

**Pleasant Grove City Council Meeting Minutes**  
**November 19, 2013**  
**6:00 p.m.**

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd  
Cyd LeMone  
Jay Meacham  
Kim Robinson  
Heather Pack

Staff Present:

Scott Darrington, City Administrator  
David Larson, Assistant to the City Administrator  
Deon Giles, Parks and Recreation Director  
Kathy Kresser, City Recorder  
Ken Young, Community Development Director  
Lynn Walker, Public Works Director  
Mike Smith, Police Chief  
Libby Flegal, NAB Chairperson  
Dave Thomas, Deputy Fire Chief  
Anna Manwell, Elections Assistant  
Tina Petersen, City Attorney

Others:

Justin Earl, Ivory Commercial (ICO)  
David Larson, Executive Director-Pleasant Grove Chamber of Commerce

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

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1) **CALL TO ORDER**

Mayor Call called the meeting to order and noted that Council Members Boyd, LeMone, Robinson, Meacham and Pack were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Boyd.

3) **OPENING REMARKS**

The Opening Remarks were given by Mayor Call. He noted that November 19, 2013, marked the 150th anniversary of the delivery of the Gettysburg Address, and provided historical context and information on the speech. He noted that the Battle of Gettysburg was part of the Civil War, and took place over the course of three days in 1863. There were 51,000 casualties from this battle alone. Due to improper burials of those casualties, a petition was granted for a National Cemetery to be formed directly on that battleground. President Lincoln delivered his speech at the dedication of that cemetery. Mayor Call then read the Gettysburg Address, and offered an opening prayer afterwards.

4) **APPROVAL OF MEETING'S AGENDA.**

It was noted that Agenda Items G & H will be continued to the December 10, 2013 meeting. No other changes were made.

**ACTION:** Council Member Robinson moved to approve the agenda. Council Member Pack seconded the motion. The motion passed with the unanimous consent of the Council.

5) **CONSENT ITEMS.**

- a) **City Council and Work Session Minutes:  
City Council Work Session Minutes for October 22, 2013.**
- b) **To consider for approval Eric Jensen as an alternate member of the Planning Commission.**
- c) **To consider for approval paid vouchers for November 7, 2013.**

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

6) **OPEN SESSION.**

Mayor Call opened the public session.

Kristy Bell, gave her address as 266 East 1640 North, and asked if the Blue Ribbon Committee is still working on a Public Safety building so that a bond can come up for election next year. She was interested in hearing updates and considerations being given to that project, and if there is any need for public involvement.

Mayor Call updated those in attendance that the Blue Ribbon Committee remains intact, and that the Mayor Elect Daniels plans to continue to utilize them as a resource. There were no further public comments. Mayor Call closed the public session.

7) **BUSINESS.**

## **A) PRESENTATION BY THE PLEASANT GROVE CHAMBER OF COMMERCE**

David Larson, Executive Director of the Pleasant Grove Chamber of Commerce addressed the Mayor and City Council, and recognized Melissa Carbajahl as the current Chamber President. Mr. Larson reported that the Pleasant Grove Chamber of Commerce is dedicated to the idea that thriving businesses help make a great community and they want to assist businesses through partnership, education, and networking. Director Larson explained the fundamentals of success as knowing where one is, where one wants to go, and how to get there. He informed those in attendance that the Chamber of Commerce currently has 52 members, with 12 (or 22%) on average attending their monthly luncheons. In 2013, 11 new members joined.

For context, the American Fork Chamber of Commerce has approximately 100 members, and the Lehi Chamber of Commerce has about 150 members. Currently, Pleasant Grove has about 1100 business licenses, which is fewer than 5% in membership. Pleasant Grove Chamber of Commerce has set a goal of becoming the representative business organization, or "business voice," for all elements of commerce in the City. They want to become both a business and information center for visitors. They want to be part of the larger economic development plan in the City, and be able to welcome new businesses and provide them with the resources they need.

Director Larson outlined "mile markers" that they wish to establish in 2014. Those mile markers are: 100 new members, 50% attendance at business luncheons, and 90% membership renewals. Strategies for obtaining these goals were presented. First, they want to improve their events from "good" to "great," by increasing them in quality and quantity. They have arranged to have Stone Gate Center for the Arts as their standing venue for these events. They want community speakers and other business leaders to educate and share information that will help businesses better operate. They've also arranged with the American Fork and Lehi Chambers of Commerce to host two other monthly events, one of which will be an early-risers' business networking breakfast every 4th Friday.

In 2013, the Chamber established two separate committees: an Expansion Committee and Engagement Committee. The Expansion Committee will reach out to businesses who are not yet Chamber members, and the Engagement Committee will reach out to current members to help engage them more frequently. These committees will serve as an avenue for business leaders not only to become more engaged with the Chamber, but also to have additional face time with other members outside of the events.

New programs have been implemented, including an "Awards and Recognition" program, as well as a "Welcome Bag" program, which will include flyers, coupons, etc., of other local businesses that will be distributed to new members. The Chamber will also increase their community involvement, and they announced that they will host a golf tournament during Strawberry Days. A new Chamber website was also recently launched, which will help inform the community about events and resources. Director Larson expressed that he is excited about the implementation of these additional programs and appreciates the partnership with Pleasant Grove City. Council Member Meacham asked Director what the City can do to be of greater assistance. Director Larson explained that they have four membership levels: Bronze, Silver, Gold, and Community Partner. Pleasant Grove City is considered a Community Partner. He also explained the importance of having a member of City Council on their Board of Directors.

**B) TO CONSIDER A RESOLUTION (2013-044) AUTHORIZING THE MAYOR AND MUNICIPAL COUNCIL SITTING AS THE BOARD OF CANVASSERS TO ACCEPT THE ELECTION RETURNS AND DECLARING AND CERTIFYING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD ON NOVEMBER 5, 2013. PRESENTER: RECORDER KRESSER.**

City Recorder, Kathy Kresser, stated that the General Election was held November 5, 2013. Most of the ballots were counted that night; however, all of the other ballots were considered Provisional Ballots. There were some additional Absentee Ballots as well. Recorder Kresser conducted a final voting count for the Provisional and Absentee ballots. Afterwards, she and Ms. Anna Manwell, Elections Assistant, left the meeting to calculate final voting numbers. Mayor Call did not participate in the final voting count, as he was part of the election.

**C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-34) REGARDING AN AMENDMENT OF THE TRANSPORTATION MASTER PLAN (FIGURE 1) TO REMOVE THE CONNECTION OF 800 NORTH TO 100 EAST AS A 66' COLLECTOR STREET (LITTLE DENMARK/MUD HOLE NEIGHBORHOOD) PRESENTER: ADMINISTRATOR DARRINGTON.**

Administrator Darrington commented that in order to remove the connection of 800 North to 100 East as a 66-foot Collector Street, an addendum will be made to the Transportation Master Plan.

The Council asked City Staff if the change in activity which may be occurring southwest of the area has any influence on the subject connection. Administrator Darrington responded that the Council has already made a decision through a vote to make this change, and the current discussion is a matter of implementing the decision into the Transportation Master Plan. Staff also reminded the Council that if there are changes that need to be made, the City can go back and re-update the Plan.

Mayor Call opened the public hearing. There were no public comments. The public hearing was closed. Mayor Call then read the Ordinance in its entirety.

**ACTION:** Council Member Boyd moved to adopt Ordinance (2013-34) regarding an amendment of the Transportation Master Plan (Figure 1) to remove the connection of 800 North to 100 East as a 66' Collector Street. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken and the motion passed 3-to-2 with Council Members Boyd, Pack and LeMone voting "Aye," and Council Members Robinson and Meacham voting "Nay."

**D) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-045) AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH ICO DEVELOPMENT FOR PROPERTY LOCATED AT APPROXIMATELY 600 WEST GARDEN DRIVE. (MUD HOLE NEIGHBORHOOD) PRESENTER: ATTORNEY PETERSEN.**

Attorney Petersen explained that the original plan was to build 18,500 square feet of retail space in one inline building. According to the site new plan, the 18,500 square feet was broken down into three smaller buildings of 6,000 square feet each. The Community Development Department and the developer felt it would be a more aesthetically pleasing development this way.

Originally, the liquidated damages were supposed to be \$18,500 per year, if they did not build the first, large retail building within two years of commencing construction on the senior housing. This was the calculation of what the City would gain from the increased property tax value from the retail space and the anticipated sales tax revenue from that large of a building. With the large building being split up into three buildings, those figures will now be pro-rated.

The first building must be built within two years of the senior housing portion. Once they have reached 75% occupancy of the first building, the next building should begin construction if not then the liquidated damages kicks in. A request for some signage has been added. Currently a large 35-foot pole sign exists, and they would like to keep that sign, as well as construct a second pole sign. This request is within City Code requirements; however, language has been included subject to compliance of City Ordinance as a protection in cast there is something that we didn't see right off. It was confirmed that the 35-foot sign is the height of the new Holiday Oil sign as a comparison. In responding to a question from the Council regarding whether or not ICO would need to adapt to whatever the sign ordinance is at the given time, Attorney Petersen noted that the development agreement states that they are vested under the current ordinance.

Council Member Meacham commented that it could potentially take up to 10 years before the commercial development is complete. Construction on the senior housing portion does not have to begin until 2015. There was further discussion on how the development agreement is written. Mayor Call read the Ordinance in its entirety.

**ACTION:** Council Member LeMone moved to adopt Resolution (2013-045) authorizing the Mayor to sign a development agreement with ICO Development for property located at approximately 600 West Garden Drive. Council Member Boyd seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Robinson and Pack voting "Aye."

There was brief discussion regarding the possibility of getting a railroad crossing in this area.

**E) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-35) AT THE REQUEST OF ICO TO APPLY THE SENIOR HOUSING OVERLAY ON PROPERTY LOCATED AT APPROXIMATELY 600 WEST GARDEN DRIVE. (MUD HOLE NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.**

An aerial map of the property was reviewed. The applicant, ICO Development, requested that the Senior Housing Overlay be applied on to 2.5 acres of property, known as the Tuscan Gardens property. The Senior Housing Overlay will have specific application in certain zones where senior housing development is anticipated. The overlay allows for the congregate housing type of development for which the applicant will be seeking approval, with a total of 60 units. Director Young also mentioned that they will be requesting that crosswalks also be added as part of the site plan, which will be reviewed at a future meeting.

Mayor Call opened the public hearing.

Justin Earl, gave his address as 1061 North 10th West, in American Fork, and stated that they are excited to work with Pleasant Grove City, and thanked them for their approval.

There were no further public comments. The public hearing was closed. Mayor Call then read the Ordinance in its entirety.

**ACTION:** Council Member Robinson moved to adopt an Ordinance (2013-35) at the request of ICO to apply the Senior Housing Overlay on property located at approximately 600 West Garden Drive. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Robinson and Pack voting "Aye."

**F) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-36) AT THE REQUEST OF JACKSON JONES TO APPLY THE RESIDENTIAL AGRICULTURE OVERLAY ON PROPERTY LOCATED AT APPROXIMATELY 360 SOUTH 1100 EAST. (BATTLE CREEK NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.**

Council Member LeMone recused herself from the discussion of the above item due to a conflict of interest.

Director Young presented the staff report and stated that the applicant is requesting to apply the Residential Agriculture Overlay on 2.4 acres of property located at 360 South 1100 East. It is currently zoned R1-9, Medium Density Residential. The property came before the Planning Commission in August 2013 for a three-lot subdivision, which was approved. There arose a question about the rights of the property as to whether or not it had grandfathered animal rights on it. In October 2013 the issue was taken up by the Board of Adjustment, and it was determined that there was not enough evidence to prove the continual use of animals on the property since the zone changed sometime in the 1970s.

The applicant, Jackson Jones, intends an agricultural use for the lot. Specifically he would like to have animals on the property, which this overlay allows on properties of two acres or more. There is currently nothing on the land that would inhibit the animal use for which the applicant is applying. This lot would still have the underlying zone of R 1-9 associated with it, so that if the applicant wanted to build a home, they would have that ability. In order to maintain the property as agricultural use, it would require that the two acres not be subdivided. The property owner would need to consent that the City not record the plat as approved.

This item has come forward to the Planning Commission, and it was noted that no one was against the adoption of the Ordinance at the meeting in which the item was discussed. However, Director Young mentioned that as of today's date, November 19, 2013, a neighbor to the subject property approached the City to inform them that they had not received their notice of the public hearing on this matter until two days after the Planning Commission hearing. They had expressed concern with the proposal with City staff, and Director Young relayed their comments. He noted that they'd like to develop their property, which would interfere with the overlay.

Mayor Call invited the applicant to come forward and speak on the matter.

Jackson Jones gave his address as 136 South 400 East, and explained that they have been working on this process over the past year, and that they've resubmitted the application to include animal rights. Mr. Jones also spoke with the concerned neighbors whom Director Young mentioned, and reiterated those concerns. He explained that he doesn't object to any future development. Mr. Jones

advocated for his application for the Residential Agricultural Overlay to obtain the animal rights, however also noted that they are not in any hurry to build, and are willing to look at other plans that are available.

Mayor Call opened the public hearing.

John Oscarson gave his address as 1040 East 200 South, and explained that the notice for the public hearing was given to a renter, and was not delivered to him until after the hearing had taken place. Mr. Oscarson stated that his primary concern was the potential of being blocked from development of his property. This is his family's property which has been inherited, and there are some development barriers caused by undefined access points. Mr. Oscarson clarified that he would not be opposed to animal rights.

Mr. Jones stated that it would be beneficial to utilize this property, and implement a plan that benefits everybody, rather than let it remain unused. The overlay would allow for its usage, while the rest of the plans are being solidified.

Alan Moak gave his address as 1566 East Black Hawk. He noted that based on the Master Plan, as well as the City Council's approval of Mr. Jackson's previous proposal, they made an offer to the Oscarsons and to Cheryl Johnson to purchase the subject property and develop it. Mr. Moke stated that they are prepared to move forward with those plans at this time, and if the overlay is approved, it will put barriers in the way of development. He expressed interest in making negotiations with Mr. Jones about coming to an agreement that would solve everybody's problems. He felt that the overlay would be counterproductive.

Andy Weight gave his address as 425 South 1100 East, expressed concern about the canal being piped, which has cut off the water source to a group of trees on the property. He liked having the horses in the fields over the summer, as they cut down all of the weeds. As someone who has grown up in the area, he explained that the reason why those fields are still empty is because property owners can't come to an agreement as to how they should be developed. He is excited that someone is finally willing to take stewardship of the subject property, and made further suggestions. There were no further public comments. The public hearing was closed.

Council Member Meacham inquired as to what would happen to the overlay once development and construction begins to occur on the subject property. Director Young assumed that it would no longer apply at that point.

Mayor Call addressed Mr. Jones and stated that there are several options available for negotiating a solution. He suggested that all parties involved meet in order to further discuss those options. Council Member Meacham suggested that a deadline for these discussions to be established. Mr. Jones reiterated that they are willing to negotiate a plan. He also explained that they've been working on this project for an extended period of time, and would like to utilize the property while other phases are reviewed by the Planning Commission. Mayor Call felt that the rest of the process would happen quickly with the City.

Administrator Darrington suggested that the item be continued to the December 10, 2013, City Council Meeting. At that point, either a negotiation will have been made, or the Council can grant the overlay. Mayor Call pointed out that an overlay does not necessarily have to follow the

property lines. He was supportive of Mr. Darrington's idea of allowing time for the property owners to meet and determine the configurations of the two acres for the overlay. There was discussion as to whether or not the City Council would have sufficient time to make notice of the agenda item as a public hearing.

**ACTION:** Council Member Meacham moved to move agenda item "F" adoption an Ordinance (2013-36) at the request of Jackson Jones to apply the Residential Agriculture Overlay on property located at approximately 360 South 1100 East, to the December 10, 2013 meeting. Council Member Robinson seconded the motion. The motion passed with the unanimous consent of the Council.

Council Member LeMone rejoined the meeting.

**G) PUBLIC HEARING TO CONSIDER FOR APPROVAL OF THE PLEASANT GROVE BICYCLE AND PEDESTRIAN MASTER PLAN. (THIS ITEM WILL BE CONTINUED TO THE DECEMBER 10, 2013 MEETING.) PRESENTER: DIRECTOR YOUNG/DIRECTOR GILES.**

**H) PUBLIC HEARING TO CONSIDER APPROVAL OF THE PLEASANT GROVE PARKS AND RECREATION MASTER PLAN. (THIS ITEM WILL BE CONTINUED TO THE DECEMBER 10, 2013 MEETING.) PRESENTER: DIRECTOR YOUNG/DIRECTOR GILES.**

**ACTION:** Council Member Meacham moved to move Agenda Items "G" and "H" to the December 10, 2013, meeting. Council Member Pack seconded the motion. The motion passed with the unanimous consent of the Council.

Recorder Kresser returned to the meeting and presented the official results of the General Election held on November 5, 2013. The election returns were read and certified as follows: For Mayor: Bruce Call-1,870, David Petersen-467, and Mike Daniels-2,793. For City Council: Ben Stanley-2,368, Andy Weight-2,124, Eric Jensen-2,207, Dianna Andersen-2,781. FOR Proposition 1-1,546, and AGAINST Proposition 1-3,655.

Mayor Call read Resolution (2013-044) and declared the winners as follows: Mayor-Mike Daniels, City Council-Dianna Andersen and Ben Stanley and Proposition 1-AGAINST.

**ACTION:** Council Member Meacham moved to adopt Resolution (2013-044) authorizing the Mayor and Municipal Council sitting as the Board of Canvassers to accept the election returns and declaring and certifying the results of the Municipal General Election held on November 5, 2013. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Robinson and Pack voting "Aye."

**I) TO CONSIDER AWARDING THE FY 2013-2014 SEWER REHABILITATION PROJECT TO INSITUFORM TECHNOLOGIES, LLC. PRESENTER: DIRECTOR WALKER.**

Director Walker informed the City Council that they have a budget of \$200,000 for the project. They were able to join with American Fork in bidding opportunities. The lowest bid for came from



Insituform Technologies at \$168,442.75. The bid for the additive alternative came in at \$26,569 for a project total of \$195,011.75.

Director Walker explained that the project entails an interior liner through the sewer system, which will provide the strength of the original pipe. This provides longevity of the pipe for 75 to 100 more years. Mayor Call added that the technology entails going through the existing pipe, rather than digging up the road to build a new pipe. A robot is then sent down into the pipe to test the quality of services. Council Member Robinson asked how much money is saved through this process. Director Walker replied that the savings is about \$. 25 on the dollar. He also explained that the mobilization cost is split due to a joint bid made with American Fork. Council Member Meacham inquired as to the approximate percentage of completion of the pipe lining, and 70% was the figure that Director Walker provided.

It was noted that the date on the bid and award letter should be changed from 2012-2013, to 2013-2014, and that the specific dollar amount needs to be included as well.

**ACTION:** Council Member Meacham moved to award the FY 2013-2014 Sewer Rehabilitation Project to Insituform Technologies, LLC., in the amount of \$195,011.75. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

**J) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-046) AUTHORIZING THE MAYOR TO SIGN AN ADDENDUM TO THE SOLID WASTE AND RECYCLING COLLECTION AGREEMENT WITH ALLIED WASTE SERVICES OF UTAH COUNTY AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ADMINISTRATOR DARRINGTON.**

Administrator Darrington explained that Allied Waste Services has requested a contract extension. They approached City Council during the summer about seeking a one year extension from the end of the contract which expires at the end of June 2014. In exchange for this extension, they offered to waive any CPI or any price increases. Administrator Darrington presented the proposed addendum to the Council.

Alissa Wilkinson identified herself as the Public Relations Manager for Republic. She stated that if there were any questions related to the addendum, she would be able to answer those questions.

Council Member LeMone noted that Ms. Wilkinson helped run a campaign for Ryan Frandsen out of Provo, Utah.

Council Member Meacham clarified that the contract was initiated in 2004. It was amended in 2010 to ensure that the recycling and solid waste portions of the contract expired at the same time.

Mayor Call then read Resolution (2013-046.)

**ACTION:** Council Member LeMone moved to adopt Resolution (2013-046) authorizing the Mayor to sign an addendum to the solid waste and recycling collection agreement with Allied Waste Services of Utah County and providing for an effective date. Council Member Meacham seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Robinson and Pack voting "Aye."

**K) DISCUSSION ON NEW DEVELOPMENTS-RENTALS OR OWNER OCCUPIED POLICY.**

Administrator Darrington explained that there have been developments in the past, where through the agreement of allowing the development to happen there was a requirement that the units be owner-occupied. This has never been a City Ordinance, and each situation has been handled on an individual basis by the City Council. A recent development was approved where the intent was to have the units be owner-occupied. The Council requested that this policy be discussed. Research will need to be conducted on the matter, and Administrator Darrington requested that the Council provide further insight as to what they'd like to have researched.

Council Member LeMone stated that they would like to know how many units are currently owner-occupied, as opposed to rentals. Council Member Boyd explained that they could review what developments were approved as owner-occupied or rental properties in order to generate this number. Director Young suggested that current developments be assessed in order to determine what they'd like to see happen in the future. Council Member LeMone felt that it was important to have a balance between both housing types.

Council Member LeMone felt that it was important to have a balance between both housing types. Attorney Petersen explained that it was assumed that town home developments were owner occupied, and Mayor Call reiterated that no policy requiring owner occupancy currently exists, and that guidelines need to be outlined. Council Member Boyd agreed that a determination on what would be best for the future needs to be made, and explained that her preference would be for more future developments to be owner occupied. Council Member Pack shared that previous data has showed that in order to maintain high property values, an owner occupancy of 85% is recommended. It was noted that having 100% owner occupancy would be difficult to achieve. In order to regulate owner occupancy more strictly, a condition of approval could be regulated by an HOA. Mayor Call suggested that staff contact other cities for information on legal challenges that they've addressed, as well as other previous developments that were approved on the premise of owner occupancy

**L) DISCUSSION ON ZONING ALONG STATE STREET IN DOWNTOWN VILLAGE ZONE.**

An aerial view of State Street in the Downtown Village Zone was reviewed. A C-S corridor of the zoning previously existed along State Street, however, it was eliminated when Downtown Village came to that area. Mayor Call suggested that the corridor be continued along the rest of State Street to connect to the C-G zoning. This would ensure that Downtown Village zoning restrictions wouldn't apply to commercial businesses. Council Member Meacham asked how viable of an option that would be, due to the railroad structure. Council Member Boyd asked if this would create more consistency, and Mayor Call explained that it would be consistent with the use of businesses on State Street. Director Young explained that the Downtown Zone was developed to create an entrance into the City. Potential options were discussed as the aerial map was reviewed.

**8) NEIGHBORHOOD AND STAFF BUSINESS.**

Scott Richards represented the Planning Commission and requested that as the City Council considers the New Development Occupancy Policy, they assess the needs of each individual parcel.

Deon Giles, Parks and Recreation Director, informed the Council that Rocky Mountain Power contacted him about cutting down the trees on the west side of the rodeo grounds. Previously they've trimmed those trees every other year, but now they are becoming a fire hazard and need to be removed.

Mike Smith, Police Chief, announced that donations will be made to the Sub for Santa program this year for the growing of facial hair. The community may get involved if they so choose.

Administrator Darrington, Council Member LeMone and Clint Warnick met to discuss policy use of gym space. They decided on a fee of \$35 for half court and \$70 for full court rentals. The initial fees were \$50-\$100. The 35\$ fee is consistent with renting the multi-purpose room.

Another issue that surfaced was that of a certificate of insurance requirement for people who rent the facility. Council Member LeMone did research and discovered that most cities do not have this requirement. Administrator Darrington pointed out that they could potentially become liable for any accident that may occur, if they choose to waive the certificate of insurance requirement. Council Member LeMone clarified that other cities do require rental agreements, but not certificates of insurance. Attorney Petersen noted that they require certificates of occupancy for anybody who rents space. Further potential liability situations were then discussed.

Recorder Kresser thanked everyone for their assistance with the elections.

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

There was no further Mayor and City Council business to discuss.

10) **SIGNING OF PLATS.**

There were no plats to sign.

11) **REVIEW CALENDAR.**

Mayor Call reminded the City Council that there will be no meeting the week of Thanksgiving. The next meeting will take place on December 3, 2013. He asked City Council Members to familiarize themselves with the next meeting agenda, and to contact staff with any questions.

Monday, December 2, 2013, at 6:00 pm, the Tree Lighting will take place.

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

Mayor Call called for a brief Executive Session to discuss the character professional confidence or physical and mental health of an individual.

**ACTION:** At 8:38 p.m. Council Member Robinson moved to hold a brief Executive Session for the reason outlined above. Council Member LeMone seconded the motion. The motion passed

with the unanimous consent of the Council.

**PRESENT:**

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd  
Cyd LeMone  
Jay Meacham  
Kim Robinson  
Heather Pack

Staff Present:

Scott Darrington, City Administrator  
Tina Petersen, City Attorney

**ACTION:** At 8:48 p.m. Council Member LeMone moved to come out of executive session. Council Member Pack seconded. The motion passed unanimously with the consent of the Council. The Council was informed that the candidate for Arts and Culture Director declined the position. Discussion was held as to next steps. Administrator Darrington was instructed to offer the candidate a higher salary to see if that changed her mind and if not then to offer the position to the next recommended candidate.

Mayor Call asked if there was any further discussion, being none he called for a motion to adjourn.

**ACTION:** At 9:07 p.m. Council Member Meacham moved to adjourn. Council Member Pack seconded and the motion passed unanimously with the consent of the Council.

City Administrator informed the City Council that we had received a letter from a citizen requesting an investigation of activities of mayor elect Daniels while he was in office the last time. The City attorney will contact the Attorney General's office and find out how to proceed and let the Council know what the process is. If the City has to do any investigation of the complaint we will have a third party come in and do it. The Council asked if that was the only letter and was informed that there were two other requests that complaints were received by email from different individuals/groups.

**13) ADJOURN.**

The City Council Meeting adjourned at 9:12 p.m.

This certifies that the City Council  
Minutes of November 19, 2013 are a true,  
-full and correct copy as approved by  
the City Council on January 7, 2014.

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Kathy T. Kresser, City Recorder

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