

**Pleasant Grove City
City Council Meeting Minutes
May 20, 2014
6:00 p.m.**

PRESENT:

Mayor Pro Tem:

Cindy Boyd

Excused:

Mike Daniels, Mayor

Council Members:

Dianna Andersen
Cyd LeMone
Jay Meacham
Ben Stanley

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
Sheri Britsch, Library and Arts Director
Kathy Kresser, City Recorder
Tina Petersen, City Attorney
Marc Sanderson, Fire Chief
Mike Smith, Police Chief
Marcus Wager, Planning Intern
Lynn Walker, Public Works Director

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

1) **CALL TO ORDER.**

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

2) **PLEDGE OF ALLEGIANCE.**

Planning Commission Member, Eric Jensen, led the Pledge of Allegiance.

3) **OPENING REMARKS.**

Assistant to the City Administrator, David Larson, gave the opening remarks.

4) **APPROVAL OF MEETINGS AGENDA.**

ACTION: Council Member LeMone moved to approve the meeting agenda. 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:
Budget Retreat Minutes for February 7 and 8, 2014;
Joint City Council and Planning Commission Minutes for April 22, 2014.**
- b) **To consider for approval Change Order No. 1 for the 220 South Waterline Project for Dennis Leird Construction.**
- c) **To consider for approval the appointment of Taylor Henderson and Sherry Ragan as Beautification Commission members.**
- d) **To consider for approval paid vouchers for (May 8, 2014).**

Council Member LeMone asked Sherry Ragan and Taylor Henderson to introduce themselves. Ms. Ragan reported that she is an attorney by profession. Her parents served on American Fork's Beautification Committee for many years, which is what initially sparked her interest. She was happy to be a part of the committee. Mr. Henderson reported that said he lives in Old Fort and did landscaping work growing up. He thought this would be the best way for him to contribute to Pleasant Grove. He stated that he works for NuSkin and is a fairly new resident to the City. He remarked that he is happy to be a citizen of Pleasant Grove.

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

6) **OPEN SESSION.**

Mayor Pro Tem Boyd opened the open session.

David Howard, a long-term resident, gave his address as 1000 South and Murdock Avenue and reported that he lives in the southeast corner of Pleasant Grove that borders Lindon. Originally the road he lived on was 1000 South and it was later changed to Murdock Avenue. He called the City to discuss the situation and the City indicated that it was something to discuss with the post office. He contacted the post office who informed him that it is the City's decision. He was frustrated with the boundary confusion and now has two addresses. He expressed concern with developing on the mountain side and the constantly changing boundary lines with Pleasant Grove and Lindon. He noted that there is a lot of loud construction that begins at 6:00 a.m.

Mr. Howard asked where the official boundary is on the mountain with Pleasant Grove and Lindon. He wanted to know how to eliminate construction trucks entirely from the road or at the very least get them to slow down significantly.

Mayor Pro Tem Boyd's understanding was that there is a weight limit to construction trucks on certain roads. She wondered if the Council could help control the trucks in that way. City Engineer, Degen Lewis, stated that the roads do not have a different weight limit than any other road so that would not be a means to control the trucks. He stated that 6:00 a.m. is too early to start working and would be a violation of the noise ordinance. Police Chief, Mike Smith, asked if Mr. Howard had made a complaint to the Police Department about the speed of the trucks. Mr. Howard said that by the time they call the police the trucks are already gone and there is nothing they can do about it. He reported that the police put speed limit signs up but they only helped for a short time.

Mr. Howard reported that a neighbor placed bales of hay in the road to block the trucks and force them to use an alternate route but the City removed them. He requested that the City let his neighbor replace the hay bales. City Attorney, Tina Petersen, stated that Adam Cowie from Lindon spoke with her about the hay bales and indicated that they create a sight distance problem.

Mayor Pro Tem Boyd suggested that Mr. Howard meet with Attorney Petersen, Chief Smith, and a few other members of staff to find a solution that will help fix the problem. Mr. Howard agreed.

Ken Millett stated that he understood that the City boundary line is on 1600 East. If that is the case, the resident that placed the hay bales in the road is in Lindon's boundary. There seemed to be two issues to Mayor Pro Tem Boyd. The first was the traffic and construction taking place and the other was a boundary issue. Mayor Pro Tem Boyd asked that Engineer Lewis help set up a time to show him the exact City boundary line.

Council Member Meacham explained that there are both horizontal and vertical issues with the road. He asked staff if the City is holding off until 1000 South gets improved to make the improvements and asked if the vertical difference has to be coordinated with Lindon. Engineer Lewis stated that there was discussion with Lindon in 2006 and 2007 regarding changing that road to continue with Lindon acquiring the right-of-way. The project did not continue leaving the road as it is today. To really address the issue the City would have to rebuild the far eastern end of Murdock Drive. The portion of the roadway that has curb, gutter, and sidewalk is a dedicated roadway. There is a portion of the connection that residents have been using between the communities that travel over the Lindon resident's property who put up the hay bales. He intended to fence off his property with the verbal understanding that Lindon would pave that portion of the road.

Attorney Petersen stated that Lindon has had some issues with their side of the boundary that affects Pleasant Grove's side of the boundary. Council Member Meacham remarked that it seems like the City is caught in the middle between the dispute between Lindon City and the resident.

Attorney Petersen stated that the problem is that the development was approved in Lindon and they made agreements with the residents about what they all wanted to do, however, the road is actually in Pleasant Grove. Lindon could not enforce the clear vision area because it was not in their City but they are the ones who made the agreements. She explained that all parties need to meet to determine how to resolve the situation.

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

7) **BUSINESS.**

A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-19) AMENDING THE CITY CODE SECTION 10-19-7N BY ADDING TEMPORARY SIGNS FOR SEASONAL BUSINESSES. (CITY WIDE) (DOUG GORDON APPLICANT) Presenter: Director Young.**

Community Development Director, Ken Young, stated that there has been previous discussion with the applicant with respect to the ability to have temporary signage for temporary businesses in the community. The proposal is to amend the ordinance to allow for them. Signs or banners for seasonal businesses will be limited to five advertising directions, signs, or banners. They may not exceed 12 square feet and can only be placed in commercial zones. The applicants must submit an application for a temporary sign permit and obtain written consent from the property owners with respect to where the signs or banners will be located. They are allowed for a period not to exceed 14 consecutive days or a total of 60 days per year. Signs or banners are to be removed three days after the end of the event. A temporary sign permit is required for each separate time period.

Director Young stated that signs are to be durable and long lasting and composed of vinyl or plastic or molded to give a carved wood appearance. They also must have a professional appearance.

Mayor Pro Tem Boyd opened the public hearing.

The applicant, Doug Gordon, stated that he met with staff to create the proposed ordinance. He appreciated the time and assistance he received from the City. He felt this would be very beneficial to temporary businesses in Pleasant Grove.

There were no further public comments. Mayor Pro Tem Boyd closed the public hearing.

ACTION: Council Member Stanley moved to approve Ordinance 2014-19, amending the City Code Section 10-19-7N by adding Temporary Signs for Seasonal Businesses. Council Member Andersen seconded the motion. A public hearing was held. The motion passed with the unanimous with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voting “Aye.”

B) **TO CONSIDER FOR APPROVAL THE REQUEST OF ANDREW LARSON FOR FINAL PLAT APPROVAL FOR A 3-LOT SUBDIVISION CALLED SMITH MEADOWS PLAT B LOCATED AT APPROXIMATELY 1009 EAST 200 SOUTH IN THE R1-10 (SINGLE FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) Presenter: Director Young.**

Director Young stated that the request involves a small plat with the majority of the property in the R1-10 Zone and a small portion in the R1-9 Zone that fronts 200 South. There is an existing home on the property. The plat creates three lots out of one and is an extension of a plat that was approved last year. It allows for continued extension and a new vicinity plan has been created. The Planning Commission reviewed the request and unanimously recommended approval.

ACTION: Council Member LeMone moved to approve the request of Andrew Larson for final plat approval for a 3-lot subdivision called Smith Meadows Plat B located at approximately 1009 East

200 South in the R1-10 Zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

- C) **TO CONSIDER FOR APPROVAL THE REQUEST OF ISIS GROUP, LLC FOR A 2-LOT FINAL PLAT CALLED MYLER SUBDIVISION LOCATED AT APPROX. 810 WEST 700 SOUTH IN THE BMP ZONE. (SAM WHITE'S LANE NEIGHBORHOOD)** *Presenter: Director Young.*

Director Young reported that the Spectrum Academy is currently under construction on the southern portion of the lot. The applicant planned their site to be half way on the southern half of the property. Initially they proposed an easement coming through this property to allow access but they have now proposed a new cul-de-sac to provide better access to the school. The Planning Commission unanimously recommended approval.

ACTION: Council Member LeMone moved to approve the request of Isis Group, LLC, for a two-lot final plat called Myler Subdivision located at approximately 810 West 700 South in the BMP Zone. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

- D) **CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2014-014) AUTHORIZING THE MAYOR TO DECLARE VARIOUS OFFICE EQUIPMENT ITEMS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT AS SURPLUS PROPERTY AND DIRECTS THAT IT BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Young (Continued from May 6, 2014).*

Director Young stated that there are surplus items in storage such as filing cabinets and chairs. The proposed resolution will allow for their proper disposal. Council Member LeMone asked what the City does with surplus items. Director Young responded that they will hold a public auction after providing proper notice to the public. This will be a small auction as the City does not have much to sell currently.

Attorney Petersen indicated that the City tries to group items together and do an auction for several departments all at once. In this case, however, it will involve only one area. It is important for the residents to see that the City is being prudent with taxpayer money and not just giving the items away or discarding them if there is still value in the items.

ACTION: Council Member Stanley moved to approve Resolution 2014-014 authorizing the Mayor to declare various office equipment items from the Community Development Department as surplus property and direct that it be disposed of according to the City's policy for disposing of surplus property and provide for an effective date. Council Member Meacham seconded the motion. A voice vote was taken with Council Members Andersen, LeMone, Meacham and Stanley voting "Aye." The motion carried.

- E) **CONTINUED ITEM: TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-18) AMENDING TITLE 2 OF THE PLEASANT GROVE MUNICIPAL CODE BY THE**

ADDITION OF TITLE 2 CHAPTER 8 “MUNICIPAL ETHICS COMMISSION;” PROVIDING FOR THE MEMBERSHIP THEREOF PURSUANT TO AN INTERLOCAL AGREEMENT; ESTABLISHING THE PROCESS FOR THE FILING OF A COMPLAINT AND THE INVESTIGATION AND ADJUDICATION OF THE COMPLAINT; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen (Continued from May 6, 2014).

Attorney Petersen addressed the above item and the next item together because they are connected. She reported that the Municipal Employees and Officers Ethics Act restricts government elected and appointed officials from certain behaviors that would be considered inappropriate. These include ethics violations in terms of profiting individually or using their position to influence someone and similar behaviors. In the past those prohibitions have been in place but there has not been a clear process to investigate or follow up on the violations.

Two years ago the State established an Ethics Commission that provided an opportunity for cities to contact the State if they suspected a violation. Several cities communicated an interest in retaining local control of the process. Those cities proposed to band together and serve each other by creating their own Ethics Committee.

The proposed Ordinance sets out the process of how that will be done and establishes the commission and the interlocal agreement. There will be a three-person Ethics Committee comprised of the city attorneys. No attorney will serve on any issue concerning their own City.

Mayor Pro Tem Boyd asked what the cities that are not participating will do. Attorney Petersen explained that the cities that are not participating at this time may join the commission later. Those that have not joined will default to the State process.

Council Member Stanley liked the fact that there is no additional cost to the City because the attorneys are donating their time. He asked if there might be some situation that would result in a financial impact that is not anticipated. He also asked if it is possible for the cities to withdraw from the commission if they so desire. Attorney Petersen did not foresee a time or situation that would require financial support from the cities. If such a time ever arose they would come before the City Councils and discuss the need at that time.

ACTION: Council Member LeMone moved to approve Ordinance 2014-18 amending Title 2 of the Pleasant Grove Municipal Code by adding Title 2 Chapter 8 “Municipal Ethics Commission;” providing for the membership thereof pursuant to an Interlocal agreement; establishing the process for the filing of a complaint and the investigation and adjudication of the complaint; and providing for an effective date. Council Member Meacham seconded the motion. A voice vote was taken with Council Members Andersen, LeMone, Meacham and Stanley voting "Aye." The motion carried.

F) CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2014-016) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN PLEASANT GROVE CITY, PAYSON CITY, SPANISH FORK CITY, OREM CITY AND SPRINGVILLE CITY FOR THE CREATION OF AN ETHICS COMMISSION AS PROVIDED FOR BY STATE LAW; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen (Continued from May 6, 2014).

ACTION: Council Member Andersen moved to approve Resolution 2014-016 authorizing the Mayor to sign an Interlocal Agreement between Pleasant Grove City, Payson City, Spanish Fork City, Orem City, and Springville City for the creation of an Ethics Commission as provided for by State Law; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, LeMone, Meacham and Stanley voting "Aye." The motion carried.

8) NEIGHBORHOOD AND STAFF BUSINESS.

Director Young reported that the Aroma Tools Groundbreaking Ceremony was scheduled for May 29 at 11:30 a.m. The event was expected to last about one hour.

Fire Chief, Marc Sanderson, stated that after sitting in on many public hearings regarding the purchase of the large ladder fire truck, he believes he has come up with a plan that addresses some of the concerns raised. He felt that all could agree that the City needs the truck but residents have expressed concern that they run the truck all the time when they are not necessarily using it, but simply transporting people to help with the call. The equipment is not always being used but it is available in the event of a fire call. He created a plan that will sit better politically and streamline the effectiveness and efficiency of operations.

Chief Sanderson proposed to reduce the size of his current staff from seven to six. That would equate to a part-time position staffed 24 hours a day seven days a week. This would still allow the department to maintain the same level of service. The idea was that the fire engine will remain at the station staffed with two fire fighters and they will only respond when a call is fire related. They will send the additional responders in another vehicle such as the SUV.

Chief Sanderson stated that they will move toward having their Captain along with the paramedic respond with two people in the ambulance rather than seven at every medical call. After discussions with the Mayor and City staff, all were comfortable with this method. It was noted that the department is only capable of handling two simultaneous calls at one time. If there are more emergencies, mutual aid will be required. All cities have a cap where they no longer can service their own community, which is why Pleasant Grove responds to Orem, American Fork, and Cedar Hills. The communities help each other. Reducing staff by one saves \$111,000 in the budget. The new employee wages and benefits will cost roughly \$78,000 leaving a substantial savings in the budget.

Chief Sanderson was working to look at every piece of their operation to make it as efficient as possible. He was not sure if the Council has to vote on the change but would like to move forward with it. He hoped the changes would help the Council receive fewer comments about the large fire engine because the plan will reduce the truck being seen unless it is needed at the scene of a fire.

Mayor Pro Tem Boyd's main concern was the safety and welfare of the citizenry. She wanted to be sure that safety is not being jeopardized for political reasons. Chief Sanderson remarked that the proposed change is not solely a political move and when taxpayers express concern about the way something is done, it is his responsibility to look into the situation and address it and provide alternative ways to deliver the same service. This plan does just that.

Chief Sanderson stated that there will be six people staffed at the station at all times. Council Member LeMone thought one of the advantages of the ladder truck is that because it is with the firemen at all times, if they get a call they can respond more quickly. Because there will always be two firemen at the station, if the second call comes in they will be able to respond immediately. They will be able to respond to fires in an equally safe and efficient manner.

Chief Sanderson stated that they will still have the fire engine with them when they are out in the community but the ladder truck will be in the station more than it is currently. They are changing their approach but it will not decrease their level of service.

Council Member LeMone asked if his firemen are on board with the change. Chief Sanderson commented that some members of the team will be excited about the change and some will be disappointed because they like driving the truck. This change will not surprise any of his firemen and they will all be supportive.

Mayor Pro Tem Boyd expressed her support for Chief Sanderson and trusts his ability to make good decisions for the Fire Department. Chief Sanderson stated that if at some point they determine that the level of service has declined they will go back to the way it is being done now. Council Member Andersen complimented the Chief for his willingness to try new things and go back to the drawing board if it does not work out as expected.

Chief Sanderson remarked that there is also a benefit to freeing up funds to make progress in operation areas that they are behind in. Attorney Petersen commented that the matter is not something that requires action from the Council. Mayor Pro Tem Boyd asked for an update on how the change goes in a few months.

Police Chief, Mike Smith, reported that he recently sent out an email regarding the mass notification system and wanted to make sure the Council received it and asked if they had any questions. He added the Code Red information to the email as well. He explained that with Code Red the City would have to purchase the base system as well as the app. Code Red is geo based meaning that if someone were traveling through another city that uses the same app and they were having an emergency you would automatically receive notification of it. The same is true of people traveling through Pleasant Grove during an emergency.

Administrator Darrington stated that they hope to enter into the agreement with Everbridge the following Tuesday in order to get everything up and running by July 1.

Engineer Lewis stated that the Technical Advisory Committee met to review the various projects for MAG funding with regards to 100 East. The proposal will have no out-of-pocket cost to the City and will give roughly \$61 million over the next two funding cycles with the Federal and County funds. The project will receive funds of just under \$6.4 million. The project made it

through the first cut and the TAC will vote next week and formally send a recommendation on the projects list to the mayors for a vote. Very rarely is a change made to what the TAC recommends. Currently it appears that the funding is in place. If the City was to move forward without the jurisdictional transfer it would leave them short \$3.6 million.

Administrator Darrington stated that one final meeting needs to be held with UDOT to complete discussions. The City would prefer to not own the road but if it appears that someday they will end up with it anyway it would be important to have funding to take care of the road. The best case scenario would be if UDOT would agree to take ownership of 100 East.

Council Member Stanley asked if there is some mechanism that could potentially force Pleasant Grove to take ownership of the road. Administrator Darrington stated that the State Legislature has the authority to assign a road to a City. These discussions are taking place to ensure that funding is in place in the event that the City needs to take ownership of the road. If it is determined that the city does not have to have the road they can withdraw their application and turn the funds back in.

Engineer Lewis stated that the project proposal would include completing the road so that it is a three-lane road, finish the curb and gutter in a few areas, make spot improvements, fix vertical sight distance issues, provide additional left turn lanes and shoulders, and address the storm drain issues. The City will likely look into water and sewer along the road as well.

Attorney Petersen stated that her part-time Prosecutor is taking a position elsewhere and she will be looking for a replacement. Until this position can be funded full-time, the position will likely have a great deal of turnover.

Administrator Darrington wanted to review the agenda for next week. He reported that there will be two public hearings. The first is for the Dennis Baker property to consider changing the office space requirements. The applicant would like to move as quickly as possible. The second public hearing will be the Wayne Beesley item regarding the use of his property for temporary vehicle storage. They have devised a way to tie the desired use into the used car lot overlay. Recommendations from the Planning Commission will be available for both items. They will also tie up loose ends on the budget. He proposed a time to meet with the Cedar Hills City Council but has not heard back from them.

Library and Arts Director, Sheri Britsch, reported that there is a Memorial Day Program on Monday at 9:00 a.m. at the cemetery. In addition, Summer Reading signups are underway. She attended an event regarding library design, which she found to be useful and fun. She also reported that she will be attending a grant writing training in Salt Lake.

Assistant Larson reported that they conducted interviews for the Special Events Intern. Melissa Carbajal was hired and will run the Promenade, which begins June 26.

9) **MAYOR AND CITY COUNCIL BUSINESS.**

Council Member Meacham reported that he will be out of town next week.

Council Member Andersen encouraged the Council Members to sign up for the Strawberry Days golf and soccer tournaments. She thanked the firemen who responded recently to a family emergency. She commended them for being incredibly kind and professional. She stated that she has a group that owns the property on the corner of North County Boulevard and State Street. There is a portion of the lot that is in Pleasant Grove and the other portion is in American Fork. They would like to be part of Pleasant Grove. She asked what they need to do to move forward. Attorney Petersen said they would need to start with American Fork and request a boundary adjustment into Pleasant Grove. It is a fairly simple process but they need to start with the City that they are currently in.

Council Member Stanley asked what the expectations are for Council Members regarding Strawberry Days. He asked to see a grand schedule. Council Member LeMone stated that a grand schedule will be mailed out next week. Administrator Darrington indicated that the Council goes to the rodeo each night and participates in the parade.

Council Member LeMone reported that the Fireman Breakfast is scheduled for Saturday, May 31.

10) SIGNING OF PLATS.

No plats were signed at this time.

11) ADJOURN.

ACTION: Council Member LeMone moved to adjourn. Council Member Andersen seconded the motion, and the motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 7:27 p.m.

This certifies that the City Council Minutes of May 20, 2014 are a true, full and correct copy as approved by the City Council on June 25, 2014.

Kathy T. Kresser, City Recorder

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