**H) DISCUSSION ON DOWNTOWN VILLAGE RETAIL REQUIREMENTS. *Presenter: Administrator Darrington.***

Administrator Darrington explained that staff was recently approached by an individual who is interested in purchasing the vacant lots on Main Street. This individual would like to build an office, with some apartments on the top floor. Currently, according to the City's Downtown Village

requirements, this is not an allowed use. The potential buyer has asked that the matter be discussed with the Council. Administrator Darrington added that staff is working with Test Out on their master plan, which will be located on the opposite side of Main Street. He explained that while staff likes the idea of having brand new buildings, there is risk involved in having the Downtown Village potentially develop entirely as office, with little to no retail.

Council Member Boyd stated that three retail businesses on the east side of Main Street approached her and requested that the zoning remain unchanged. She pointed out that retail benefits retail, and those businesses do not want the zoning to be changed. Council Member LeMone agreed with Council Member Boyd's standpoint, and expressed her desire to see more retail downtown. She explained that Test Out will already take up a significant section of Main Street, with very little room left for retail.

Council Member Boyd clarified that the first floor could have retail, the second floor would be offices, and the third floor residential. Administrator Darrington responded affirmatively. Therefore, the Council doesn't need to necessarily communicate to the potential buyer that offices are prohibited, they just aren't allowed on the ground floor. Director Young noted that a building can have up to five stories on Main Street. Administrator Darrington added that it could take a while before the area develops. Council Member Meacham was hesitant to see the zoning change and he wanted to keep it the same. Mayor Daniels generalized that the overall response to the potential buyer's inquiry is that they do not want to change the zoning requirements for the Downtown Village.

**I) DISCUSSION ON THE THIRD VIOLATION AND PENALTY OF THE SECONDARY WATER RESTRICTIONS. *Presenter: Administrator Darrington.***

Administrator Darrington presented the current door hanger used for secondary water violations. The first violation receives a warning in the form of the door hanger. With the second violation, the water is turned off, and a \$50 fee is required to turn the water back on. The third violation is similar to the second, however, the fee increases to \$200.

Staff discussed the matter and would like the Council to consider increasing the fee for the third violation to \$500, as well as the installation of a meter for the household. Administrator Darrington noted that there currently aren't any secondary water meters in the community. However, once individuals violate the restrictions for the third time, they are basically ignoring the need to conserve this valuable resource. The \$500 fee would cover the cost of the meter and installation. If those households continue to abuse the secondary water system, the City can consider creating a specific, and much higher rate for those individuals. Administrator Darrington stated that staff is still conducting research that will help determine appropriate rates and usage.

Council Member LeMone felt that perhaps now would not be the best time to increase the fee for third-time offenders, especially in light of an upcoming proposal to increase water rates. Mayor Daniels asked if there are still residents who water using the culinary system. Council Member Boyd replied that everybody north of the canal uses it, because they don't have a secondary water system. Council Member LeMone suggested that if a person uses culinary water on restricted days, they will also be given a ticket.

Council Member Meacham asked how many third time offenders there were last year. Public Works Director Lynn Walker responded that they're issuing several tickets this year as well. Director Walker stated that if the City continues at the rate they started this year, they will be equal to a ticket for every hook up in the City of Pleasant Grove by the end of the season. There were 103 tickets issued this past weekend alone, most of which were on Sunday. Mayor Daniels suggested that perhaps people do not understand that the City has a water crisis. It is not just a shortage; it is a crisis.

Council Member LeMone suggested enforcing a more severe punishment for the second offense, rather than the third. Mayor Daniels added that the door hangers could include the word "drought," so as to explicitly define the City's water situation. There is no more water, and people need to understand that fact. Administrator Darrington explained that people don't respond unless there are financial ramifications to their actions. There was further discussion on the matter. A comment was made by a gentleman from the audience that the City would get the attention of repeat offenders by shutting off secondary water for a lengthier period of time. Repeat offenders are willing to pay whatever price is required, and this may be a more effective approach.

Jennifer Baptista remarked that citizens have the mentality that because the rates have increased and they are now paying more for this resource, they are going to use as much as they want. Ms. Baptista also explained that if units don't have a backup battery and the power goes out, the box will reset to the original programming. Neighborhood Chair Libby Flegal agreed that people have the mentality that the water belongs to them rather than that it is a shared resource. Furthermore, there were comments made in the neighborhood meeting earlier in the day about the timing of the rate increases.

The Council continued to deliberate the matter and came to conclusion that the penalty for fourth time offenses will be a \$500 fine and installation of a meter for that unit. It was also decided that the water will be locked off for a mandatory period of time starting with the second offense.

**J) DISCUSSION ON RECREATION CENTER AND SWIM POOL PASSES. *Presenter: Administrator Darrington.***

Administrator Darrington explained that all permanent part-time employees who work over 20 hours per week receive a free rec center and swim pool pass. The Council offered this incentive a few years ago and it has been well received and appreciated by employees. Administrator Darrington stated that there are many part-time employees who don't work more than 20 hours per week. He asked if the Council would consider offering them complimentary passes as well. This will affect 50 or 60 employees. Seasonal employees will not be included. Council Member LeMone voiced her support, as it would be a great way to show appreciation for the services they contribute. All other Council Members were in favor as well.

**8) NEIGHBORHOOD AND STAFF BUSINESS.**

Assistant to the City Administrator David Larson encouraged all to attend the upcoming Chamber of Commerce Meeting, which will be about stress management.

Deputy Fire Chief Thomas thanked everyone for their support at the breakfast.

Chief Smith announced a traffic school presentation which will take place tomorrow night at 6:00 p.m. in the training room at the Police Department.

Library and Arts Director, Sheri Britsch, stated that she downloaded a white noise app for the staff bathroom, at the request of her employees. She also reported that summer reading sign-ups are going well.

Director Lundell encouraged everyone to review the final budget. Mayor Daniels thanked Director Lundell for his report on the City vehicles.

Administrator Darrington announced the next round of neighborhood meetings scheduled to take place later in the week. The meetings will begin at 6:00 p.m. and 7:30 p.m. The Wednesday night sessions will be filmed. He also reported that next week's meeting will be the public hearing on the budget. Notices went out earlier in the day. This will be the only agenda item. One page of the budget will specifically pertain to rate increases. The meeting will still take place in the City Council Chambers. If the room cannot accommodate the entire crowd, people will have to stand out in the hall.

Engineer Lewis reported that the waterline project is currently taking place on 200 South. It is anticipated that the project will be completed before Strawberry Days. Additional work needs to take place on Main Street as well, however that bid will be postponed. Engineer Lewis announced that 1300 West will be paved over the weekend and the signal will be installed by June 7.

City Recorder, Kathy Kresser, announced that the meeting scheduled for June 17 will begin at 5:00 p.m. Additionally, the Council Meeting scheduled for June 24 will be moved to June 25 due to primary elections.

**8) MAYOR AND COUNCIL BUSINESS.**

Council Member Stanley reported that he has a debate the night of the next library meeting, and won't be able to attend. However, at the library meeting there will be an amendment made to the by-laws that will allow people that are in cities that use the library to be able to be members of the Library Board. Therefore, a corresponding ordinance from the City Council will be needed.

Mayor Daniels asked where the watering schedule is located on the website. Administrator Darrington reassured him that he would make sure it is more easily accessible.

**9) SIGNING OF PLATS.**

There were no plats to sign.

**10) REVIEW CALENDAR.**

There were no calendar items to review.

**11) EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(d)), EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 1 (c))**

**AND EXECUTIVE SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL  
COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL  
(UCA 52-4-205 (1)(a))**

Mayor Daniels asked for a motion to go into executive session to discuss the purchase, exchange or lease of real property (UCA 52-4-205) and to discuss pending or reasonably imminent litigation (UCA 52-4-205 1 (c) and to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205 (1) (a)).

**ACTION:** At 9:38 pm Council Member Stanley moved to go into executive session to discuss the purchase, exchange or lease of real property (UCA 52-4-205) and to discuss pending or reasonably imminent litigation (UCA 52-4-205 1 (c) and to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205 (1) (a)). Council Member Andersen seconded and the motion passed with the unanimous consent of the Council.

**PRESENT:**

Mayor: Mike Daniels

**Council Members:**

Dianna Andersen

Cindy Boyd

Cyd LeMone

Jay Meacham

Ben Stanley

**Staff Present:**

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Degen Lewis, City Engineer

Kathy Kresser, City Recorder

At 9:53 p.m. Engineer Lewis and Recorder Kresser left the executive session.

Mayor Daniels asked if there were any further discussion, being none he called for a motion to come out of executive session and adjourn.

**12) ADJOURN.**

**ACTION:** At 10:15 p.m. Council Member Meacham moved to come out of executive session and adjourn. Council Member Stanley seconded and the meeting adjourned with the unanimous consent of the Council.

This certifies that the City Council Minutes of June 3, 2014 are a true, full and correct copy as approved by the City Council on July 1, 2014.

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Kathy T. Kresser, City Recorder

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