

**Pleasant Grove City  
City Council Regular Meeting Minutes  
February 21, 2017  
6:00 p.m.**

PRESENT:

Council Members: Dianna Andersen  
Eric Jensen – Mayor Pro-Tem  
Cyd LeMone  
Ben Stanley  
Lynn Walker

Staff Present: Scott Darrington, City Administrator  
David Larson, Assistant to the City Administrator  
Denise Roy, Finance Director  
Deon Giles, Parks and Recreation Director  
Mike Smith, Police Chief  
Kathy Kresser, City Recorder  
Tina Petersen, City Attorney  
Dave Thomas, Fire Chief  
Marty Beaumont, Public Works Director  
Ken Young, Community Development Director  
Sheri Britsch, Library and Arts Director

Excused: Mayor Daniels

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**

Due to the absence of Mayor Daniels, Mayor Pro-Tem Jensen called the meeting to order and noted that all of the Council Members were presented.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jarrom Spencer.

3) **OPENING REMARKS**

The opening remarks were given by Christy Belt.

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

City Administrator, Scott Darrington, noted that a closed meeting needed to be added to the agenda.

**ACTION:** Council Member LeMone moved to approve the agenda with the addition of a closed meeting. Council Member Andersen seconded the motion. The motion passed with unanimous consent of the Council.

#### 5) OPEN SESSION

Mayor Pro-Tem Jensen opened the Open Session.

Wendy Morgan stated that in looking at the administrative fees and the enterprise funds, she noted the budget shows that \$1.8 million has been collected. She asked how that number is determined and expressed belief that it is used to pay administrative salaries. She asked what other costs the fees cover and if there is ever an analysis done of the fees collected versus what is expended. She asked what happens with excess funds.

Finance Director, Denise Roy, explained that the General Fund charges administrative fees to the enterprise funds, which are calculated based on a percentage of budget. They are reviewed annually and this year the budget is \$2 million. Ms. Morgan was invited by staff to meet with Director Roy to further discuss the matter.

Lori Williams asked how much the transaction fees were for the Public Safety Building bond. Administrator Darrington indicated that he did not have that information readily available but the documents are in his office. Director Roy stated that the number was \$70,010.73, which is comprised in seven different invoices. Ms. Williams stated that on December 6, 2016, the number she found was \$35,000. Administrator Darrington explained that \$35,000 was for reissuance. He noted that the Financial Advisor will speak about it on March 7. Ms. Williams asked for a copy and stated she already filled out a GRAMA request but was told it was not available. Council Member LeMone expressed appreciation for her patience and explained that sometimes figures for financial questions are not immediately available. She explained that this is not due to a lack of transparency, but rather to ensure accuracy.

Ms. Williams also asked about the Valley Vista Trails and if there is a contract authorizing them to police the trail. Parks and Recreation Director, Deon Giles, explained that it is a City trail and they have asked the Trail Committee to help regulate rules and conditions.

Kevin Sykes expressed concerns about 1100 North and requested something be done to make 100 East above the canal safe. There is poor visibility in the area, and residents cannot get in and out of their driveways. There has only been a small shoulder added, and even though eventually it will be straightened out, enhanced safety is needed. He suggested adding four-way stops. He presented an aerial map of the area in question. Mr. Sykes explained that he is a commercial truck driver and has seen a lot of similar intersections.

Community Development Director, Ken Young, recognized Amy Cardon's service on the Planning Commission. She recently completed a four-year term. She was presented with a plaque for her service.

Amy Cardon stated she enjoyed serving on the Planning Commission and expressed appreciation to staff and the elected officials.

There were no further public comments. Mayor Pro-Tem Jensen closed the open session.

6) **CONSENT ITEMS**

a) **To Consider Approval of Payment Vouchers for (February 10, 2017).**

**ACTION:** Council Member Andersen moved to approve the Consent Items. Council Member LeMone seconded the motion. The motion passed with unanimous consent of the Council.

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

A) **TO CONSIDER THE APPOINTMENT OF SAM SANDERSON AND GARTH LOVELL AS PLANNING COMMISSION ALTERNATES. (Note: This item was continued to the March 7, 2017 Meeting).**

Council Member Stanley asked Director Young if they had filled the vacancies on the Planning Commission. Director Young explained that these two filled the need.

**ACTION:** Council Member Stanley moved to continue the above item until March 7, 2017 so that Mr. Sanderson and Mr. Lovell can be present. Council Member Walker seconded the motion. The motion passed with unanimous consent of the Council.

8) **PRESENTATIONS**

A) **AMERICAN FORK CANYON UPDATE. Presenters: Colby Rollins and Bob Bonar, Snowbird.**

Bob Bonar, General Manager of Snowbird, stated that since the last meeting they have been monitoring the water in Mary Ellen Gulch. He explained the results come from the first nine months of water sampling, which are April through December 2016. Sampling has followed the details from the water quality monitoring plan agreed upon with American Fork City, the Division of Water Quality, Utah County, and Snowbird. Mary Ellen Gulch water quality assessments have been under the direct oversight of the Division of Water Quality. He explained there were six samplings from Mary Ellen Gulch to the confluence with the American Fork River. American Fork City hired a third-party contractor to sample eleven metals at these sites once a month.

The results from the first three quarters of the sampling plan show that lead, arsenic, aluminum, cadmium, nickel, and iron are all well below the State water quality standards for both cold water fishery standards and drinking standards, though the American Fork River is not a drinking water

source. Many metals are consistently below detection limits including chromium, mercury, selenium, and silver. There have been results for zinc above cold water fishery standards in the upper parts; however, they drop well below the standard lower in the basin.

He mentioned that the Environmental Protection Agency (EPA) is conducting a preliminary assessment to be completed by the fall of 2017 to see if the old mine sites pose threats to human health or the environment. The Division of Water Quality (DWQ) at the State level has asked Snowbird to submit an application for a permit to discharge water for the Live Yankee Mine. He stated that Snowbird has done this with full compliance of the State agency, beginning October 2016. They provided current and historic water and soil data for such. He felt that the results are as good and as expected.

Council Member LeMone asked if the results are available online. Mr. Bonar explained they are online at the DWQ, American Fork City, and Utah County websites. Council Member LeMone asked what the percentage of numbers is defined as being "well below". Mr. Bonar said they have all the information from the independent studies on graphs showing the actual tests and the standards.

Mr. Bonar hoped that in six to eight months he can review it with them again. Council Member Stanley asked how long they will be monitoring the conditions. Mr. Bonar explained that when the County Board of Adjustment approved their plan for Mary Ellen Gulch, it required a two-year water monitoring study, which began in April 2016. Subsequently, they will do the sampling less frequently for another eight years.

**B) PRESENTATION ON WATER CONSERVATION. *Presenter: Beautification Committee.***

Council Member Andersen commented that she was present at their meetings and the quality of people serving on committees in the City is exceptional.

Vice Chair, Nathan Gerber, recognized the presence of Committee Chair, Mark Bishop. Over one year ago, they presented a Water Conservation and Preservation Education and Awareness Plan. They wanted to get the word out about their long-term goals of conserving water. Mr. Bishop distributed a packet of information to the Council Members.

Mr. Gerber explained the three elements to the plan are Education and Awareness, Regulation, and Monitoring. All other municipalities that have implemented the plan have a 20-year plan, with Regulation and Monitoring occurring in later phases. The first five years will focus on an education plan with the residents, and years six through 10 address large volume consumers.

Mr. Gerber identified the education channels used, which include the website, social media, flyers, magnets, parade entry, free water checks, assemblies for fourth graders, coloring books for children, and the "Water Wise Pledge". He then reviewed the status of each education channel. The flyer is two sided, with each side focusing on either indoor or outdoor water conservation. They partnered with the local scouting organizations and will include it in the Scouting for Food Drive in March. The magnet will go with the door hanger and flyer. The parade entry was first

entered last year and will be included each year. The "Slow the Flow" campaign did not have enough backing for the free water checks, so they created an Outdoor Self Water Audit checklist. He mentioned fourth-grade classes, and they have a pilot program for assemblies that will begin in the spring. The program addresses the water conservation process and will include a booklet for each student. They will borrow the water droplet mascot from the Central Water District to make it more fun for the students. The coloring books will be handed out to those younger than fourth-grade at City events and celebrations. All efforts will lead to the Water Wise Pledge with simple steps to preserve water, which is a self-education and self-auditing program. Once completed, they can be entered for a prize drawing and receive a window sticker.

Mr. Gerber reported on the use of the money budgeted last year for the project. They received some from Public Works and donations. In June they will begin to seek funding again.

Council Member Stanley praised their work and asked if they have a portal for volunteers. Mr. Gerber stated that on the City website there is an opportunity to be part of the Beautification Commission. Mr. Bishop expressed thanks and asked for representatives from the Monkey Town Neighborhood. Council Member Jensen expressed admiration for the character and work ethic of the Committee.

**C) DISCUSSION AND PUBLIC COMMENT ON THE WALKER RIDGE WATER TANK LANDSCAPING. *Presenter: Director Beaumont.***

Public Works Director, Marty Beaumont, recognized the public interest in this topic and was happy to hear further discussion. He presented a board that had been posted on the property for three years, informing anyone wanting to build in that location that there was a plan to build a future secondary water tank. He noted that the budget has been allocated for the tank to be constructed, and the project is currently in the design phase. It has increased from a 1 million to a 1.8-million-gallon tank. The tank height is 24 feet, and there is 35 feet of relief across the property. They have reconsidered the option of having a 35-foot concrete wall and moving it lower in the ground. When lowered 10 to 12 feet, the grading on the front can be addressed. He showed the previous site with a tank. Questions regarding landscaping, fencing, and covering were issues to be discussed tonight.

Director Beaumont reviewed architectural concepts with the tank being lowered and different types of fencing. He showed concepts with the elevation shown from the road. The grade would be four to five feet with shrubs as landscaping and stucco on the wall. The next 13 feet is what would be seen, and he said it would not be that obtrusive. He opined that the property should be fenced and presented an option with a simple wrought iron fence. He presented another option with a privacy fence, which would still show the landscaping. It would be posted with no trespassing signs and City phone numbers for reporting. He expressed concern about items being thrown in from neighboring properties, the safety of children, people accessing the site, and taking a swim. As such, the tank would need to be protected. A concrete cover would cost \$400,000, which is not in the budget and could not be added in as an expense. He proposed the alternative of a poly cover in white or tan attached by straps that would cost approximately \$100,000. The cover would be pulled tight to prevent objects from falling into the tank. He presented a sample

rendering and noted they have looked at dome shape or aluminum covers, which cost around \$300,000.

He mentioned that a decision needs to be made quickly so it can be constructed and operational by the end of the irrigation season. Central Utah Water has asked them to get off their water storage currently being used. Fencing costs ranging from \$15,000 to \$20,000 were then reviewed.

In response to a question from Council Member Andersen, Director Beaumont stated that depending on the type of landscaping, the frontage would be maintained by the Parks Department. Administrator Darrington noted that the recommendation would be based on the current budget and would be for a six-foot vinyl privacy fence and a polyethylene cover. Director Beaumont mentioned that Director Giles preferred grass instead of rocks. Council Member Stanley clarified that the sign posted showed the initial rendering. Council Member Andersen suggested some points the public could touch on in their comments, namely the options they preferred.

Nate Holmes asked how often the polyethylene cover would need to be replaced. Director Beaumont stated that it was expected to last 25 years. Mr. Holmes asked if a fence would be required if the tank is covered. Director Beaumont explained that even if it was a concrete cover, there would still be a potential hazard and it would be fenced.

Kevin Floyd stated that he lives in the cul-de-sac in question. He asked what the height of the cement on the back would be. Director Beaumont stated that because of the grade, it would only be two feet. Mr. Floyd commented that the property in question is currently used as a foot path from the two sections of the neighborhood. He asked if the fence could be moved in to still allow foot traffic. Director Beaumont explained that access from the back side was previously discussed. They moved away from that concept so that the City would not have to maintain the direct access to 1300 East. He noted that there is excess property with no use. A six-foot access could be considered if they took from the upper lot. He explained that there is too much grade to make it ADA compliant. It could be provided, but it would require more fencing and take away from the upper lot.

Council Member LeMone asked if a fence is necessary with the tank covering. He said the site needed to be fenced for security purposes; otherwise, policing the area would be difficult. The site is not conducive for people walking around. Attorney Petersen noted that although the neighbors would love to keep the access open, technically they are trespassing. If something were to happen on the property, the City has no duty to any person injured. If a path is created and inviting, the City would be creating a liability.

Kenneth Lane asked about the height of the structure. Director Beaumont was unsure but estimated it was 10 feet of additional rise. He also explained that a typical house rises 35 feet, so the structure would be less than a normal home.

Natalie Robbins noted that part of her yard faces the new water tank. She did not prefer the cover, but expressed excitement about the new water pump house. She stated they are a close-knit neighborhood and with regard to access, children were welcome to come through her yard. She recognized the liability for the City, but indicated that they want it to be family-friendly. She

mentioned that she would like to see the space used as park space or a sledding hill. She asked about the waterways by the Murdock Canal and asked who is responsible for the maintenance and liability. Director Giles stated that the green debris basins are owned by the City. Attorney Petersen explained that sledding should not be occurring in the area in question.

Cathryn Floyd stated that with regard to liability, if the City posts signs stating "Use at your own risk", the City would be covered while maintaining the walkway for the residents.

There were no further public comments. Council Member Andersen thanked the residents for their remarks.

Attorney Petersen indicated that a sign would not cover the City's liability. Director Beaumont mentioned that Hill Park is a much larger property than the tank, and was unsure the City would be able to construct a sidewalk that does not meet ADA standards. He explained that there are portions that are less steep, but he was not sure the area could work as a park.

Council Member LeMone asked about a flat covering that was mentioned at a previous meeting. Director Beaumont stated that flat coverings are for smaller tanks and staff was concerned with the weight of snow loads. For the size of the tank and the climate, flat coverings are not an option.

Steven Peacock mentioned that the tank property is next to his backyard. He explained that while he supports the tank, they want the neighborhood to remain intact and not be divided. He suggested the empty lot next to him be sold. The flat lot on the south side could then be purchased and converted into a park. He recommended that instead of hauling off the dirt, they put it on the back side to the east. They could find neighborhood labor to pull things together and make it friendly and usable. He clarified that if they are trespassing, the trespassers are liable. Mr. Peacock suggested they fence around the tank, terrace the property, and make a gradual walkway. He stated that there could be enough help found in the neighborhood to construct a pleasant place with a pavilion or fire pit. The citizens would prefer the area in question be open and usable.

Karl Kuhni identified himself as a professional landscaper and understands both sides of the issue. He noted that Director Beaumont has done a great job as an engineer, but is not a landscaper. Mr. Kuhni stated that with some creativity and the neighbors, something could be done. He recommended cobbling and grass in the front to beautify the area, while still protecting the City. He supported Mr. Peacock's suggestions and stated that Director Beaumont was right about the draw for children to play in the area. He understood that while the project needs to move forward quickly, it needs to be done correctly to maintain the open space. He suggested forming a committee to further explore options.

Amy Clark thanked staff and the elected officials for taking the time to hear the residents' concerns. She asked what contacts need to be made so that liability and green space can be resolved. She mentioned there are grants to help with funding. Mayor Pro-Tem Jensen said that Director Beaumont, Director Giles, and Attorney Petersen would be able to better address her question. Council Member Andersen agreed that this is the window of time for their neighborhood to find what they can contribute. Mayor Pro-Tem Jensen recommended the neighborhood choose representatives to meet with City officials.

Director Beaumont explained that one of the three lots would be sold and the money returned to the Water Fund. There is less impact now and no longer a need for access there; however, they still need utility easements to get power and water to and from the site. There is currently a proposed 20-foot easement on the north boundary and an adjacent lot to the south owned by the Boyer Company. The funds being used are from the Water Fund. Director Beaumont explained that while he understands the concept of the community trying to build a neighborhood park, time is of the essence on this project. The question is how to get the funding to support the concept.

Director Giles mentioned that there is not a lot of funding available for this type of park project. Director Beaumont was willing to work with the community to make the area nice if it is reasonable and within budget. Council Member Stanley mentioned the possibility of the residents organizing and working with the City to make a pocket park. He stated that there is a window of time, but it is very short.

Ms. Clark asked if there were alternative covers to the polyethylene. Director Beaumont explained that costs are significantly higher for the covering alternatives.

Steve Clark stated that there is a happy medium between a great pocket park and a utility compound. He liked the idea of having it as open as possible, but would like to see simple solutions. He expressed support for moving the fence closer to the tank and allowing the area to be utilized, but not dangerous for children. Areas like the retention ponds are not policed because it is mostly unnecessary. He expressed appreciation for the comments from the landscaper about mitigating the dangers, while maintaining the overall neighborly feel in the area. Opening it up and having green space would make residents feel better about the water tank.

A member of the audience stated that the neighborhood is willing to help with a solution, whether with ideas or volunteer labor. When he lived in Provo, the neighborhood and scouts took ownership of those opportunities. He asked if a cost benefit analysis was conducted of an in-ground park supported structure.

Director Beaumont stated that they did not perform an analysis regarding property values and the elevation of the tank cannot be any lower. The pipe coming out of the tank can be raised higher, but not lowered from its current location. He mentioned that he did the design for Hill Park and there were considerable funds for the fencing and walls. This is not a community, but rather a pocket park. He questioned where money could be found for the enhancements, and whether or not selling the lot would be reasonable. Each of the options he presented were within budget.

Karl Kuhni reported that the area cannot be a park because the funds are coming from the Water Fund. He recommended selling the lot to enhance the landscape. He said they could consider not putting a cover on the tank, and instead put a 10 or 12-foot tennis court fence encircling the tank. He asked if 70% of the cover cost could be saved and if the approvals for the tank and for the enhanced landscape be approved separately. This would give the residents additional time to come up with alternative solutions for maintaining the open space. He stated that he did not want the City to have to slow down the project.

Director Beaumont explained that now was a good time to bid the project, which was why they needed to act sooner rather than later. He recommended moving forward with construction with the option to add landscaping to the project. Director Beaumont expressed a willingness to work with the neighbors for a reasonable plan. Administrator Darrington suggested organizing a small focus group to discuss options.

Council Member LeMone stated that safety was the first priority. She liked the idea of a wrought iron fence better than vinyl, as well as the idea of selling lots for extra funding and shortening the fence line around the tank. She was in favor of splitting up the project and figuring out landscaping later.

**9) PUBLIC HEARING ITEMS**

**A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-10) AMENDING CITY CODE SECTION 10-15-47N, ACCESSORY APARTMENTS, INTERIOR ACCESS, MODIFYING THE PROVISION REGARDING THE REQUIRED INTERIOR ACCESS BETWEEN THE MAIN LIVING AREA AND AN ATTACHED ACCESSORY APARTMENT, ALLOWING DIFFERENT TYPES OF ACCESS BETWEEN THE MAIN DWELLING AND THE ATTACHED ACCESSORY APARTMENT. *Presenter: Director Young.***

Community Development Director, Ken Young, explained that City Code requires all accessory apartments that are attached to the main dwelling, such as the accessory apartments located in basements, to provide for an interior access between the second dwelling and the main living area. Most of the applicants with accessory apartments in the basement provide interior access to the main dwelling by a door connecting to a set of interior steps that lead into the basement. Recently there have been a number of garage conversions occur in the City, which have removed the covered parking required from various homes.

Recently there have been a number of applicants who wished to register their attached accessory apartments, in the form of a second dwelling in the basements; however, their floor plans do not show an interior access between the two units, but instead the use of a walk out basement or a direct access to the outside is presented.

After staff's discussion with the Fire Department, staff arrived at the conclusion that attached accessory apartments do not necessarily need to be connected by an interior access if the floor plans and inspections show sufficient means of egress either by walk out basement doors and/or windows of sufficient size.

The proposed text amendment states that "An interior access between the main living area and an attached accessory apartment must be maintained, unless sufficient means of egress have been determined during an inspection by the Fire Department."

Council Member Andersen expressed appreciation for the staff report including the Report of Action. Director Young noted that they decided to make that part of their report.

Mayor Pro-Tem Jensen opened the public hearing. There were no comments. The public hearing was closed.

**ACTION:** Council Member Stanley moved to adopt Ordinance (2017-10) amending City Code Section 10-15-47N, Accessory Apartments, Interior Access, modifying the provision regarding the required interior access between the main living area and an attached accessory apartment, allowing different types of access between the main dwelling and the attached accessory apartment. Council Member Walker seconded the motion. A public meeting was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**B) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2016/2017 BUDGET AMENDMENT TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES IN THE AMOUNT OF \$140,568 FOR THE VAC-TRUCK DECANT FACILITY PROJECT, LOCATED AT APPROXIMATELY 400 NORTH 600 WEST.**

Director Beaumont explained that a proposal for the Vac-Truck Decant Facility has been in the budget for a number of years. On February 7, the base bid for construction was approved in the amount of \$308,900 and was awarded to Van Con Contractors. When the project was bid, they changed the concept of the design to something more usable. Beforehand, they looked at facilities that were done in Midvale, Sandy, and Riverton, which were much smaller and left a mess to clean up after getting rid of the water. They then reconsidered the design to something that best fit their needs. The City ultimately awarded a contract for a three-bay decant facility.

He presented a map of where the facility would sit on the property boundaries of the Pipe Plant property. In original discussions of the property being a Public Works facility, it was planned to be near the power station. To ensure its ability to be operational, staff felt it should be moved more to the interior and shielded by existing buildings.

With the \$329,000 budget, they designed a base bid and two additive alternates. He presented the alternative with five bays, but the base bid was \$308,900 with another \$67,000 to construct the other two bays. Director Beaumont explained that it makes more sense to complete the whole project now. If the other bays are not done, they will dig a hole for the Water Department to discharge into the ground. The three bays would be used for storm drain cleaning purposes. He proposed that they amend the budget, the funds of which would come from the Water Fund. He stated that the Garden Drive project was \$150,000 under budget, and the remaining funds could be reallocated to finish this project. There is also another \$50,000 from the Pipe Plant demolition project that could be used.

Council Member Stanley asked if the demolition project is currently ongoing. Director Beaumont explained that it is just volunteer work at this point. There is not a project out to bid to demolish those buildings.

John Goodman, Street Superintendent, explained that the trees will most likely be burned. Director Beaumont noted they have done their own work on this site, including installing water and sewer.

Mayor Pro-Tem Jensen opened the public hearing. There were no comments, and the public hearing was closed.

**10) ACTION ITEMS READY FOR A VOTE**

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-09) TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES IN THE AMOUNT OF \$140,568 FOR THE VAC-TRUCK DECANT FACILITY PROJECT, LOCATED AT APPROXIMATELY 400 NORTH 600 WEST WITH THE FUNDING OF \$90,568 (MOVE FROM GARDEN DRIVE WATERLINE PROJECT TO NEW DECAMP FACILITY PROJECT) IN THE WATER FUND AND \$50,000 (MOVE FROM PIPE PLANT DEMOTION PROJECT TO DECAMP FACILITY PROJECT) IN THE STORM WATER FUND; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Roy.***

**ACTION:** Council Member Andersen moved to adopt Resolution 2017-09 to reflect actual and anticipated expenditures in the amount of \$140,568 for the Vac-Truck Decant Facility Project, located at approximately 400 North 600 West with the funding of \$90,568 (move from Garden Drive Waterline Project to new Decant Facility Project) in the Water Fund and \$50,000 (move from Pipe Plant Demotion Project to Decant Facility Project) in the Storm Water Fund; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

- B) CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2017-05) AUTHORIZING THE MAYOR PRO-TEM TO SIGN A DEVELOPMENT AGREEMENT WITH VALLEY GROVE, LLC REGARDING A COMMERCIAL SUBDIVISION PROJECT AND AN ONSITE STORM WATER DETENTION FACILITY LOCATED AT APPROXIMATELY 2093 WEST PLEASANT GROVE BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen (Continued from the February 7, 2017 Meeting).***

Attorney Petersen explained that the Grove Tower Project is located in the Interchange District of the Grove Zone. In that area, there have historically been problems retaining the amount of necessary storm water. In the past, a regional detention facility was planned there. St. John Properties has agreed to construct a storm water detention facility on their property that will handle some of the excess that the City needs and the required runoff from their development. The developer will be responsible for the costs of developing the facility. Once constructed and accepted by the City, it will be dedicated and owned by the City, who will then maintain the landscaping and infrastructure. Attorney Petersen stated that they will have all the access rights necessary to maintain the structure.

**ACTION:** Council Member Andersen moved to adopt a Resolution (2017-05) authorizing the Mayor Pro-Tem to sign a Development Agreement with Valley Grove, LLC, regarding a Commercial Subdivision Project and an onsite storm water detention facility located at approximately 2093 West Pleasant Grove Blvd.; and providing for an effective date. Council

Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

Administrator Darrington expressed appreciation for St. John properties for helping with this issue.

Daniel Thomas announced that they have a Purchase and Sale Agreement for a restaurant in the area. He confirmed that it is part of the Valley Grove Project, and will be R&R BBQ. He mentioned that they are ranked in the Top 10 best restaurants in the State of Utah.

**C) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-010) INDICATING THE INTENT OF PLEASANT GROVE CITY TO ADJUST THE COMMON BOUNDARY WITH THE CITY OF CEDAR HILLS. PROPERTY LOCATED AT APPROXIMATELY 728 WEST 4000 NORTH, PLEASANT GROVE UTAH, PARCEL #140020133; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant Dennis Thayne) *Presenter: Attorney Petersen.***

Attorney Petersen presented the staff report, as well as an aerial map of the subject property. Mr. Thayne's property is currently 0.574 acres in size and is in the municipal boundaries of Cedar Hills; however, he does not have access to a public street in Cedar Hills. He would like the opportunity to develop it in the future, but the only access is through Pleasant Grove. She noted that Cedar Hills adopted a mirroring resolution proposing adjusting the boundaries and providing for a public hearing on April 17. Administrator Darrington mentioned that a few months earlier, this request came before them as a flag lot. At the time, the discussion was deferred. Cedar Hills indicated that they will do a boundary adjustment, however, no commitment has been made to Mr. Thayne regarding development approvals. It will have to be brought back as a flag lot and the annexation plan will have to be amended as well.

In response to Council Member Andersen, Attorney Petersen explained that Mr. Thayne has installed the necessary laterals to the property in anticipation of connecting to the 4000 North sewer line. She stated that the Annexation Declaration Policy will be amended in March and the boundary adjustment and public hearing will be April 17. The proposed resolution declares intent and gives notice.

**ACTION:** Council Member Andersen moved to adopt a Resolution (2017-010) indicating the intent of Pleasant Grove City to Adjust the Common Boundary with the City of Cedar Hills. Property located at approximately 728 West 4000 North, Pleasant Grove Utah, Parcel #140020133; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**D) TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-11) REPEALING AND RESCINDING THE PUBLIC SAFETY IMPACT FEE SCHEDULE INCLUDED IN ORDINANCE 2002-13 AN ORDINANCE FIXING AND PRESCRIBING A POLICY FOR ESTABLISHING IMPACT FEES FOR PUBLIC SAFETY SERVICES PROVIDED BY PLEASANT GROVE CITY WITHIN THE CITY-WIDE SERVICE**

**AREA; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Administrator Darrington mentioned that representatives from Louis Young Robertson & Burningham (LYRB) came in to discuss the updating of the Police and Fire impact fees. At the time, they commented that if the City does a General Obligation Bond, the people using the facility will be paying for it. If the City charged an impact fee on top of it, it would be a double-charge. They recommended that if the G.O. Bond was passed, that the City rescind the impact fee.

Attorney Petersen reviewed the adoption of the Police and Fire Impact Fees in 2002, and there were other impact fees done at the same time. Administrator Darrington explained that only part of the impact fees will be rescinded, as well as the fee schedule specifically outlining Police and Fire. Moving forward, any new development will not be charged police or fire impact fees.

Council Member Stanley had questions about training facilities that may be built, and if the City could collect the fees to be returned later. Administrator Darrington explained that the City only has six years from the date of collection to return the fees. As such, he would not recommend collecting fees and returning them later. Attorney Petersen noted that the statute requires the City assess the fee based on the study which includes a Facility Plan. The City does not currently have a plan to cover anything other than the Public Safety buildings themselves.

**ACTION:** Council Member Andersen moved to adopt an Ordinance (2017-11) repealing and rescinding the Public Safety Impact Fee schedule included in Ordinance 2002-13 an ordinance fixing and prescribing a policy for establishing impact fees for public safety services provided by Pleasant Grove City within the City-wide service area; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**E) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-011) AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT WITH MOUNTAINLAND HEAD START, INC. FOR REAL PROPERTY LOCATED AT 485 WEST 220 SOUTH, SUITE 100, PLEASANT GROVE UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Giles.***

Director Giles explained that the Mountainland Head Start lease for the modular building is up for renewal in May. Staff reviewed the lease and made changes to some names and dates. Mountainland Head Start does all of the maintenance in the building, whereas the City maintains the irrigation system.

Council Member Andersen asked if they are part of United Way or are their own entity. Director Giles explained they are part of MAG, and are similar to Meals on Wheels. Council Member Stanley asked if there was a free market analysis to show whether the rent amount was fair. Administrator Darrington explained that they discussed the matter, but with the nature of the organization serving low income families, staff decided to maintain the current rent amount.

Director Giles noted that all improvements including the sidewalks and a playground, have been installed by Head Start. The City did not pay for any improvements on the subject property.

**ACTION:** Council Member Andersen moved to adopt a Resolution (2017-011) authorizing the Mayor to sign a Lease Agreement with Mountainland Head Start, Inc. for real property located at 485 West 220 South, Suite 100, Pleasant Grove Utah; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**F) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-012) AUTHORIZING THE MAYOR PRO-TEM TO DECLARE A 2015 FORD F-150 TRUCK, 3 - 2006 EXPLORERS, 1 – 2005 ESCAPE, 1 – 2005 EXPLORER AND BIBLIOTHECA ELLO COMPUTER AS SURPLUS AND DIRECT THAT THEY BE DISPOSED OF ACCORDING TO THE CITY’S POLICY FOR DISPOSING OF PROPERTY SURPLUS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Department Heads.***

Director Giles stated that they have the F-150 they are looking to sell and purchase a new model. The mileage is low and it is in good condition, so they are hoping to get a good price for it.

Police Chief, Mike Smith, explained that the other vehicles are over 10 years old and are not in the best shape. They plan to use TNT Auctions with the money going back into the Vehicle Lease Program.

Library and Arts Director, Sheri Britsch, stated that the computer listed above died. Administrator Darrington explained there is no value in the computer, but it still needs to be removed from the City’s fixed assets list.

**ACTION:** Council Member Stanley moved to adopt a Resolution (2017-012) authorizing the Mayor Pro-Tem to declare a 2015 Ford F-150 Truck, 3 – 2006 Explorers, 1 – 2005 Escape, 1 – 2005 Explorer and Bibliotheca Ello computer as surplus and direct that they be disposed of according to the City’s policy for disposing of property surplus; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**G) TO CONSIDER AWARDED THE FY 2016-17 SEWER REHAB PROJECT BID TO C&L WATER SOLUTIONS, INC. IN THE AMOUNT OF \$282,369.00 FOR BASE BID A, BASE BID B AND ADDITIVE ALTERNATES #2 AND #5 AND ADDITIVE ALTERNATE #4 IN THE AMOUNT OF \$6048.00. *Presenter: Director Beaumont.***

Director Beaumont explained that this is the normal liner project that the City does each year. They added alternates to utilize all of the funding in the budget and staff recommended the City do the Base Bid A, B, and Additive Alternates #2 and #5. If the budget allows, there are two other additive alternates, which would be approved through a change order project. There is \$300,000 in that particular budget. Council Member Walker asked if the prices were going down. Director

Beaumont explained that it is a cured liner rather than a standard. This was more expensive because they are dealing with ground water and live lines.

Director Beaumont mentioned that part of Base Bid B is dealing with root intrusion in a 10-inch groundwater line at Manila Park. They have now installed a cleanout manhole in the park, and they need to line between the two manholes. He explained that the roots will be cut out and lined to prevent root intrusion.

**ACTION:** Council Member Walker moved to award the FY 2016-17 Sewer Rehab Project bid to C&L Water Solutions, Inc. in the amount of \$282,369.00 for Base Bid A, Base Bid B and Additive Alternates #2 and #5 and Additive Alternate #4 in the amount of \$6048.00. He amended his motion to not include Additive Alternate #4 in the amount of \$6048.00. Council Member Stanley seconded the amended motion. The motion passed with unanimous consent of the Council.

**H) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-013) AUTHORIZING THE MAYOR PRO-TEM TO SIGN A QUIT CLAIM DEED TRANSFERRING A 3,271 SQUARE FOOT PIECE OF REAL PROPERTY TO DAVID AND LISA FLINDERS, WHICH WILL BE TRANSFERRED BACK TO PLEASANT GROVE CITY BY WARRANTY DEED, PROPERTY LOCATED AT APPROXIMATELY 482 WEST 3300 NORTH; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Beaumont.**

Director Beaumont explained that a couple of years ago the City vacated a plat owned by David Flinders. At the time, they vacated to the boundaries, including a small piece that had a road constructed and plans for constructing a home. Mr. Flinders was required to deed the City the property, which he did in September by quit claim deed. As such, the City has to receive a warranty deed for transfer of the property. The City needs to quit claim deed the subject property to the Flinders, so they can return the land to the City through the proper process with a warranty deed.

**ACTION:** Council Member LeMone moved to adopt Resolution (2017-013) authorizing the Mayor Pro-Tem to sign a quit claim deed transferring a 3,271-square foot piece of real property to David and Lisa Flinders, which will be transferred back to Pleasant Grove City by Warranty Deed, property located at approximately 482 West 3300 North; and providing for an effective date. Council Member Stanley seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**I) TO CONSIDER APPROVAL OF A 4-LOT FINAL SUBDIVISION PLAT CALLED BANKS SUBDIVISION, LOCATED AT APPROXIMATELY 495 EAST 1100 NORTH IN THE R1-8 (SINGLE-FAMILY RESIDENTIAL) ZONE. (BIG SPRINGS NEIGHBORHOOD) Presenter: Director Young.**

Director Young presented the staff report, as well as an aerial map of the subject property. He explained that the applicant is requesting approval of a four-lot final subdivision, named Banks Subdivision, on property located at approximately 495 East 1100 North in the R1-8 Zone, at the Northwest corner of 1100 North and 500 East. An application for the plat was received on August 24, 2016.

The proposed subdivision is located on approximately 1.03 acres. The final plat consists of four subdivided lots designated for new single-family dwellings. All of the proposed lots meet the minimum area requirement of 8,000 square feet; therefore, the proposed layout of the subdivision meets the minimum requirements set forth in the Pleasant Grove City Code.

The applicant is also proposing the adoption of a new vicinity plan. According to engineering and planning staff, the proposed new vicinity plan meets the requirements regarding traffic and maximum block distance without an access. The subject property falls within the General Plan designation of Low Density Residential; however, the lot is currently zoned R1-8 (Single-Family Residential) Zone. He presented the new vicinity plan showing the creation of a cul-de-sac.

**ACTION:** Council Member Andersen moved to approve a four-lot final subdivision plat called Banks Subdivision, located at approximately 495 East 1100 North in the R1-8 (Single-Family Residential) Zone. Council Member Stanley seconded the motion. The motion carried with the unanimous consent of the Council.

**J) TO CONSIDER APPROVAL OF A 4-LOT FINAL PLAT CALLED WOODGATE SUBDIVISION, LOCATED AT APPROXIMATELY 298 NORTH 100 EAST IN THE R1-8 (SINGLE-FAMILY RESIDENTIAL) ZONE. (LITTLE DENMARK NEIGHBORHOOD) *Presenter: Director Young.***

Director Young explained that the applicant is requesting approval of a four-lot final subdivision, named Wood Gate Subdivision on property located at approximately 298 North 100 East in the R1-8 Zone. The proposed subdivision is to be located on approximately 1.08 acres. The final plat consists of four subdivided lots designated for new single-family dwellings. One of the lots has frontage on 100 East while three of them are served by a common stem to be used as a driveway. All of the proposed lots meet the minimum area requirement of 8,000 square feet and lot frontage; therefore, the proposed layout of the subdivision meets the minimum requirements set forth in the Pleasant Grove City Code. The existing lot is deep where no previous vicinity plan had been established. The subject property falls within the general plan designation of Medium Density Residential, which allows for the R1-8 (Single-Family Residential) Zone.

Council Member Andersen confirmed that the Forest Service Station was directly to the north.

**ACTION:** Council Member LeMone moved to approve a four-lot final plat called Woodgate Subdivision, located at approximately 298 North 100 East in the R1-8 (Single Family Residential) Zone. Council Member Walker seconded the motion. The motion carried with unanimous consent of the Council.

**11) ITEMS FOR DISCUSSION**

**A) DISCUSSION ON VOTING BY MAIL FOR CITY ELECTIONS.**

Administrator Darrington explained that the County approached the City about a specific way of handling elections. In the past, the City has contracted with the County to use their electronic

equipment. For the 2017 municipal elections, they have asked the cities to have one standard. Most cities are doing vote-by-mail and they want to standardize the process. If Pleasant Grove doesn't contract with the County the City will need to manage their own municipal elections.

Administrator Darrington explained that registered voters would receive a ballot in the mail, with the postage being paid by the City. There is a drop-off point or voters can mail in their ballots. If the City were to opt for voting by mail, they would still have the option of having one voting location open on Election Day. There would be an additional charge for that voting equipment. Currently, the City pays \$20,000 to hold elections. While this is more than double the cost, other communities have found that it increases voter participation. The Council further deliberated on expenses related to holding elections.

The County requested a response from the City by April. Mayor Pro-Tem Jensen stated that he watched this transition with Orem City and saw the success they had. In Orem, citizens still had an option to drop off ballots and get a voting sticker. He noted that the percentage increase of voters was good. Administrator Darrington explained that there is no early voting with this option. There are concerns with fraud, but research has shown that there is not much of an issue. The Utah League of Cities and Towns (ULCT) researched the matter in 2013. The 19 communities studied all had an increased turnout with vote-by-mail. West Jordan went from 14% to 35%; Moroni went from 30% to 60%; Riverdale went from 24% to 47%.

Administrator Darrington explained that if the City doesn't hold a primary election, the price is almost half. Council Member Andersen asked what the real-time results would be on election night. City Recorder, Kathy Kresser, believed the votes were counted as they came in, but results are not posted until the end of Election Day. She explained that it must be postmarked the day before, but can be dropped off on Election Day. Administrator Darrington explained that some will come in over the next couple of days, but the majority will be counted election night.

Administrator Darrington suggested the matter be included during the budget process and discussed on March 14. He noted that supporters claim that vote-by-mail has an increase in voter turnout as it allows more time for voters to prepare their ballots; furthermore, no poll workers are required. Critics say there is more expensive and susceptibility to fraud. However, a study was done showing that the fraud was minimal. Administrator Darrington referred the Council to Recorder Kresser for further questions.

Council Member Stanley was in favor of the dual process of vote-by-mail and having a polling location open on Election Day. He worried, however, about the loss of poll workers and civic engagement. Council Member LeMone asked if the ballot and voter information is sent separately. Administrator Darrington answered affirmatively, and explained that the ballots are sent out by the County and the voter information is sent out by the City.

**12) REVIEW AND DISCUSSION OF THE FEBRUARY 28, 2017 CITY COUNCIL WORK SESSION MEETING AGENDA**

The agenda for the above stated meeting was briefly reviewed and discussed.

**13) NEIGHBORHOOD AND STAFF BUSINESS**

Director Beaumont reviewed the details of the upcoming neighborhood meeting for the 900 South project. He also briefly reviewed the procedures by which the meeting in question was noticed to the public.

Chief Smith expressed appreciation for those that came to the awards banquet.

Director Britsch noted they recently finished the Food for Fines drive. They filled three large barrels of food, which was a huge success. She also announced that there is an ongoing book sale at the library. Prices are \$.50 for paperback and \$1.00 for hardback.

Director Roy stated that they will put the PAFR on the website tomorrow.

**14) MAYOR AND COUNCIL BUSINESS**

Council Member Stanley encouraged all to come to the Rotary Club on Thursday, where there will be International Peace Fellows in attendance.

**15) SIGNING OF PLATS**

The following plats were signed: Cassie Estates and Grove Commons.

**16) REVIEW CALENDAR**

There were no additional calendar items.

**17) CLOSED MEETING TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205(1)(D))**

Mayor Pro-Tem Jensen called for a motion to go into a closed meeting.

**ACTION:** At 9:09 p.m. Council Member LeMone moved to go into a closed meeting to discuss the purchase, exchange or lease of real property. Council Member Andersen seconded. Council Members Andersen, Jensen, LeMone, Stanley and Walker voted “Aye.” The motion passed.

PRESENT:

Council Members: Dianna Andersen  
Eric Jensen – Mayor Pro-Tem  
Cyd LeMone  
Ben Stanley  
Lynn Walker  
Staff: Scott Darrington, City Administrator  
Tina Petersen, City Attorney  
Kathy Kresser, City Recorder

Excused: Mayor Daniels

**ACTION:** At 9:36 p.m. Council Member Stanley moved to come out of the closed meeting and go back into regular City Council meeting. Council Member Andersen seconded. Council Members Andersen, Jensen, LeMone, Stanley and Walker voted “Aye.”

Mayor Pro-Tem directed staff to contact the property owner.

**18) ADJOURN**

**ACTION:** Council Member Stanley moved to adjourn. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 9:36 p.m.

The minutes of February 21, 2017 City Council meeting were approved by the City Council on March 7, 2017

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Kathy T. Kresser, City Recorder, MMC

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