

Pleasant Grove City Council Meeting Minutes
June 4, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Lee G.Jensen
Cyd LeMone
Jay Meacham

Excused:

Cindy Boyd, Council Member
Kim Robinson, Council Member
Dean Lundell, Finance Director

Staff Present:

Scott Darrington, City Administrator
Degen Lewis, City Engineer
Tina Petersen, City Attorney
April Harrison, Arts and Culture Director
David Larson, Assistant to the City Admin
Deon Giles, Parks and Recreation Director
Kathy Kresser, City Recorder
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Ken Young, Community Development Director
Lynn Walker, Public Works Director
John Goodman, Public Works Superintendent
Libby Flegal, NAB Chairperson

Other:

Brian Westover, Fugal Farm Representative

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah at 6:00 p.m.

1) CALL TO ORDER

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

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Parks and Recreation Director, Deon Giles.

3) OPENING REMARKS

The Opening Remarks were given by Community Development Director, Ken Young.

4) APPROVAL OF MEETINGS AGENDA

Administrator Darrington stated that there would be a new employee introduction prior to the Strawberry Days Royalty presentation.

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

5) CONSENT ITEMS

- a) **City Council and Work Session Minutes:
Joint City Council and Planning Commission Work Session Minutes for April 23, 2013;
City Council Work Session Minutes for April 30, 2013;
City Council Minutes for May 7, 2013.**
- b) **Final Pay Request and Change Order No. 1 for B. D. Bush Excavation, Inc. for the 2012 State Street Waterline Project.**
- c) **To Consider for Approval Payment No. 1 for ESP Excavation for the Fugal Well Improvements.**
- d) **To Consider for Approval Paid Vouchers for (May 20, 2013).**

Council Member Meacham stated that the ESP Excavation payment date specified that work was accomplished on October 31, 2012. He asked why it took the City so long to pay them and asked if that was a typical timeframe for payment. City Engineer, Degen Lewis, stated that it was a combination of ESP submitting the required paperwork and the City processing the contract paperwork. He stated that ESP was comfortable with the payment timeframe.

ACTION: Council Member Meacham moved to approve the consent items. 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.

Susan O'Rourke indicated that she does not live in Pleasant Grove but has a Farmers Insurance Office on Geneva Road. She asked if there is any way to address the issue that small business owners have with the cost of water. She stated that based on the amount of water she uses she is paying \$50 per gallon. She asked if there is any way to make it fairer to small business owners who use very little water.

Mayor Call stated that they are not actually paying that much for the water and explained that 90% of what they are paying is the infrastructure necessary to get the water to their buildings. Within the

last year the Council took a hard look at what should happen to businesses versus residences. The current rate structure is what they found to be the fairest alternative. Mayor Call wanted to make sure that Ms. O'Rourke is treated fairly and asked her if she would be willing to attend a separate meeting with staff to have a more in depth discussion.

Council Member Jensen suggested there be an explanation of how water is measured. Administrator Darrington agreed to facilitate a meeting with Ms. O'Rourke. Ms. O'Rourke asked if there was opportunity to make changes. Mayor Call stated that the only way to change something would be to take legislative action. This can occur, but the first step is to review what the water bill actually pays for. Administrator Darrington remarked that this is not the first small business that has addressed the issue and the City took a close look at what is being charged to make the system as fair as possible.

John Stevens invited the citizens and City Council to a TSSD forum scheduled for June 13 at 12:00 p.m. called "Stop the Stench." The General Manager at the BMW dealership has offered to host the event at his store. Mayor Call and Senator Valentine will be the speakers. They will host a forum and ask everyone who attends to sign a petition. They will then attend a TSSD Board Meeting and deliver the signatures to the County Commission in an effort to stop composting. He reported that the American Fork City Council and their Chamber of Commerce will be at the meeting and would like Pleasant Grove to be in attendance as well. He stated that the press has also been invited. They are not requesting TSSD move. It was noted that Alyssa's Bistro will cater the event.

There were no further public comments. Mayor Call closed the open session.

Engineer Lewis introduced Natalie Oaks, a new Intern from California, who will be assisting Engineer Lewis with the Storm Water Ordinance. She has been working with the storm drain crew to learn about the challenges they face. Ms. Oaks reported that she is attending BYU and has one year left before earning her BS in Civil Engineering.

Director Young recognized former Board of Adjustment Chair, James Malone, and reported that Mr. Malone is now acting as the Alternate Planning Commission Member. Director Young thanked Mr. Malone for his work on behalf of the City and presented him with a plaque.

7) **BUSINESS**

A) **STRAWBERRY DAYS ROYALTY PRESENTATION.**

Lauren Wilson identified herself as the new Miss Pleasant Grove 2013. She introduced her attendants, Nicole, Lexady Bradey and Melanie Porter and stated that the other attendant, Melissa, was not able to be in attendance. They are excited to represent the City in parades, City Council Meetings, and Strawberry Days events. Ms. Wilson stated that it has been a great experience and thanked the Council for the opportunity. Paige Morgan introduced herself as the Queen of the Rodeo Royalty and introduced her attendants Whitney Ashton and Kayce Goodrich. She invited the Council to attend the rodeo.

Council Member LeMone asked that they share their platforms with the Council. Ms. Wilson stated that she is 18 years old and attends the University of Utah. Her platform is suicide prevention and

awareness and her focus is teens. Ms. Porter is also 18 years of age and recently graduated from Pleasant Grove High School. Her platform is “You Know My Face, Not My Story” with her focus being helping the homeless in the community. Ms. Bradey is also 18 and recently graduated from Pleasant Grove High School. She plans to attend BYU in the fall and her platform is reaching out and making a difference in the community. Nicole graduated from Pleasant Grove High School the previous week and will attend Utah State in the fall. Her platform was helping children become better learners.

Ms. Morgan is 23 years of age and recently graduated from Utah State with two bachelor’s degrees. She will represent Pleasant Grove City at the Miss Rodeo Utah Pageant in July. She is from Provo and graduated from American Fork High School. Ms. Goodrich graduated from Wasatch High School and is from Heber City. She is attending UVU with aspirations of becoming a Nurse. Ms. Ashton is from Pleasant Grove, graduated from Lone Peak High School, and recently graduated from SLCC where she played volleyball. She is now attending UVU.

Mayor Call asked what cities the royalty had already visited. They reported that they have been to Spanish Fork, Springville, Orem, Cedar Hills, American Fork, Lehi, and Payson. They will be visiting Lindon in the near future. Mayor Call thanked the ladies for their help with Strawberry Days.

B) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-15) TO AMEND CHAPTER 10-11, ADDING ARTICLE J, “RESIDENTIAL AGRICULTURE OVERLAY,” PROVIDING FOR THE INCREASE IN DEVELOPMENT OF AGRICULTURAL USES AND FACILITIES ON PROPERTIES IN RESIDENTIAL ZONES. PRESENTER: DIRECTOR YOUNG (CONTINUED FROM THE MAY 21, 2013 MEETING).

Director Young stated that two weeks ago the City Council reviewed the request made by the Westover and Fugal families with respect to their desire to have continued and expanded agricultural functions on their farm at 500 West 1100 North. They requested that the City amend their ordinances by adding in a section to create a residential agricultural overlay. The Council reviewed the request briefly a few weeks earlier.

Director Young stated that two acres are required for an agricultural overlay to be applied. The permitted uses are typical for agricultural uses in an agricultural zone. The animal allowances caused the Council to take another look at the request at a previous meeting. The revised ordinance will now take into account the overall acreage and exclude what is considered to be residential from the total acreage. The animal allowance will be determined by total acreages minus the residential structure, any residential accessory structures and amenities, and the area of the yard within 25 feet of the main structure. In this particular request there will be .27 acres considered residential.

Director Young stated that staff also tweaked the actual number of animals allowed and created four categories. Goats and sheep will be permitted at 15 per acre, pigs and hogs at four per acre, cows, horses, and donkeys at two per acre, and 100 animals per acre for smaller animals such as pigeons, chickens, ducks, and rabbits. He indicated that this is similar to what was previously discussed, but they were broken down differently and conducted research online to make sure the numbers fit into

the category for what is normally recommended. He explained that there is no fixed guideline, but the numbers conform to the recommended numbers.

Council Member Jensen commented that the Fugal Farm with three acres could potentially have 379 animals, which seemed like a lot. Director Young stated that the majority of the number involves small animals. The largest and most impactful animals are more restricted.

Administrator Darrington stated that if the Council is not comfortable with the numbers they should make their feelings known. He also indicated that these numbers are the highest possible and there will likely not be that many animals. He also added that there is a requirement in the ordinance with regard to shelters and setbacks that will also restrict the numbers.

Mayor Call did not grow up farming and did not understand what three acres with that many animals will look like. Director Young stated that all they can do use information they found on the internet and what the applicant has requested.

The applicant's representative, Brian Westover, stated that they have previously had chickens and have an 8'x10' coop that is roughly seven-feet high. They had 30 chickens in the coop and with plenty of additional room left over. He explained that it is possible to have comfortable and healthy living conditions for animals such as chickens or rabbits in a very small space.

Council Member Jensen asked how large a structure 313 small animals will require. Mr. Westover did not have an exact number but could calculate it out. Within the barn there will be five paddocks that are 10'x12' each, a covered space outside for the animals, additional corrals, and a pasture for each paddock. Mr. Westover stated that they will hay feed and pasture feed.

Mr. Westover reported that they currently have 20 sheep on about .65 acres. In a barn that is roughly 20'x12', the sheep are not making an impact on the pasture. They will have to mow the pasture because the sheep are not eating it quickly enough. Mr. Westover stated that he can get exact numbers to the Council with respect to the animals and the size of the space they will be in.

Council Member Jensen stated that in previous meetings he came to the conclusion that the Fugal Farm will be a living farm that typifies Pleasant Grove and a place that people can get a feel for what farm life is like. The keeping of 313 chickens made him think that this is a commercial venture more than the esoteric idea that the community needs a living farm as a historical heritage. He was not necessarily opposed to the idea, but wanted to understand if it is more a commercial venture than anything else.

Mr. Westover stated that there is a commercial aspect, more so with the greenhouse so that the farm will sustain itself. The livestock are not intended to be a commercial venture. The projected numbers are the maximum and they are trying to allow flexibility while not being a nuisance to the community and still comply with the ordinance. If there is a marked change they want to be able to make a shift. He thought 300 chickens seemed very doable.

Council Member Jensen asked how the farm will conduct its agricultural processing, if they will have a slaughterhouse component, and if it will be done on site. He also asked how the vegetables will be processed. Mr. Westover stated that it will continue to be a hobby farm and any processing will be done off site or by a mobile processing truck that would come to the farm.

The applicant, Paige Westover, stated that if they ever do anything on a commercial scale with animals it will be highly regulated by the USDA. She noted that there are very few farms that actually process their meat on site because it is so difficult. They do not have enough animals to process the meat and commercially sell it. They will be able to sell eggs much easier than meat. Any processing will be done off site.

Mr. Westover reported that the ordinance includes a nuisance ordinance that supports the number of animals they are requesting. This number of animals will not be a nuisance to the surrounding homes and community. Currently the farm is grandfathered in to have as many sheep as they desire. He would like to err on the side of more animals so that they have options. If it ever becomes a problem it would be easier to add restrictions than to request more animals.

Mayor Call stated that the Council always has to look at maximum numbers because someone will eventually come along who will want to use the full allowances. Mr. Westover understood and added that 379 seemed very high, but 300 will be chickens spread throughout the three acres. They can spread out in such a way that they can still maintain the hobby farm discussed earlier.

Council Member Jensen asked about the compliance process. Director Young stated that they operate on a complaint basis. If someone from the City sees a violation they address it. City Attorney, Tina Petersen, stated that if the farm enters into a commercial venture they will likely have to obtain a business license, which would require inspections and reviews be conducted. Council Member Meacham asked how frequently inspections and reviews occur. Attorney Petersen responded that reviews take place annually and the type of business will determine how frequently an inspection is needed.

Council Member Jensen stated that the farm will be classified as a commercial venture if they plan to sell chickens and eggs. Attorney Petersen's understanding was that it is currently a hobby farm being developed for the family. If they begin selling things they will need to obtain a business license.

Ms. Westover stated that from the beginning they have made it clear that the farm has to sustain itself because they do not have the financial resources to sustain it on their own. They have researched what they can do on this amount of land to have the highest benefit and sustain the land. Growing in the greenhouses is how they can accomplish that. The greenhouses will be the commercial venture. She confirmed that they will need a business license.

Council Member Jensen asked how many employees they plan on hiring. Ms. Westover stated that they will hire two employees to work in the greenhouse with much of the work being done by family since it is a family venture. Council Member Meacham did not object to the numbers because the majority are small animals.

Director Young stated that a new item that has arisen since the previous discussion is the accessory structure area. The anticipation was that because they were proposing larger structures than would typically be approved in a residential area they would allow it to fall back to the R-1 Zone requirement that requires a conditional use permit for the accessory structure. He reported that today another section in the existing ordinance was found that restricts the height of accessory structures to 25 feet without the ability to get more through a conditional use permit. This caused a

problem with what they are proposing. He explained that the applicants have already planned to go before the Planning Commission for a public hearing to obtain a conditional use permit for their accessory structure. In order to make it possible for anything within an agricultural overlay to have the opportunity to go above the 25 feet they added this allowance to the new ordinance.

Mayor Call opened the public hearing. There were no public comments. The public hearing was closed. He then asked if there were any further discussion from the Council, being none, he called for a motion.

ACTION: Council Member LeMone moved to approve Ordinance 2013-15 to amend Chapter 10-11 adding article J, Residential Agricultural Overlay and providing for the increase and development of agricultural uses and facilities on properties in residential zones. Council Member Meacham seconded the motion. A public Hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Jensen, LeMone and Meacham voting “Aye.”

C) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-19) TO APPLY THE RESIDENTIAL AGRICULTURE OVERLAY ON THE FUGAL PROPERTY LOCATED AT 500 WEST 1100 NORTH (NORTH FIELD NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG (CONTINUED FROM THE MAY 21, 2013 MEETING).

Director Young reported that the area is low density residential and the zoning is R-1-8. The Jensens own additional property to the east that is also open fields and somewhat agricultural in nature. It may or may not be developed as residential depending on the family’s decision. They currently do not want to develop the property, however, that may change in the future.

Director Young stated that Fugal Farm is 3.4 acres in size and is currently developed as a farm with a large fenced off pasture area. The applicants are proposing that a new farm be developed as well as secondary structures. The barn and greenhouse will require a conditional use permit due to size and height considerations.

Council Member Jensen asked the applicant about their plans for the current buildings on the property. Mr. Westover stated that they will keep the silo, one building was being given to another family member, and a few others were being sold.

Mayor Call opened the public hearing. There were no public comments. The public hearing was closed. He then asked if the Council had any further comments, there weren’t any, he then called for a motion.

ACTION: Council Member LeMone moved to approve Ordinance 2013-19 to apply the Residential Agricultural Overlay to the Fugal Property located at 504 West 1100 North. Council Member Meacham seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Jensen, LeMone and Meacham voting “Aye.”

D) PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED BOUNDARY ADJUSTMENT BETWEEN PLEASANT GROVE CITY AND THE

CITY OF CEDAR HILLS AND TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-20) APPROVING THE COMMON BOUNDARY ADJUSTMENT AND PROVIDING FOR AN EFFECTIVE DATE. THE PROPOSED AREA TO BE ADJUSTED IS OWNED BY TRACY AND ALYSSA FLINDERS, LOCATED AT 9758 NORTH 4100 WEST, CEDAR HILLS, UTAH, PRESENTER: ATTORNEY PETERSEN.

Attorney Petersen reported that this is the final public step in the process of boundary adjusting a piece of property from the municipal limits of Cedar Hills back into the municipal city limits of Pleasant Grove. A few years ago Mr. Flinders wanted to develop and build his home and asked to be boundary adjusted into Cedar Hills because of utility concerns. That request was granted. He now wishes to develop the remainder of his property and coincidentally the utility concerns have been reversed and Pleasant Grove provides the sewer service. He is requesting a boundary adjustment to the existing home and lot as well as the remainder of his parcel back into Pleasant Grove.

It was Attorney Petersen's understanding that Cedar Hills has consented to the request and is taking simultaneous steps to get the boundary adjusted. Assuming that both City Councils approve the ordinance, the City Recorder will send an amendment on to the State.

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

Council Member Jensen asked if the finished home is currently on Cedar Hills' sewer line. Attorney Petersen stated that they are currently attached to Cedar Hills' sewer but will switch over to Pleasant Grove once the vacant lots are developed. Attorney Petersen stated that the City has two options for the property to tie into.

The Mayor asked if there were any further comments. There were no further comments from the Council; he then called for a motion.

ACTION: Council Member Jensen moved to approve Ordinance 2013-20 adjusting the common boundaries between Pleasant Grove City and the City of Cedar Hills to be known as the Pleasant Grove Cedar Hills Common Adjustment #4. A public hearing was held. Council Member Meacham seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Jensen, LeMone and Meacham voting "Aye."

E) PUBLIC HEARING TO RECEIVE COMMENTS ON THE FISCAL YEAR 2012/2013 BUDGET AMENDMENTS. THE PLEASANT GROVE REDEVELOPMENT AGENCY BUDGET IS INCLUDED IN THE FINAL BUDGET. (CITY WIDE) A COPY OF THE PROPOSED BUDGET AMENDMENT IS AVAILABLE AT THE RECORDERS OFFICE, 70 SOUTH 100 EAST, THE LIBRARY 30 EAST CENTER AND COMMUNITY DEVELOPMENT, 86 EAST 100 SOUTH. PRESENTER: ADMINISTRATOR DARRINGTON.

Administrator Darrington indicated that Director Lundell is not present so he will be presenting this item. He then introduced the above item and stated that it pertains to the mid-year budget adjustments for the current year's budget. It is typically done every June to tie up loose ends in the budget. He stated that in a previous meeting the Council discussed the various adjustments that

need to be made. There was an additional court cost associated with a new legal defender and an increased assessment from the Fox Hollow Golf Course for which funds from the economic development budget were used to cover. In the Capital Projects Fund at Manila Creek Park, a grant was received from Utah County. The next five items were all grants that were received. Senior Center improvement donations were given to the City by a couple of benefactors. Funds were taken from the Economic Development budget to cover the growing costs in the Engineering budget.

Administrator Darrington stated that the plan check fees have increased slightly and funds were taken from the fund check fees to cover contract services. The EDI grant will be used for the public safety building. The Recreation Department has added programs to increase both revenue and expenses. There will be professional fees to set up doTERRA in the RDA budget which will be paid back by future income once the building is complete. The library received a federal grant totaling \$7,800. There have been changes to the capital projects due to unforeseen projects such as the road on 1650 West and installing a sound system in the court and at the Rec Center. Impact Fees were used to create a Park Master Plan. The City was collecting road impact fees along 2000 West. It was noted that Storm Water bonds for the Pipe Plant property purchase affected the storm drain budget.

The Council was to take action on the budget in two weeks.

Mayor Call opened the public hearing. There were no public comments. The public hearing was closed. He then noted that that this item was to receive comments from the public about the amendments to the 2012/2013 budget, no action will be taken tonight.

F) PUBLIC HEARING TO RECEIVE COMMENTS ON THE FISCAL YEAR 2013/2014 BUDGET AND FEE SCHEDULE. THE PLEASANT GROVE REDEVELOPMENT AGENCY BUDGET IS ALSO INCLUDED IN THE FINAL BUDGET. (CITY WIDE) A COPY OF THE PROPOSED BUDGET IS AVAILABLE AT THE RECORDERS OFFICE, 70 SOUTH 100 EAST, THE LIBRARY 30 EAST CENTER AND COMMUNITY DEVELOPMENT, 86 EAST 100 SOUTH. PRESENTER: ADMINISTRATOR DARRINGTON.

Administrator Darrington introduced the above item and stated that it is a general overview of the budget for the public. It was reported that property tax revenues over the course of the last five years showed a slight increase. The understanding with property taxes was that when the economy goes south the rate automatically increases to make it revenue neutral for the City. It was noted that there is a small amount of new growth each year. The property tax number does not increase quickly, but goes up over time.

Administrator Darrington stated that sales tax revenues are more volatile. Economic troubles caused the number to bottom out in 2010 and the City is just coming back to the 2008 numbers, which were strong. There was not a significant increase in 2013/2014 but there will be a slight increase with some proposed developments coming into the City.

The 2011 and 2012 budgets were fairly close to where the City is at currently. The special revenue funds are separated out so that the City can have a good idea of what particular items such as dispatch and swimming pool costs. Governmental revenues were just over \$19 million and almost

\$10 million was through taxes. Administrator Darrington stated that wages and benefits are just over \$10 million for the City and this is a typical number for what it costs to run a City. The City allocated 1% COLA and up to a 2% merit raise to employees. The insurance increase was 12% of which the City would pay 9%.

Administrator Darrington stated that the City has a debt service of \$1.4 million and a \$1.5 million payment made by Hammons. Public Safety is 40% of the General Fund expenditures budget and General Government is 22% with Leisure Services taking up the remainder. Solid waste, sanitation, water, storm drain, and sewer comprise the utility funds. This will be the last of the four-year culinary water increase. The base fee will go up \$1.53. The pressurized irrigation will see just over a \$3.00 increase if the property is under one-half acre. There will be no increase in the sanitary sewer bill and the storm drain bill will increase by \$2.36.

Council Member Jensen asked if the sewer increase will also be dependent on TSSD. Administrator Darrington stated that if TSSD announced an increase it would show on the following year's budget. TSSD will not likely increase their rate this calendar year. The storm drain area sees most of its cost in supporting the infrastructure. Administrator Darrington stated that the reason for large increases in sewer utility costs were mainly because TSSD was bonding for their own expansion. If they had not been incurred, the City's sewer bill would be very low. The City has been leveling out financially with respect to utilities and each year the City has an evaluation in utility rates. The hope was that there will be no large rate increases unless there are large projects.

Administrator Darrington stated that the fund balances for water is \$1.8 million, sewer is just over \$2 million, and storm drain has roughly \$184,000. The Water Fund balance was up to \$2 million at one point and was shrinking because the debt service payments began to hit in 2010. The understanding with fund balances and utility funds is that \$2 million sewer or water projects are easy to come by and there are times the City has to dip into those balances. Ideally, over time if the City is able to put more away there are certain projects they will be able to pay cash for and not have to bond.

Mayor Call opened the public hearing.

Cindy Mitchell gave her address as 1265 East Mohican Circle and asked how often the City actually reads the water meters. Public Works Director, Lynn Walker, stated that they are read every month with the exception of winter months when the meters cannot be accessed. Bills are issued using an average from previous years.

There were no further public comments. Mayor Call closed the public hearing. He then noted that this item was to receive comments from the public about the proposed 2013/2014 budget, no action will be taken.

G) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-016) AUTHORIZING AN EMPLOYER PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS FOR CITY EMPLOYEES PARTICIPATING IN THE FIREFIGHTERS RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.

Attorney Petersen stated that this is an annual resolution. Normally the Firefighter Retirement Account is a contributory retirement account where the employer and employee both pay something. Because the City has a non-contributory plan for all other employees, in the interest of fairness the Council reviews this each year to authorize the City to pay the full amount to the firefighter retirement account. She stated that this is a technicality that allows the Treasurer and Finance Officer to make those expenditures.

Council Member Jensen asked if the contribution is based on salary. Attorney Petersen stated that it is 18% of the salary.

ACTION: Council Member Jensen moved to approve Resolution 2013-016, which authorizes an employer pick-up of employee retirement contributions for City employees participating in the Firefighters Retirement System. Council Member LeMone seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Jensen, LeMone and Meacham voting “Aye.”

H) TO CONSIDER FOR ADOPTION A RESOLUTION (2013-017) AUTHORIZING J. SCOTT DARRINGTON, CITY ADMINISTRATOR, TO SIGN AN INDEPENDENT SERVICE AGREEMENT WITH WATER WORKS ENGINEERS, LLC, FOR ENGINEERING SERVICES FOR THE BATTLE CREEK POWER GENERATION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.

Attorney Petersen stated that the City has been working on a project for many years called the Blue Energy Project where the City would like to develop innovative technology to take advantage of natural stream flows to generate energy. Several years ago the City was awarded a \$1 million appropriation from the federal government to begin the process. Over the past several years they have worked to bring the project to fruition. The project was scaled back but the City will shortly be receiving \$350,000 of the \$1 million.

Attorney Petersen stated that Water Works engineers soon will begin the process of designing and building the project. The basic Engineering Services Agreement between Water Works Engineers and Pleasant Grove City was being considered for approval. The agreement is general and lays out the duties and responsibilities of each party. Cost is not mentioned in the agreement. The first task will be for Water Works to engage a Design Engineer. They are obligated to maintain their own Workers Compensation and liability insurance.

Mayor Call stated that there is a 30-day opt out period for both parties. Administrator Darrington stated that the money was allocated in 2009 and Cory Christiansen with Water Works has been on board with the project from the beginning and has essentially been working for free. He expressed gratitude for what Mr. Christiansen has done to get things started. Attorney Petersen agreed that he has been a great help.

Council Member Meacham asked when the City should receive the money. Administrator Darrington was not sure as Director Lundell had been working on that aspect. The City may have to front the money and get reimbursed on the back end. Administrator Darrington stated that the reason they did not get the full \$1 million was because the City did not know there was a 100%

match requirement. Council Member Jensen stated that they would not accept any of the infrastructure the City already had in place towards the match.

Council Member Jensen asked what the funding source for Pleasant Grove is going to be. Administrator Darrington stated that it will come from the Water Fund reserve balance. The City will generate power through net metering and get retail value from the power credited toward their power bills in the future, which should be roughly \$30,000 per year. It was expected to be approximately 11 years before it will become pure revenue to the City.

Council Member Meacham asked if the estimated \$30,000 includes the research and development portion that the City would be leasing. Administrator Darrington responded that it did not. He indicated that the idea was to have a turbine generating power. Another one would be set aside in order to use experimental turbines or equipment. An individual could approach the City and the City could then decide what to charge. A facility was to be constructed from these funds.

Council Member Jensen asked if the project allows for future expansion without constructing the entire structure. Administrator Darrington stated that they will maximize the turbine capability with what they are constructing. It is possible that eventually they could put another turbine in further down the system. They have not had that discussion yet and will do so in the future. Attorney Petersen stated that Battle Creek has the highest flow for the longest period of time. There may be other creeks that could work in the future.

ACTION: Council Member LeMone moved to approve Resolution 2013-017 authorizing J. Scott Darrington, City Administrator, to sign an independent service agreement with Water Works Engineers, LLC, for engineering services for the Battle Creek Power Generation Project. Council Member Jensen seconded the motion. A voice vote was taken and the motion passed unanimously with Council Members Jensen, LeMone and Meacham voting “Aye.”

I) TO CONSIDER APPROVING THE WORDING AND DESIGN OF THE BATTLE CREEK MONUMENT PLAQUE. PRESENTER: DIRECTOR GILES,

Director Giles stated that Eagle Scout, Alex Warburton, is doing an Eagle Project rebuilding the Battle Creek Monument sign directly below the water tank on 200 South. He was rebuilding some of the historical brick. He had been working with his grandfather, Dale Warburton, on the details of how the monument was first established. They have done a lot of research with the citizens of Pleasant Grove to figure out what the monument originally looked like. The plaque will read “This Monument was built by the Boy Scouts of Troop 23 under the direction of Calvin Walker, Scoutmaster. It was erected in approximately 1940 to identify the sight of the first armed engagement of the Mormon pioneers and the Indians that inhabited Utah Valley. Eagle Project Alex Warburton, 2013.”

Council Member Jensen asked if they need to use the politically correct term “Native American” instead of “Indian.” He wanted to be certain to not cause any issues. None of the Council Members objected to using the word “Indian.”

Mayor Call stated that the project could continue as planned.

J) REVIEW AND APPROVAL OF THE 2013 MUNICIPAL ELECTION COMBINED PRECINCTS AND POLLING LOCATIONS. PRESENTER: RECORDER KRESSER.

City Recorder, Kathy Kresser, stated that there will be a voting precinct at the Community Center and one at Manila Elementary School. Everyone that lives above 1100 North will go to Manila and everyone below 1100 North will go to the Community Center. She needs three poll workers for each consolidated precinct. The Primary Election will be held on August 13 and the General Election will be on November 5.

K) DISCUSSION ON CONTRACTING OUT PUBLIC SAFETY SERVICES. PRESENTER: ADMINISTRATOR DARRINGTON.

Administrator Darrington stated that staff has worked for several months on a public safety proposal for Cedar Hills who inquired about Pleasant Grove potentially providing police, fire, and dispatch services. The City has also been discussing dispatch services with Highland and Alpine as well. The three cities make up the Lone Peak Fire District. Cedar Hills does not participate in Lone Peak police services. Cedar Hills currently contracts their police services with American Fork and are considering their options to determine the most effective way to handle public safety.

Administrator Darrington stated that for Pleasant Grove to provide services is a natural fit because they share a border with Cedar Hills. Cedar Hills has a fire station near the City's northern border. If the City is able to contract services out and have the facility staffed there would be a higher level of service for the residents.

Police Chief, Mike Smith, and Fire Chief, Marc Sanderson, spent a great deal of time determining the cost and what other issues will arise. Administrator Darrington stated that he along with Chiefs Smith and Sanderson have met with all of the City Council Members and the Mayor of Cedar Hills over the course of three different meetings. They have discussed the level of service as well as other potential issues and determined that Pleasant Grove should take on all of the public safety needs for Cedar Hills or none at all.

The cost to Pleasant Grove to deliver proper fire service will be \$840,000. The cost of providing the police service will be \$273,000. Dispatch will cost \$62,000 for a total of \$1.175 million. The anticipated revenues for these services will be ambulance fess of roughly \$110,000. There are E911 monies that will be revenue to the City, however, they are paid by the State and not the City, so that revenue may be removed. The net cost to the City will be \$1,014,711. Administrator Darrington stated that there is potentially more court revenue but the logistics are still being worked on. If the City handled their police services and a citation needed to be paid they would potentially be paid through Pleasant Grove.

Attorney Petersen did not think that citations issued in Cedar Hills could be paid in Pleasant Grove. Just because they provide the service does not give Pleasant Grove jurisdiction. She reported that there is a State statute that would not allow that. Chief Smith stated that Cedar Hills would potentially like Pleasant Grove to function as their court as well. They would establish their own justice court, but it would be located within the City. Attorney Petersen confirmed that that would be allowed. Administrator Darrington stated that if those revenues were to be captured more court personnel would have to be hired. They had not yet delved into those details.

Administrator Darrington stated that Cedar Hills expects to pay \$984,000 for the three services. Pleasant Grove would charge slightly more due to an increased level of service in the Fire Station. Pleasant Grove would provide four firemen around the clock where they currently have two to three.

Administrator Darrington said that internally staff has indicated this should be an all or nothing deal. There are pieces that would be easier to separate out. Cedar Hills must provide Lone Peak with a one-year notification period if they decide to change to Pleasant Grove. The decision must be made by June 30 or it will actually become a two-year wait.

Administrator Darrington stated that the City will want to build a contingency into the agreement. The current costs are estimates and the City will want some wiggle room in case they have estimated incorrectly. He remarked that police, fire, and dispatch services have an elected body that they report to. If Cedar Hills joins the City there will be an entirely different elected body to report to. He stated that Pleasant Grove's people will attend their City Council Meetings.

Administrator Darrington stated that the City must work out how much they are willing to let Cedar Hills dictate and what they will not be able to cover. There will be added responsibility to the police chiefs which is fine as long as it stays within the realm of what the City can provide. Chief Sanderson stated he was concerned about allowing another elected official to dictate what Pleasant Grove provides to its residents. The challenge will arise if Pleasant Grove offers a service to their residents that Cedar Hills does not want to participate in. For example, Cedar Hills regulates fireworks. There are no fires or open pits within the City limits. Pleasant Grove does not restrict their citizenry in that way.

Administrator Darrington stated that some Cedar Hills Council Members indicated that they would like some budgetary input as to how Pleasant Grove will expend their funds. Typically when a service is contracted out one does not go line by line and explain how the contract will be handled. If they would like a general overview the City can provide that, but the City will not want to have to answer to a budget committee each year. Administrator Darrington indicated that as they get further into the negotiations this could be a point they will bring up. It can be addressed at another time.

Council Member Jensen suggested the term "budget review" be defined because it could refer to a wide variety of things. Administrator Darrington stated that they will want to do a budget review occasionally with Cedar Hills and they will encourage that. The problem will be if they want too much input.

The main benefit to Pleasant Grove would be the manned fire station near the City's north border. Those residents will see an increased level of service. A secondary benefit would be another full-time position in dispatch. Any time the City can offer another full-time position, it helps retain employees. The Police Department will benefit from having an additional officer on shifts, which will also provide an increased level of service. Mayor Call stated that there is also a political benefit to partnering with Cedar Hills. Council Member Jensen stated that it is important to do more than verbalize the benefits. He wanted to put a value to the City in dollars which will help address the \$1.175 million cost.

Administrator Darrington stated that if the City offered fire only services it could create issues with respect to safety and logistics. If they only want police services this would be more doable as Pleasant Grove would likely get the Lone Peak Fire Safety Dispatch and their police services. The City could work something out with Lone Peak Fire District as far as coverage on the North end. If the City goes with police only, the estimated numbers will change. Administrator Darrington stated that the police only number is roughly \$340,000. If they get Highland, Alpine, and Cedar Hills for dispatch it will change the dynamic but add revenue. The cost to the other cities will come down slightly if all three entities sign on to dispatch.

Administrator Darrington wanted to know how the Council wants him to address the entire process. The number he came up with was \$1.2 million for services, which may be too high. He suggested that perhaps they start at \$1.1 million. Cedar Hills will have to come up with a large amount of money if they choose to switch to Pleasant Grove. Council Member LeMone asked how the process came about. Administrator Darrington stated that Cedar Hills approached Pleasant Grove for a bid. He noted that they have been using Lone Peak for 10 years for fire services.

Council Member Jensen stated that they cannot bargain shop, and are looking for value. They know Pleasant Grove can provide a better service. He did not think they should have to charge their own citizens more to bring on Cedar Hills. Council Member Jensen did not think that fire and police should be separated. Chief Sanderson agreed and stated that it could create problems to have fire and police operate from two different cities.

Council Member LeMone wanted to hear from both Chiefs regarding what would benefit the City and their departments the most. Chief Smith stated that entering into the contract with Cedar Hills would benefit the department. The added manpower will help both cities. There needs to be a philosophy that there is no division between the cities.

Chief Sanderson had seen from meetings that Cedar Hill recognizes the benefit they will receive from the increase in service. Pleasant Grove does not want to send the message that the City has something to gain. If there is a way to balance that politically there will be a greater chance of success. Chief Smith thought Cedar Hills will truly receive a much higher level of service.

Administrator Darrington stated that they have not talked cost in detail with Cedar Hills and have been more concerned about the overall level of service. He explained that there is great value in healing wounds between two the communities that goes beyond a dollar amount.

Mayor Call identified the two main points of negotiation. The first is clearly the dollar amount. The second is the level of involvement of another elected body in the day-to-day operations, and what level of involvement that will be. He considered it important that Cedar Hills understand that they are talking about contracting with them and not about inviting them into the nuts and bolts of the day-to-day operations. Administrator Darrington indicated that that is the message they passed on to Cedar Hills. Council Member Jensen suggested he tell Cedar Hills what pieces they can and will be involved in. Administrator Darrington stated that the next meeting in Cedar Hills is with the full governing body at which time they will be able to discuss both issues. His main concern was to put forth the best proposal possible.

Mayor Call asked what it is worth to the City to have the satellite fire station on the north end of the City and whether they are they willing to take money out of the grand total to Cedar Hills. Chief Sanderson responded that it is difficult to put a dollar amount on the fire station because Pleasant Grove does not have the capital expense to ever build a second fire station. He felt it was opportunity cost as well.

Administrator Darrington stated that they can come up with another number besides the \$1.2 million. Mayor Call stated that Pleasant Grove must move quickly. Cedar Hills' next meeting is likely on the 18th and he would like to have the information before that time. Mayor Call stated that transparency will be important in the negotiations. There was no problem sharing with Cedar Hills the issues discussed tonight.

Administrator Darrington agreed with Mayor Call and added that there are always trust issues associated with these types of projects, however, he was certain that if they proceed everyone will be very pleased. He indicated that Pleasant Grove City has as much interest in making this work as Cedar Hills does. Mayor Call asked if Chief Smith and Chief Sanderson needed to do anything to help Cedar Hills understand the value of the services Pleasant Grove can provide. Chief Smith responded that they did all they could to describe the level of service to as many people as possible.

Administrator Darrington stated that if the City takes this project on and Cedar Hills has a lot of demands, it could cause problems for Pleasant Grove's departments that could impact the level of service for the City. Pleasant Grove will have to trust Cedar Hills that they are going to be team players and work well together. Mayor Call stated that there are currently six bosses that the Chiefs have to keep happy and questioned whether they are ready for 12. Chief Smith was worried about that, but was confident they could do it. Chief Sanderson stated that the concerns will apply more to police and dispatch than to fire.

Council Member Meacham asked who was consulting with Cedar Hills or if was just the Council making the decision. Administrator Darrington stated that it is the Administrator and Council and who are going off their experiences. They have had to be careful about how they explain how Pleasant Grove can offer improved services over Lone Peak or American Fork without making it sound like they are talking disparagingly about those cities.

To Council Member Jensen it seemed that trust was one of the main issues. He did not think it was such a big leap of trust or confidence for the City to trust Cedar Hills. He thought it would be more difficult for Cedar Hills to trust Pleasant Grove, which will take time. Administrator Darrington stated that if there was any major distrust they would never have approached Pleasant Grove.

Council Member Jensen asked if there was a way to build into the contract an option to alter the numbers after a certain amount of time if it is determined that Pleasant Grove charged too little or too much. Administrator Darrington stated that it would be very appropriate if Cedar Hills is comfortable with that. He thought it would be useful to sit down after one year and tweak the final numbers. He added that they feel good about the estimated numbers.

Administrator Darrington stated that they will refine the numbers and email them to the Council Members. He stated that it will be a negotiation with Cedar Hills but this will serve as a good starting point.

8) NEIGHBORHOOD AND STAFF BUSINESS

NAB Chairperson, Libby Flegal, stated that there was a meeting regarding problems with bikers and pedestrians that do not look or stop when they cross the Murdock Canal Trail. Chief Smith stated that they will be putting extra patrols with officers on bikes who will help spread information and issue warnings. If the situation does not improve they will start issuing tickets. Mayor Call suggested adding a section regarding trail etiquette to the newsletter.

Director Young stated that they met with Zane Morris of Thorneberry, Glen Gray who owns the property in question, and the owner of the Greenhouse development. Together they came up with a winning situation. The Grays decided that they would like to retain the front portion of the property where their home is and agreed that whenever they sell, it will become commercial. Mr. Morris was not planning to purchase the property. He intended to build one building with 24 units and has proposed to prepare a conceptual plan with the Greenhouse being mirrored onto the Gray property so that there can be two buildings that are similar. It will show how that property can develop commercially in the future. Attorney Petersen stated that the proposal from Mr. Morris will include one building instead of two and there will still need to be an ordinance amendment.

Chief Smith read a letter from a resident that thanked two police officers for handling a potentially dangerous and difficult situation perfectly.

Attorney Petersen stated that they are starting a new program with the Utah Municipal Attorneys Association specific to Utah County. They will be holding a monthly meeting just for the Utah County City Attorneys on the civil side.

Engineer Lewis stated that the developers of Evermore Park presented another site plan earlier in the day and are making great progress. They have picked up the Winters' property, which brings the total acreage to 28. They have more trees than they need and have taken comments from the City and applied them to the plan. He remarked that the commercial portion of the development looks very good.

Administrator Darrington stated that Tyler Wilkens was offered and accepted the position of Assistant Recreation Manager. There were two applicants for the position. Mr. Wilkens began work the previous Monday and will be responsible for the pool among other duties. They still need help in the Rec Department and will address that in the next budget year. There is a new Intern who will be helping with the Promenade. It was reported that a Chamber Luncheon is scheduled for Thursday at 12:00 p.m. that the Council and their families are invited to at Veterans Park. Administrator Darrington announced that the Strawberry Days cleanup will take place the following Monday at 6:00 p.m. The City will provide pizza and drinks. Administrator Darrington informed the Council that Richard Guernsey is putting together the Emergency Management Plan for this year.

Arts and Culture Director, April Harrison, stated that summer reading is in full swing at the library. She reported that a woman who owns an old log cabin structure built in the 1800s is willing to donate it to Pioneer Park. If the Council is interested she would look into the details and the cost of moving it.

9) MAYOR AND COUNCIL BUSINESS

Council Member Jensen enjoyed hearing Chief Smith's letter and suggested that similar letters be read at meetings so they become part of City record. He reported that he will be out of town for the next meeting and unable to attend.

Council Member Jensen asked if any contact had been made with the property owner on 600 West and Center Street and if there was a status report. Attorney Petersen stated that she and Director Young met with him and discussed zoning issues. He is renting the property and should be able to move some of the items from the front if his landlord can move some of the items from the back. A letter had been issued to the landlord. She agreed to follow up.

Council Member Jensen asked if anyone had addressed the property at 235 North 100 East. Chief Smith gave it to his Zoning Officer to follow up on. Council Member Jensen was concerned about a sign placed on the corner of Pleasant Grove Blvd. and North County Blvd. where the McDonalds is going. Director Young spoke with the Project Engineer and they were surprised to hear about the sign. He was confident that they will maintain the site.

Council Member Jensen asked about the status of the sidewalk that was supposed to go on the south side of 1100 North. Engineer Lewis stated that the plans were delivered the previous day for final review. Council Member Jensen reported that August 18 would be his last meeting and stated that there was a very nice article in the *Desert News* regarding Rick Roberts and Fox Hollow.

Council Member LeMone stated that there were a few deaths in her neighborhood over the past few weeks including a small baby and the suicide of a teenager shortly thereafter. Sergeant Edwards was the first on the scene at the baby's home. At the funerals there were uniformed police officers and firemen and she thanked them for taking time out of their day to support the family and community during this difficult time. She thanked the Chiefs for leading their men and women to serve outside of their typical job duties. She thought that creating a new facility was the least the community could do for their public servants.

Administrator Darrington stated that the open house will be next week and tours will be given every half hour. He described the information that will be shared with the public including budget, site plan, and questions and answers.

Mayor Call asked that the details for the open house be emailed to the Council and reported that Strawberry Days is in two weeks. The Council will be involved in the upcoming Concert in the Park as well as the rodeo. Mayor Call stated that he attended the high school commencement and the graduating class was very impressive. The 570 students have accomplished a great deal in terms of scholarships, concurrent enrollment, and associate degrees.

10) SIGNING OF PLATS

No plats were signed at this time.

11) ADJOURN

ACTION: Council Member Jensen moved to adjourn. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 9:03 p.m.

This certifies that the City Council Minutes of June 4, 2013 are a true, full and correct copy as approved by the City Council on July 2, 2013.

Kathy T. Kresser, CMC City Recorder

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