

**Pleasant Grove City Council Work Session Minutes
February 9, 2010
7:00 p.m.**

PRESENT:

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degen Lewis, City Engineer

Libby Flegal, NAB Chairperson

The City Council Members and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah 84062 at 7:00 p.m.

1. Call to Order

Mayor Call called roll for the Council and noted that Council Members Boyd, Danklef, Jensen, Robinson and Wilson were present.

2. Pledge of Allegiance

The Pledge of Allegiance was lead by Milton Fugal.

3. Opening Remarks

Opening Remarks were given by Director Giles.

Mayor Call explained to the audience that this is a work session meeting and that is why we have

rearranged the tables so that the Staff and Council can work closely together, these sessions are held every other week and the regular City Council meetings are held on the other Tuesdays with the traditional set up of the room.

4. Representative from the UDOT I-15 Corridor Expansion team will discuss the reconstruction project

Merrell Jolley, Engineering Director of the Utah County I-15 Corridor Expansion Project said that the last time he was here they were in the selection process and that in December they chose the Provo River Constructors (PRC) to build this project. Mr. Jolley then went on to review some of the project highlights: the project now will extend from Lehi Main Street on the north end all the way to and including the US-6 and Spanish Fork Main Street interchange on the south end, it spans twenty four miles with eleven interchanges and is a much needed, very significant project. Two express lanes will be added, one in each direction all the way to Spanish Fork, there will be two general purpose lanes and auxiliary lanes between interchanges in some locations. There will be eight sections where we will totally reconstruct the interchange: American Fork Main Street and 500 East; Orem 1600 North, 800 North and Center Street; Provo Center Street; Spanish Fork US-6 and Main Street. There will be some work done on the Lehi Main Street, the Pleasant Grove Blvd. and Orem University Parkway to either modify or improve those interchanges. Mr. Jolley said that one of the strengths of the PRC's proposal was that they would provide us with a forty year concrete pavement from one end of the project to the other. Maintaining traffic flow during construction is a priority and for the majority of the construction, four lanes in both directions will be open north of University Parkway and three lanes in both directions will be open south of University Parkway. Exceptions include short periods of time for paving and operations and work underneath the Provo Center Street and University Avenue interchanges. Construction is scheduled to be begin in the spring of 2010 and be completed by December 2012, two years ahead of the requirement.

Mayor Call asked if the bridge on Sam White's Lane is going to be replaced. Mr. Jolley stated that they are going to replace that bridge.

Mr. Jolley concluded by saying that they are planning on keeping the public aware of what is going on with the project, they have a public information staff and a website (www.i15score.utah.gov) that will be kept current with construction and schedule updates.

Mayor Call asked if there were any questions, there were none. The Mayor thanked Mr. Jolley for his presentation stating that we appreciate the updates.

5. Discussion on remaining funds for Secondary Water

Administrator Darrington explained that we have some additional funds from our bonds on the secondary water system and it was suggested that we take a look at using some of this money for secondary water above the canal. We have asked our Engineers to give us the pros and cons of what would be the best use in their opinion, so that we can decide and move forward on it.

Dave Thurgood of JUB Engineering said that he will go over a brief review of the Pressure Irrigation System Project. The feasibility study was conducted in 2003 and the actual construction began in 2005, and it was divided into seven schedules. The city is divided into pressure zones, the Battle Creek Upper Zone, the Battle Creek Zone, the Aqueduct Zone and the Upper Main Zone. Mr. Thurgood explained that the project that they are proposing is important because we need to capture

all of Pleasant Grove Irrigation's water resources and put those into the pressure irrigation system, so as people continue to develop their land then we can utilize the water in the pressure irrigation system and take care of irrigation of those properties and don't jeopardize the water right that Pleasant Grove Irrigation has. Pleasant Grove Irrigation water right will continue in perpetuity, what the irrigation system does is provide them with a user that grows as a community grows and we don't lose that valuable resource. Mr. Thurgood said that of the seven schedules on the original project the final two will be completed by the end of March and that there is one point five, five two million dollars still remaining in the construction fund. The reason there are additional construction monies remaining in this project is that they had bid quantities for materials that didn't need to be used in the construction. With this proposed project we will take the Grove Creek line into the top of the Battle Creek Zone and build a filter station on the property that the Grove Creek Well is on, the line will come down the canyon to that facility and then it will connect into the distribution line and continue to the top end of the Aqueduct Zone and all of these zones are interconnected clear down to the Main Zone through pressure reducing/ pressure sustaining valves. On another part of this project will be a Booster Pump Station at 1000 North which will feed into the Main Zone and the third part of this if there are still sufficient funds to do so, would be to equip and refurbish the Fugal Well on 500 North because the existing pump that is currently in there is not adequate to pump it into the pressure irrigation system.

Administrator Darrington asked to clarify that in the Grove Creek Zone right now because we do not have this in place, there is water that we could be capturing that we are not. Mr. Thurgood stated that that was correct.

Mayor Call asked what the pricing on each of these three parts of this project are. Mr. Thurgood said that the estimate on the filter station is around six hundred thousand dollars, for the Booster Pump Station it is around two hundred and fifty thousand dollars and we have not priced the one on the well because we will still need to do some more investigation on that to see what needs to be done.

Council Member Robinson asked if there was a deadline on using the funds. Administrator Darrington replied that he believes that we have a three year window, so it would be until 2011 and all that means is that there are certain requirements that when you hold this amount of money in the bank you gain interest off of it and if you hold it for too long, they want their interest back.

Administrator Darrington added that we have everything in place to get this project going tomorrow, we just need the okay from the Council that this is where we want the money to go. The issue that came up last time was that this money should be spent on the other side of the canal, putting a new system in there, but that is a little more complicated than the funds that we have to do that. Mr. Thurgood interjected to explain why that area was not included. He stated that on the Creekside area, Cedar Hills had the pressure irrigation system in it and one of the things discussed early on was the opportunity of having an interlocal agreement between the two communities. Mr. Thurgood explained that because of the logistics of the pressure zones the costs to run the lines for the amount of distance required versus the benefit that could be realized from the number of connections you get verses the amount of pipe that has to be installed is a diminishing return.

Administrator Darrington acknowledged that this is a sensitive issue for some as to using Cedar Hills and working on an interlocal agreement with them to use their system for our residents and feels that we need to keep that option on the table and the option of having two separate lines and one being culinary and one being for irrigation. Administrator Darrington said that those are two steps that we can look at and probably what it will come down to is what are the costs to us and what can we work out with Cedar Hills, if anything so we will need to get both of those options on the table and make our decision from there, and at the same time maybe we can work on sorting out the issue of the Manila Water.

Mayor Call asked if there were any other questions, there were none. Administrator Darrington then stated that if there are no objections then they will move forward on this. The Mayor asked if anyone had reasons not to move forward with this Grove Creek project and Booster Pump Station on 1100 North, there were no objections.

6. Discussion on an ordinance amendment Section 1-10-2 “Appointive Officers:Appointment”

Attorney Petersen stated that currently our local Ordinance on Appointive Officers reads: “appointments on or before the first Monday in February of each year the Mayor with the advise and consent of the City Council shall appoint or conform the appointment of a qualified person to each of the following offices ...” and then it lists a variety of offices. Attorney Petersen said that when this was drafted, it was intended to mirror what the State statute required for appointing officers, since that time the State has actually amended their ordinance and repealed much of the Title 10, Chapter 3, which dealt with appointed officers. Currently it only requires appointment of the Recorder and the Treasurer in a city of the third, fourth or fifth class on or before the first Monday in February, following a Municipal Election, so those two appointed positions will have to be taken care of every two years, at a minimum.

Mayor Call asked to clarify that that means that it does not require the reappointment of the other appointive officers. Attorney Petersen said that the other ones are not required by State statute, the new State statute just grants that authority to the City Council to establish how they want to do this, we can leave it how it is and do it every year or mirror what we are required to do for the Recorder and the Treasurer and do it every other year after a Municipal Election, it is up to the Council.

Mayor Call asked what the reasoning was behind only requiring the Recorder and the Treasurer being appointed, why are they singled out and do we know what other cities are doing with this. Administrator Darrington stated that part of it is because those are two positions that every city is essentially required to have and in his experience in South Ogden, these positions were appointed by the City Manager and there was no reappointment necessary. Administrator Darrington said that for our purposes, a good way to go is that we do this every four years whether our Mayor gets re-elected or we get a new Mayor, we can reappoint everyone at that time with the exception of the two positions required by the State statute to be done every two years.

Mayor Call stated that we do need to consider updating whatever we are going to do and asked the Council for their thoughts.

Council Member Danklef said that he feels that doing this in conjunction with a new Mayor may not be the most appropriate time to do it, maybe it should be done every four years, but two years into the Mayor's term so that there has been an opportunity to work with these individuals. Mayor Call stated that one thing to consider is that the Mayor has the option at any time to choose to let someone go with the advise and consent of the Council, so to keep it simple, he feels that we should go with appointing on the two years after the Mayoral election and then do it every four years.

Council Member Robinson asked if there has been any discussion on moving towards a City Manager form of government. Administrator Darrington interjected to say that this is a sensitive issue in some regards and that changing your form of government is a big deal and that will need to be a discussion at a whole different time and a whole different level because in that form of government the executive powers go to the City Manager.

Mayor Call asked the Council their thoughts on directing staff to craft an Ordinance that will require reappointments two years after the Mayoral election and following the State statute on the Recorder and Treasurer appointments. Council Member Boyd asked the staff, the appointed officers if they had any thoughts on this.

Director Young asked why there was a need to have this official reappointment occur at all when the Mayor and Council have the opportunity to do that when necessary. There is another option to just meet the basic of the State code and let everything else go. Council Member Danklef stated that he likes that idea.

Council Member Boyd asked for a clarification on the State code. Attorney Petersen stated that the State code leaves the appointment of the officers up to the Mayor and once they are appointed they serve until it is changed and the only ones that have to be reappointed are the Recorder and the Treasurer every two years. Administrator Darrington added that once they are appointed, no matter what happens amongst elected officials, they stay appointed until there is some issue, and at that point you would just handle the issue with that individual, not the entire group. Director Young stated that he feels that that is fairer and takes the personality out of it.

Administrator Darrington said that there are certain cities that put in their code that after there is a newly elected body, that for six months you cannot let an appointed person go, this is to try to take the politics out of the decision. Council Member Jensen stated that he is more comfortable with something like that because his concern is with the perception of this becoming personal. Administrator Darrington added that there still has to be the advice and consent of the Council, so if a new Mayor wanted to come in clean house they are not necessarily going to have the authority to do so.

Mayor Call stated that as it is right now, the Mayor with the advice and consent of the Council can do that right now, so what Director Young has suggested and is agreeable to most of us, is let's not go through the formality of reappointing every year or two years or every four years, let's just assume that these individuals ought to be in their job and if there is reason to make a change then that can

take place at anytime.

Administrator Darrington said that if that is okay, then we will draft the ordinance and put it on the next agenda. The Mayor and Council indicated that it was.

7. Discussion on recycling

Administrator Darrington handed out a summary of some recycling options (exhibit A) and explained that at present there are a couple of things happening with this, one being that February 16th is the deadline date that we have given to the public to opt out of this program but that does not necessarily mean that on the 16th we need to sign the contract with Allied Waste to put this program into play. Administrator Darrington said that if all goes well that we would like to have on next week's agenda the agreement set up and ready to go, so what we are discussing today does not necessarily effect the contract but we shouldn't be signing any agreements until we agree on how we are going to work out our opt-out or opt-in issues.

Administrator Darrington said that the idea of this recycling program is something that we need to grow and we have to be careful that in starting this program and over time we have people leaving it as opposed to coming on to it, the program will eventually dwindle and go away. We have to figure out a way to keep the people that are going to start with the recycling and as we have new move ins; decide how we are going to handle them with strong encouragement to get them on to the recycling program, if we continue to let the new move ins go with the opt-in option, we are going to start losing our numbers. Right now Allied Waste has not given us a hard number that if we fall below it, they will cut us off, because they want to service us and make this work. At the present time our numbers show that we have sixty percent of customers in and forty percent opting out and those are acceptable numbers with Allied Waste, if they stayed that way with the start moving forward, that would be great, if we lose a few here and there we will probably be okay but once we get under fifty percent opted out we might start having some issues.

Administrator Darrington next reviewed the recycling options starting with the options for current residents: Option #1 – Once the opt-out date (February 16th) ends the City will not allow anyone to opt-out under any circumstance; Option #2 – Once the opt-out date ends the City will still allow people to opt-out by coming into City Hall and fill out the form; Option #3 – (AF model) Once the opt-out date ends the City will allow people to opt-out if they pay a fifty dollar cancellation fee; Option #4 – Once the opt-out date ends the City will allow people to opt-out by providing a hardship form for them to fill out. Hardship criteria will be determined at a later time. Hardship criteria include temporary loss of employment, change in financial situation, etc. Administrator Darrington next reviewed the recycling options for new residents: Option #1 – New residents are automatically enrolled in the recycling program and not allowed to opt-out under any circumstances; Option #2 – (AF model) New residents are automatically enrolled in the recycling program, but have sixty days to opt-out without incurring the fifty dollar cancellation fee; Option #3 – New residents are automatically enrolled, but could opt-out under the hardship rules established; Option #4 – New residents are given the option when they sign up for utilities to opt-in at that time.

Administrator Darrington stated that for current residents, option #3 is probably our best option and recognizes that we are trying not to force people to do things and to be sensitive to their needs but we need to come up with solutions that are going to allow this program to grow. He then mentioned some other items to consider are that the more people we get on the recycling program the more we save in tipping fees, there is a cost savings to the City of approximately forty thousand dollars, the cost of a second garbage can is seven dollars and ninety cents while a recycle can is five dollars and ninety cents so for some residents this could actually be a cheaper option. Administrator Darrington said that we need to figure out how we will market this to the public and portray the sense that we are a recycling community and that we need to talk about protecting the environment and the benefits of recycling, play to the social conscience of people and stress the importance, again we don't want to force people to do this but generally most people will accept that recycling is a good thing for us and added that once this program starts we have got to be positive about it and adopt the attitude that we are going to be a recycling community.

Council Member Danklef asked how we are going to handle the large apartment complexes, are they just going to drop off hundreds of recycling bins to them. Attorney Petersen stated that the discussion in the past is that currently we would not be able to provide for them, but in the future any new projects coming in, part of the site plan approval would be to provide an area for recycling bins.

Council Member Jensen mentioned adopting a green waste program. Administrator Darrington explained that green waste is just like recycling, they need a certain number of people signing up to do this in order for it to be financially feasible, so as a City if we want to adopt a green waste program we will have to go through a similar exercise of the opt-out options. Council Member Jensen said that in an Alpine City article it said they only needed about six hundred and eighty opt-ins; green waste is seasonal so it's not a problem of opting in or out, and it is always an opt-in program.

Council Member Jensen stated an option of encouraging people to go into it and if they stay in the program for a determined amount of time, such as six months or a year, to try it and then they decide that it is not working out, there is no cancellation fee because if we leave them in long enough it will be enough time for Allied to recoup whatever investment they had in the can. Administrator Darrington said that the down side on that would be that the numbers start dwindling and we have people leaving as opposed to joining. Council Member Jensen said that rather than building in a penalty for them to leave, build in an incentive for them to stay, and that most studies on recycling show that once people get into it, they stay. Administrator Darrington said that he agrees with that but it causes concern because people will be more than likely put more thought into cancelling when there is a penalty. Mayor Call stated that he is in agreement with that, because if they know that calling up to opt-out is going to cost them fifty dollars then they are likely to continue with the program.

Administrator Darrington stated that in some cities they just make this program mandatory and that in his experience with this, after one year it was no longer an issue, it became an accepted practice. Administrator Darrington said that we want to accommodate the public the best we can, but for this program to be successful we have just got to make it a bit difficult. He added that he understands that there are people who have very little recycling needs but there are also people who dump all sorts of

stuff in their garbage cans that's going out to the landfill that we are paying tipping fees for and if they went through the recycle procedure it would save the City money and be more environmentally friendly.

Council Member Danklef said that once we get going with this we can give them an incentive to opt-in, give them a month free if they will sign up for the program. Administrator Darrington said that that was a great idea, we would need to run the numbers to see if that would be feasible, the only downside would be that we didn't offer that to everyone from the beginning.

Administrator Darrington said that once we get this going, for the first year we will see it stay fairly level and if we come up with a program that doesn't make it easy for people to get out, then we will see those numbers go up, particularly as we grow and get new homes in here.

Mayor Call then recapped that four options have been outlined for current and new residents and asked if Administrator Darrington is recommending following the AF (American Fork) model in option #3 for current residents and the AF model option #2 for new residents.

Administrator Darrington stated that that was correct, that we would adopt something similar to the form they used that residents signed if they chose to opt-out. We need to cover all of our bases and have this information front and center on the website with February 16th as the opt-out deadline and to keep in mind that we are not going to capture everybody and that once the cans go out and the bills come we will have people who are going to have issues, so we have to hold strong to our policy and say that we have educated them and they didn't opt-out and if you want to get out at this point you've got to pay the fifty dollars.

Mayor Call next asked the Council if they are okay with staff moving forward with option #3 for current residents and option #2 for new residents. Administrator Darrington added that this will be part of an ordinance and part of the fee schedule and will be something that the Council will get a chance to vote on. The general consensus of the Council was that they were okay with staff moving forward on this.

8. Blue Energy Project update

Administrator Darrington stated that Cory Christiansen of Water Works Engineers has agreed to be the Project Manager for Blue Energy, Council Member Jensen is representing the Council and all of the same players are involved in some matter or another. Power Innovations is still working with us, although we have asked them to step out for a bit so as a City we can get some questions solved that we need to have and eventually we will bring them back in and start figuring out the actual technologies. Steve Richards and Jozsef Szamosfalvi, our Capitol Project Partners are still working for us on this in Washington D.C. and we do conference calls with them every Wednesday. Administrator Darrington stated that he wants to continue to update the Council every couple of weeks because things will be moving quickly, there is one million dollars appropriated and it needs to be spent or under contract by October.

Mayor Call asked if the Council had any questions, there were none. The Mayor then stated that he applauds Administrator Darrington for moving forward and keeping this project going.

9. Discussion of items for the upcoming February 16, 2010 City Council meeting

Mayor Call reviewed the items on the Consent Agenda and asked NAB Chairperson, Libby Flegal to invite the individuals who will be appointed/reappointed as Neighborhood Chairs to attend the meeting. The Mayor next moved on to the Business items.

a. Recycling Resolution

Mayor Call stated that there is a possibility that this item will not be ready for next week's meeting.

b. To consider a Resolution (2010-010) to amend the 2010 Meeting Schedule by changing the starting time for City Council and Neighborhood Advisory Board meetings (CITY WIDE IMPACT)

The Mayor said that the amendment to this meeting schedule is to move the start time to 6:00 p.m. Administrator Darrington added that this new meeting time would start with the first meeting in March.

Administrator Darrington stated that there will be an executive session scheduled for next week to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d)).

10. Mayor, City Council and Staff Business

- Recorder Kresser reminded the staff and Council to schedule or contact her to schedule their appointments for their photos.
- Director Bradford mentioned that the Pleasant Grove Business Alliance (PGBA) will be holding their luncheon meeting this Friday at the Recreation Center; the speaker will be from H&R Block and will talk about 2009 tax changes for businesses.
- Council Member Boyd mentioned that the March Community Spectrum came out this week and it had some good articles about the City.
- Council Member Jensen mentioned that there will be a TSSD meeting following the PGBA meeting this Friday at the Recreation Center and County Commissioner Anderson will be attending.

Council Member Jensen suggested that we have nametags made for when we attend meetings outside of the city. Mayor Call asked Recorder Kresser to look into that.

- Administrator Darrington stated that we have received EDI funds of one hundred and thirty seven thousand dollars and we will be using a majority of the funds to do the feasibility study on the Civic Center area and that we do not know what the cost on that is right now, but that Director Young is putting together an RFP to get that cost. The intent is to use the majority of the money for the feasibility study and the remaining portion, Director Young and Bradford will work together on a piece by piece basis. Administrator Darrington explained that he wants Council to be comfortable with these Directors deciding how this money will be spent and that we don't necessarily have to come back to you every time we want to make a purchase. Mayor Call said that he would still like to see a report when the proposals come back from the RFP. Administrator Darrington stated that because that is a big project, that they will definitely be presenting that to the Council, it is the smaller dollar amounts that we don't want to have to bring it to the Council for every request, and that we will set up a budget amendment to make sure that money is put into an account so that at any time if the Council wants a report on how it has been spent we can just print it out. Mayor Call asked the Council if they are okay with this, the general consensus is that they were.

Administrator Darrington said that at the suggestion of Council Member Jensen, so that we are prepared, we should meet with TSSD before our meeting on the 18th. At 3:00 p.m. next Tuesday the 16th, at their facility we will get the opportunity to tour their facility, go over our issues and they can answer questions and tell us what they are doing right now to mitigate the odor.

The Murdock Canal enclosure issue is still on hold, we still do not have the relocation numbers on the utilities from the Provo River Water Users Association.

Administrator Darrington mentioned that now that the State Legislature is in session, retirement is one of the big issues and there are a couple of bills that affect this, one is SB43, regarding eliminating double dipping moving forward, those currently in will probably be grandfathered in. The other bill is SB63, the major changes in the retirement system and most of the changes will be for new employees not current employees and the changes will go into effect on July 1, 2011. Administrator Darrington explained that as a city this does not change much about what we do, our cost is still going to increase possibly two percent per year per employee for the next five years and that we will address this in more detail at budget time if SB63 gets put into place.

Administrator Darrington said that there was some discussion on billboards and they essentially determined that this year there will be no legislation that is going to change billboards. They updated us on the State budget and on the current year budget they are about two hundred and eighty million dollars short and they are looking to do four percent cuts, and the possible use of the rainy day fund and they are also looking at increasing gas tax and maybe the cigarette tax.

Administrator Darrington next mentioned that we have started some meetings to change our website and update it and we will be working with Stewart Goodwin through this process.

- Mayor Call said that on the first Thursday of every month they have the MAG Transportation meeting and what has been happening with these transportation projects is that because of these economic times, the bids are coming in way under the estimates. There is five million dollars left on one project so UDOT will be undertaking this spring through the summer, the widening of State Street from the Lindon Hill through Pleasant Grove to 500 East in American Fork.

ACTION: At 8:48 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

11. Adjourn

Meeting adjourned at 8:48 p.m.

This certifies that the Work Session Minutes of February 9, 2010 are a true, full and correct copy as approved by the City Council on March 16, 2010

Colleen A Mulvey, Deputy City Recorder