

**Pleasant Grove City Council Minutes**

**January 15, 2013**

**6:00 p.m.**

PRESENT:

Mayor:

Bruce W. Call

Excused:

Kim Robinson

City Council Members:

Cindy Boyd

Lee G. Jensen

Cyd LeMone

Jay Meacham

STAFF PRESENT:

Scott Darrington, City Administrator

Tina Petersen, City Attorney

Dean Lundell, Finance Director

Kathy Kresser, City Recorder

Ken Young, Community Development Director

Deon Giles, Parks and Recreation Director

Lynn Walker, Public Works Director

Brett Smith, Police Lieutenant

Marc Sanderson, Fire Chief

Dave Thomas, Deputy Fire Chief

Degen Lewis, City Engineer

David Larson, Assistant to the City Administrator

April Harrison, Arts and Culture Director

Libby Flegal, NAB Chairperson

Andrea Romanczyk, Transcriptionist

Citizens

The Mayor, 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 roll for the Council and noted that Council Members Boyd, Jensen, LeMone and Meacham were present. He noted that Council Member Robinson should be here soon.

**2. Pledge of Allegiance**

The Pledge of Allegiance was led by Director Giles.

**3. Opening Remarks**

Opening Remarks were given by Engineer Degen Lewis.

**4. Approval of Meeting's Agenda**

Mayor Call commented that the first item of business will be a presentation by Chief Sanderson. Director Young reported that he has a request to continue item c to the February 5, 2013 meeting. Mayor Call said we would take care of that when we get to that point.

**Action:** Council Member Robinson moved to approve the agenda. Council Member LeMone seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.” Motion carried.

**5. Consent Agenda** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion)

- a. **City Council and Work Session Minutes:**
  - City Council Work Session Minutes for August 28, 2012**
  - City Council Minutes for September 4, 2012**
  - City Council Minutes for October 2, 2012**
  - City Council Minutes for November 27, 2012**
  - City Council Minutes for December 4, 2012**
- b. **To consider for approval Pay Request #3 and Change Order #1 for the Grove Subdivision Phase I Storm Drain project to SIRQ Construction.**
- c. **To consider for approval paid vouchers for (December 10, 20, 2012 and January 10, 2013)**

Mayor Call asked whether there were any questions regarding the consent agenda. Council Member LeMone complimented Andrea Romanczyk on her great job with the minutes and was looking forward to having a one-month turnaround for the minutes, stating that it was important for the public. Council Member Meacham stated that in the packet there was a change order for Sunrock but it is not part of the consent agenda. He asked whether it had been left out by accident. City Engineer Degen said that that change order was supplementary documentation for the SIRQ item (item b). Council Member Meacham asked why there was a 15 percent overhead. City Engineer Degen said that price had been accepted. Council Member Meacham asked for confirmation that that amount had not been double-counted or inflated. City Engineer Degen said it was overall a good price and staff had looked at it. Finance Director Lundell said they had actually lowered their overhead from the first submittal.

**ACTION:** Council Member Jensen moved to approve the agenda. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.” Motion carried.

**6. Open Session**

Fred Newman, who has lived in Pleasant Grove all his life, asked the Council to think about the innocent children and teachers who were shot and killed. He talked to Chief Smith and asked him if there was any kind of plan in effect to protect the children in our schools. Chief Smith said he was working on a plan. Mr. Newman said he hoped one part of the plan was what he saw in Sunday’s newspaper. He said Chief Smith should get an E for effort. We need a plan to make sure no one gets into our schools to wound or hurt our children. We will not be able to forgive ourselves if we have not done all we can and not wait until something happens. In addition, Mr. Newman thinks there are enough volunteers in our community to go watch our kids, even if they do not have a weapon, and if they see anything suspicious to call 9-1-1 to make sure they do not enter the door. Mr. Newman said he has also talked to Chief Smith about the fact that we have

pretty good snow removal for sidewalks and he commends the citizens for cleaning their walks, but we are not very consistent with making businessmen clean their walks. He sees this with 90 percent of the business owners that when they plow their parking spaces they do not spend any money or effort on their sidewalks. It only takes a few minutes driving around town to see which businesses are affected. He asked whether we are afraid to confront them and tell them to clean their sidewalks, and he asked whether there was something in the ordinance that they had to get it done within a certain amount of time. Mayor Call said he agreed but that if the businesses do not clean their walks, they will not get business. Mr. Newman disagreed, saying they clean the drive-in places but not the sidewalks. He has seen kids walk out in the roads because they cannot walk on the ice or snow. He has seen a guy with a white cane doing the same thing. This is up and down State Street, both sides.

Council Member LeMone responded to Mr. Newman's comments about making our schools safer by saying she had three children in elementary and junior high schools. The school district is also taking a large part in trying to make the schools safer. The school districts, teachers, and parents are all working together. Security has been increased within the schools, as well. They used to keep all of the doors unlocked so kids could have access to classrooms. Now every door but the front entrance is locked and people are required to sign in at the front desk and be escorted. She said the police department is doing a great job. She said we are one of the only communities she knows of so far with a program having an officer in each school. We are very lucky to have a chief and a police department who are willing to take the time to do that and make that a priority. She did like Mr. Newman's idea of volunteers and appreciated his thoughts.

Mr. Newman said that in the Army there are seven levels of defense (front, perimeter, door, a plan for what happens if the enemy gets in, escape route, and re-attack route). They are all necessary, working together.

## **7. BUSINESS**

Chief Sanderson began by recognizing firefighters Chase Gusman and Paul Eddington. Mr. Gusman has recently been awarded his Cum Laude B.S. degree in Emergency Services Administration and Emergency Management. He also recognized Mrs. Gusman for her support. Mr. Eddington has been awarded his Associate of Applied Science and Emergency Services degree with patient care. This is one additional step toward professionalizing and setting an example for our fire fighters. Council Member LeMone asked what schools these were from and was told the UVU Wolverines. She asked whether the chief has a goal of all of his fire fighters having a college degree. Chief Sanderson said all full-time employees and a great deal of their part-time staff has obtained or is pursuing some form of higher education. It is fortunate that the City allows the time and provides some financial support for employees to obtain an education. He said their goal is to have 15 full-time employees with bachelor's degrees and they have seven or eight right now. Everyone else is currently enrolled.

Council Member Robinson said she had just read a book by Sir Robinson. At a book signing he was approached by a young man and asked what he did as a career. The young man said he had wanted to be a fireman since he was in second grade. In high school a teacher indicated he did not think it was a worthwhile occupation, but a few weekends ago the young man saved his former teacher's life. Education adds to passion, and as she has walked around the Rec Center she has talked too many and has been impressed by their level of excellence. Chief Sanderson said one of the things they were going to do to set an example for Scouts who came to visit the

fire station was an education wall showing the degrees and diplomas earned by the fire fighters. He said they are a very educated profession. It has not always been so; there used to be more certification than education, but it is changing.

#### **A. REPORT FROM STATE REP. BRIAN GREENE**

Representative Greene thanked the Council Members for hearing from him. He reported on a package of interrelated bills getting ready for the legislative session that starts in two weeks. This discussion will be important to the City's department heads and high-level administrators. Two years ago the state legislature passed a bill that required each agency to look at their source of funding (the concern arose because of the size of the federal deficit). The state required each of its agencies to develop a report that looked at the percent of federal funds that came in and to develop a contingency plan for the hypothetical situation of losing five percent and 25 percent of those funds. The current package of legislation will establish an executive branch commission that will examine accountability issues at the state level, but there are those who feel it is important that the cities and counties start looking at this contingency plan development, as well.

One of the bills will encourage cities and counties to develop a report that shows their sources of funds, including what percentage of funds are received from federal funding (direct or through the state), and what they will do if the sequestration kicks in and there is an across-the-board nine percent cut. Even if it does not happen now, at some point the federal government will have to start cutting its expenditures, so this is a reality we will have to face in the near future. There has been an ad hoc committee with public, City and county, and chamber of commerce representatives, among others. This committee is trying to develop such a plan. This is intended to be a cooperative effort and a partnership. Representative Greene encouraged participation in these meetings, especially by City Council's, mayors, and City administrators. This is the right thing to do, and necessary.

Mayor Call asked whether this is a House bill. Representative Greene said that the package is five or six bills that are all still being drafted; some will originate in the Senate and some in the House. The bills have not yet been numbered. The committee is called Financial Ready Utah. There will also be a big public relations effort to educate the public in which they would like mayors to participate, e.g., with GOED pieces. There will be more information coming through the League of Cities and Towns.

City Administrator Darrington commented that Pleasant Grove does not get much in the way of federal funds. We have some federal grants that are one-time money. Finance Director Lundell said the only ongoing program is the victim advocate program, but there may be other federal funds that are filtered through the state. Representative Greene said he wanted the City Council to be aware of the federal funds situation, whether it is direct ongoing funding from the federal government or monies allocated through the state. The contingency plan process will help us understand and prepare for federal funding changes.

Council Member Jensen said he would like to ask Representative Greene and others on the Hill to resist everything that comes down from the federal government. At some point, rather than reacting by responding to the federal carrot, a better response would be to reverse the direction. Rather than flowing downhill to a City entity, find some way to kick it back to them and say no to the carrot. Every time we turn around, it seems like we take a nibble and then are hog-tied and lose our freedoms, both as individuals and as public entities.

Representative Greene said he appreciated Council Member Jensen bringing that up. He said there is a focus in the other portions of this package of bills; he just spoke generally about the one that will require this reporting and contingency planning at the City and county levels. Part of the focus is also weaning us from the federal funding. We cannot do it all at once, and we need to divide or separate current, existing programs from any new ones. He said he believes it speaks directly to Council Member Jensen's point that the majority of the legislature is very cautious when it comes to any new federal programs and new funding that we could become reliant on. He believes there is a great deal of resistance there. We are talking now about the portion that we rely on every year on an ongoing basis; we have a \$13 billion state budget and over \$5 billion of that is a federal fund. That is nearly 40 percent of our budget. If we just say no today, our education funding is cut in half. Our Medicaid funding is cut by 70 percent, and right down the list. We do not have the means to fill that hole. We are, in this legislation, looking at a method that will require time but eventually wean us off that. To give an example, there are a number of possibilities, including asking the federal government if they will cooperate with us in the federal gas tax and incrementally reduce theirs by a penny while the state increases it by a penny. There would be no net effect to the citizens, but over a period of time we can get the federal government out of that completely and have that all controlled at the state level. Right now, a lot of our highway and road funds come from the federal government, and as you said there is a hook in it. There are always strings attached, similar to what the Council discussed last week in the planning meeting on the connection of Geneva Road and 100 East. In order to go after federal funding, we have to accept these hooks and deal with the historical building. That limits our options and increases the cost. This gas tax proposal is just one method. If we look at doing that across the board, we can begin to control and intercept more of those dollars—keep them here and control it ourselves. We will then be less susceptible as time goes forward. It took us a long time to come down this road to the level of dependence we have now; it will take some time to go back. He said he would just love to say, "Keep your money," but 40 percent of our budget makes that impractical.

Mayor Call said we would love to have Representative Greene back here on a regular basis. Representative Greene said he would come any time he feels there is something important like this to report. If anyone wants information on the committee or its meetings, they should get hold of him; he provided his e-mail address earlier. City Administrator Darrington said he and City Attorney Petersen would be up on the hill sometime during the Utah League and could be in contact with him then.

**B. TO CONSIDER FOR ADOPTION A RESOLUTION (2013-01) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT FOR A MULTI-JURISDICTIONAL MUTUAL AID AGREEMENT FOR SHERIFF AND POLICE SERVICES BY AND BETWEEN PLEASANT GROVE CITY, UTAH COUNTY, OREM CITY, ALPINE CITY, SPANISH FORK CITY, SANTAQUIN CITY, SPRINGVILLE CITY, PAYSON CITY, SALEM CITY, LEHI CITY, EAGLE MOUNTAIN CITY, SARATOGA SPRINGS CITY, LINDON CITY, UTAH DEPARTMENT OF CORRECTIONS, UTAH STATE DEPARTMENT OF NATURAL RESOURCES, UNITED STATES MARSHALL, UTAH TRANSIT AUTHORITY (UTA), UTAH STATE DEPARTMENT OF PUBLIC SAFETY, AND UTAH STATE MOTOR VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Police Lieutenant Smith said this is an interlocal agreement between pretty much every City in the county and it also includes cities and entities outside of the county in a law enforcement

agreement. It does not encompass all aspects of the City law-enforcement response. Outside of the county, parties include Nephi City, Heber, Utah Department of Corrections, Utah State Department of Natural Resources, the United States Marshall office, the Utah Transit Authority, the Utah State Department of Public Safety, and the Utah State Motor Vehicle division. It is for large responses, for issues that have law-related impacts, e.g., riot or natural disaster. It replaces an agreement from 1989. It does not affect other interlocal agreements already in place for smaller, more routine needs, such as SWAT or special victims units.

Council Member Jensen said he wanted to make sure he understood that it does not obligate the City to respond to an event. Lieutenant Smith verified that this was correct. Council Member Jensen said he understood that if you do respond to an event, upon the arrival at the event you fall under the incident command structure. He is assuming that when that happens, that person directs, probably through local command structures, what each department will do. He asked whether at any time during that incident that would not preclude you from pulling your forces and materials and returning them to the City? Lieutenant Smith verified that this was correct. Council Member Jensen went on that even if they were under the command of the local entity, you are free to leave should you be needed elsewhere back in our City. Lieutenant Smith verified that this was correct and went on to state that those resources, whether people or equipment, always belong to the City. We are not indemnified by anything that we go into, nor is any City that comes to our City. They are our resources and we have ultimate say on what use is made of them.

Council Member Jensen said the agreement also states there may arise situations in which both entities may go in on materials, equipment, etc., e.g., between Lindon and Pleasant Grove. He asked Lieutenant Smith to explain briefly what that means with respect to ownership, where it is located when it is not at an incident, who has access to it, etc. Lieutenant Smith said there is equipment that has been purchased with grant monies or federal money. The county has made an agreement among chiefs and representatives that instead of each of us taking our tiny little chunk of the money and using it for our individual entities that we keep the money pooled and buy some resources. Right now there are some incident command resources that are owned by everybody and they are staged in different areas. Chief Sanderson is more involved in the fire side of that. Chief Sanderson said this is the LEPC: Local Emergency Planning Committee. It is fire department-related, consisting of Pleasant Grove, Lehi, Lindon, and Orem. We have spent close to \$3 million in equipment over the past 10 years that is combined and each of those four agencies has specific apparatus, technology, and certifications to lead an incident command and have the equipment necessary to assist law enforcement on any Utah County event. It is a cooperative effort. Lieutenant Smith said on the police side the money is not as robust as it has been on the fire side, but some resources have been acquired, such as bomb equipment, robots, etc., mostly housed at the sheriff's office.

Mayor Call asked if there were any further discussion. There wasn't any, he then read the resolution in its entirety and called for a motion.

**ACTION:** Council Member Robinson moved to adopt Resolution (2013-01) authorizing the Mayor to sign an Interlocal Agreement for a multi-jurisdictional Mutual Aid Agreement for Sheriff and Police Services by and between Pleasant Grove City, Utah County, Orem City, Alpine City, Spanish Fork City, Santaquin City, Springville City, Payson City, Salem City, Lehi City, Eagle Mountain City, Saratoga Springs City, Lindon City, Utah Department of Corrections, Utah State Department of Natural Resources, United States Marshall, Utah Transit Authority (UTA), Utah State Department of Public Safety, and Utah State Motor Vehicle. Council

Member LeMone seconded and a voice vote was taken with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.” The motion passed unanimously.

**C. TO CONSIDER FOR APPROVAL OF A SITE PLAN AND FINAL PLAT FOR THE COMMONS TOWNHOMES (134 TOWNHOME UNITS) LOCATED AT APPROX. 1650 WEST 100 SOUTH IN THE GROVE MIXED HOUSING SUBDISTRICT ZONE.**

**ACTION:** Council Member LeMone moved to continue item c to February 5, 2013. Council Member Meacham seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.” Motion carried.

**D. DISCUSSION ON STRAWBERRY DAYS**

City Administrator Darrington reminded the Council that there had been discussion before Christmas about our role in Strawberry Days. He attached some questions to be answered. We do not necessarily need to take action today; if the Council wants to give direction that will be excellent and we can start moving in that direction. He also attached draft bylaws for the committee. Decisions on the questions on page 1 can be reflected in the bylaws.

The questions to be discussed are:

- (1) Should Strawberry Days be a separate entity? It currently is not a City function and mostly functions now as a separate entity and as a City we have representation there and employees who are heavily involved in the planning and execution. The City does not run or control the meetings.
- (2) Do we want to have a Strawberry Days Chairman appointed by the Mayor and Council, or are we okay with the current system? Currently, the chairman serves until he or she no longer wants the position, and then the group picks someone who has knowledge of Strawberry Days to become the next chairman. There is no written structure for succession. The original bylaws were established in 1952 or 1958 and had no succession plans. There is no current structure outlined for that kind of change.
- (3) Should the City carry liability for the event? We currently do, and when decisions are made that are not in our control, that can increase our risk of liability. There are things that happen at the rodeo grounds in which we are not involved at all, yet the City could end up being responsible for paying for them because they fall under our liability.
- (4) Should the City have financial oversight? Right now, they do have a system set up where they have a general understanding of the revenues they generate each year and they have a general understanding of their expenditures, but not an actual budget. When it comes to the management of the funds, they do pretty well. Strawberry Days does have a revenue stream and they are able to set aside money each year for projects. The actual management is not very well organized but it functions for what they are trying to accomplish. Administrator Darrington said he would like to see things more structured and organized, and for the City to decide on its role and whether to get involved.

- (5) The last time we talked, we decided that the City will continue to oversee the Miss Pleasant Grove pageant, and we can create a budget for that and make it part of our yearly budget. Even though the Miss Pleasant Grove pageant queen and royalty are part of Strawberry Days, the funding really all comes from the City. Mayor Call said it is a separate thing and the winner of this pageant goes into the Miss America system. City Administrator Darrington said the overseer of the Miss Pleasant Grove pageant (Terry Marchbanks) is also a Strawberry Days committee member and is involved in some aspects of tying those things together.

Council Member LeMone asked whether these bylaws are new or the current bylaws. Administrator Darrington said the current bylaws say the Manila Ward is going to be in charge, and everything is tied back to the wards at the time and the church as to the function and how Strawberry Days is going to work. It really does not relate today to how it actually works. The last time he met with them was where they had this discussion, back in the April-May time frame. Council Member LeMone asked whether some were on board and some were not. City Administrator Darrington said it was a mixed bag. Council Member LeMone asked whether there had ever been talk of having a Mrs. Pleasant Grove pageant and whether a Council Member could be eligible. Administrator Darrington laughed and said he would turn it over to Terry Marchbanks.

Council Member Jensen asked if we are able to quantify currently what resources are being contributed to the Strawberry Days in the form of finances, manpower, fire, police, staff, etc. and whether any of our staff are volunteering time. His second question had to do with liability. It seems that if Strawberry Days were responsible for liability insurance, and for whatever reason that does not happen unbeknownst to the City, they might turn to the City anyway if an event takes place. Part of the discussion ought to be whether we want to carry liability insurance because we will be liable anyway, whether we do or do not. Is there some way to mandate that it does not fall back on us? Attorney Petersen said our job is to try to limit our exposure. In the event that some event of Strawberry Days is held in a Pleasant Grove facility, we are going to have some liability insurance to cover that already. We typically require outside people who hold special events to hold their own liability insurance and additional insurance so that we are covered exposure-wise. Some may try to claim against our insurance anyway depending on the degree of our involvement and control. It is complicated and it is hard to lay out a general rule about who is responsible. It is safer for us to require them to carry their own liability insurance and then coordinate with them.

Council Member Jensen said what he was trying to lead up to with that was whether it is even possible or feasible for the City to cut all ties with Strawberry Days, and if we are involved in even one part of it, we are involved in all of it when it comes to liability issues. He asked whether completely cutting ties makes any kind of sense. Even if we make a donation, we have not cut ties. Mayor Call added that they will still be using our facilities.

Mayor Call asked Administrator Darrington how he wanted to go about this discussion. Administrator Darrington stated he had laid out three options. (1) We can completely cut ties and make a donation to the event. (2) We can create a separate entity in which the City has membership and is part of the decision making. Particularly if we are providing the liability insurance, we need to have the ability to say we cannot do that—it is going to cause us a problem. (3) The City takes over the event and runs it with City staff and volunteers.

Council Member LeMone asked whether we can even do that. Administrator Darrington said the big question is who is in charge. When the Strawberry Days board has issues, they come to him. He does not know if he is in charge of Strawberry Days, and that is what he wants to clarify—the different roles. He said his preference is we help them get organized and restructured to a committee so that whoever is involved on the committee knows what to expect and what the expectations are, and that there is a structure in place so that questions come and someone needs to make a decision, everyone knows who has the final authority to make those decisions. Right now, that is kind of up in the air. It goes back to when Frank Mills was the City Administrator and the Chairman; both roles were meshed and it was easy. Right now the roles are separated and we are still trying to figure out who is going to do what.

Council Member LeMone said she thought that was in part why we had a Council Member on the Strawberry Days committee, so that person could represent the Council. Administrator Darrington said the Council Member is part of the committee, but that person does not have a vote and the committee really does not vote on anything. If you have been to a meeting, they kind of make decisions as they go. Council Member Jensen asked whether the direction we are heading is to formalize a partnership, and when we formalize a partnership if we spell out our role, our responsibilities, what we can and cannot do. That seems to be the mood of the Council—we want to continue involvement with Strawberry Days, we want to partner with them, but we want to make that a formal relationship rather than ad hoc informal relationship.

Mayor Call said he thinks most of the members of the board would appreciate that. Administrator Darrington agrees and said that was the feedback he got from them. There were some saying we need the structure and this will be helpful to us. There were just a couple of others that did not necessarily want the City dictating what was going on. We need to find a balance. A partnership is a great way of putting it, and option (2) in some manner seems to be the best fit. Again, we do not want to upset everything because they pull it off every year and it is a really great event. These are volunteers and people who are willing to serve the community, and we do not want to step on that. Administrator Darrington said that Option 2 is to stay separate entities but the City has representation, a voice. Council Member Jensen said he did not think it was even option; a partnership is not a separate entity relationship; it means we are married for better or worse. City Administrator Darrington said it was not the same.

Mayor Call said he thinks we are headed in a partnership direction because what happens is that they want to run things, but when they get into trouble or conflict or friction, they want to have somebody to go to. He thinks they will all welcome this kind of a formalized partnership structure where the City ultimately is the final decision maker.

Administrator Darrington asked with that, do we want to step out of the bylaws and just let them figure it out themselves. Council Member LeMone said she thinks we need the bylaws and a structure for liability reasons. For financial reasons it makes sense to be more organized. What happens if one year every member decides to quit? No one would have a clue as to what is going on. For documentation purposes, liability reasons, financial reasons, to protect every member of the Strawberry Days board, the City, and everyone involved, she thinks it does need to be more organized. She likes the idea of approaching it as a partnership. She did not like the idea of a separate entity; it makes it seem like we do not want to have anything to do with them. We do want a partnership. We have to have these bylaws. This is something that must be established for the protection of everyone involved.

Council Member Jensen said the approach back to them is that we want to partner with them, and the recommended bylaws seem to be a starting point to define what the partnership is, without shoving it down their throats. That will clarify how they feel about it as they see what we are willing to discuss. Administrator Darrington said we already sort of had that discussion. He gave these bylaws to them and suggested talking about how we want to run this. That is where he got the feedback of some who think it is running just fine and we don't need this, and others said we do. At least for that one meeting, they walked out with the board not being able to say as a group that they have a plan. Administrator Darrington thinks it will take some pushing on our end to say this is how we are going to do it.

Council Member Jensen said we have to be willing to accept the possibility they might say no. If they do, we have to be able to define to what extent we participate. If we are suggesting a partnership and they do not want a partnership, we have to then tell them what we are willing to do.

City Administrator Darrington said that is part of the flaw in the system. As we are trying to draw consensus among them, there is no voting mechanism and no way to let them advance decision making because it is fractured. When it comes to organizing events everybody knows exactly what to do. When it comes time to talk about how they want to be organized and structured, they get fractured. There is really no final decision-making point where they take a vote and move in that direction. It will be hard to get them to come together to talk about this. If we sit down with them a second time and frame it differently, having the mayor there or an elected official to ease it along and let them know it is important to the City Council that we work on this framework and partnership so that it works for both parties, we then will be able to talk about it. Council Member Robinson has sat in on a couple of those meetings and she sees a structure with chair, vice-chair, and five board members working. This looks good but Director Giles has more experience with this than anyone and he knows what a slippery slope it is.

Council Member Boyd said it is kind of like the arts function with the board and then the commission function. They are the decision makers. City Administrator Darrington said that is right, where do the board members come from? They are appointed by the City. Right now we do not appoint anyone on the Strawberry Days committee. Council Member Boyd said that could be part of what we are doing here. City Administrator Darrington said that is what he is getting at—that will be a fundamental shift for them for the City to say these are now formal appointments. At that point they become a committee of the City. Council Member LeMone said we can help keep people involved with Strawberry Days and get the ball rolling. City Administrator Darrington said he has had a discussion with the current chair about this and that is where some of the hesitation came in. He talked with the rodeo committee chair and they love the idea of structure. The current chair and a couple of others were really hesitant to see the City get involved to that extent. When the whole group was together, the conversation was a little different. He thinks we are not miles apart; it is just a matter of coming together. We as a City have to determine whether we are going to appoint them, start appointing the chair—if that is going to be our role and we will take ownership in that part of the partnership.

Mayor Call said we need to look at this as we do any other board or commission. You go into the City code and it spells out exactly how members of the board, how they function, how long their terms are. If it were like any other board or commission, typically those boards elect their own chairs and vice-chairs. He would be perfectly fine with that. We could stagger terms. It would make more sense.

Council Member Robinson said two years is a bit short and probably four years would be better and more standard. Council Member Jensen said the vice chair could serve for two years. Council Member Robinson said if that is the first idea they hear, that the terms will be limited to four years, we need to have a plan in place.

Mayor Call said they are already a functioning group. He would argue that they are a better-functioning group than some of our current boards and commissions. Administrator Darrington said he would agree and they do a great job. Council Member Robinson said putting limitations on their terms will give an ebb and flow; some of them may remain on the committee.

Administrator Darrington said this is the feedback he was looking for. His next phone call will be to them to say the City would like to come and talk to them at their next meeting about in essence making them a formal City committee with appointed board members, and those appointed board members can start fleshing out the bylaws. He can help with that, but then we will not be dictating that to them. He hopes it will lead to a formalized budget.

Council Member Robinson said she has presented ideas to the Strawberry Days committee and there is no process for updating or making a decision. Council Member Robinson asked that if they are incapable of making a decision, how will they make a decision to partner. Administrator Darrington said that is just it; we as a City need to present it. Council Member Jensen said he does not want them to feel like it is a hostile takeover. Administrator Darrington said that is where the mayor will nuance it in his approach, more in concern.

Arts and Culture Director Harrison said she has been invited to the first meeting in a couple of weeks (the 28th). She asked whether she can just feel things out because she knows most of them and is one of the “old people.” She would like to feel out the climate before the Mayor and the City Administrator approach them. She is good at negotiating. Administrator Darrington said that would be fine. Council Member LeMone liked the idea of giving them some advance warning, easing into it. Administrator Darrington said the ice has already been broken because he has come in and ruffled a few feathers. Director Harrison said she knows the chair and she has been into her office several times about issues. They do feel threatened, and she thinks if we approach them ... She loves the idea of structure, she loves the idea that we have to have some kind of job descriptions, so when a 70-year-old decides she does not want to be the chair someone else can step in. There need to be some other things in place for the next generation to be able to take over. She hopes the Council would allow her to attend this first meeting. She is afraid if City Administrator Darrington and the Mayor come in; they are going to shut the doors. She has a relationship now with some of the members. Administrator Darrington agreed that she can be more effective that he can. Director Harrison said she will ask that it be a discussion item.

Council Member LeMone said she thinks the other thing is that they do a great job every year and we want this to continue for many years to come. In order for that to happen, some structure and organization needs to take place so if something happens, if someone decides to quit, we then have people who are ready and can take over at a moment’s notice to continue this hundred-year tradition. Otherwise we are in trouble. She likes approaching it from a positive point of view instead of telling them we do not want the liability or being negative.

Director Harrison said she may come back and say there is no way they are going to do this, but at least she will have tried to make it a little smoother transition. Administrator Darrington said, for what it is worth, he soft-pedaled it and tried to use an encouraging tone. He got an e-mail from one of the members saying thank you, we have needed this for a long time. Again, not

everybody felt that way. Director Harrison said she agrees this needs to happen, she just does not know if it needs to happen in two weeks.

Administrator Darrington said if we do Strawberry Days this year the same we have done it in the past, and this takes a year to put into place, he does not see a problem with that. It is just something we eventually want to see taken care of. The fact that Director Harrison has a personal relationship with the chairman will go a long way.

Mayor Call recapped by thanking City Administrator Darrington for his work on all of this. What we will do is have Director Harrison attend the first meeting on the 28th and will report back to us, letting us know how the discussion was received. We are united as an elected body that we definitely want to create a Strawberry Days board and that we want it to be in partnership with the current committee so there is institutional knowledge.

#### **E. DISCUSSION ON PROMENADE SURVEY**

Assistant to the City Administrator Larson said he was excited to talk about the results of the survey on the Promenade. There was a survey on the Promenade in October right after it ended at the end of September. Some of the feedback from the Council was to do a survey, find out how the vendors, visitors, and performers felt to see if there were any changes that needed to be made to the length of time, the number, type, or quality of vendors, the pricing structure, the vendor fees, etc. This is what ensued from that. He said we asked questions generally, so anybody who responded to the survey would respond to those questions, and there were also questions that were specific to the individual groups of vendors, visitors, and performers. There was also a general question at the end that all were asked to respond to, "How can we make the experience better?" At the back of the packet is a list of all of those open-ended responses.

We will look at the results in terms of the general questions, vendor questions, visitor questions, performer questions, and then some cross-type questions where we can see how those responses are broken down by different groups. The main question we wanted to have answered by the survey was how many weeks should we run the Promenade. There has been a discussion about doing a reduced number of weeks or every other week or once a month. We also wanted to understand if we should limit the number of vendors, either the total number of vendors or the number of vendors in each type. We also wondered if we should increase the vendor fee structure and see how the vendors would respond to that.

There are a number of graphs available to help understand the answers to these questions. The first question was "How did you hear about the Promenade?" It was clear that the majority of people find out about the Promenade by word of mouth and from the posters and banners we have in the City. In the open-ended responses at the end, a number of people requested additional advertising, such as radio, Internet, etc. Then we asked the question "Did you participate mainly as a vendor, visitor, or performer?" Half of the responders were vendors, just under half were visitors, and we had three performers that responded to the survey, even though we sent out information to every single performer. Mayor Call asked how the survey was conducted; how the field was selected. Assistant Larson said the survey for visitors was available on the City web site. Multiple e-mails were sent directly to the entire vendor list.

The next question was "How many weeks do you feel are appropriate?" The majority wanted us to keep it at 13 weeks. People want to have this happen a lot. They like the length of time it is running. We asked the question "How do you feel about this statement: The Promenade is a

defining Pleasant Grove community event.” Seventy percent agreed. There were some who did not have an opinion, but very few who disagreed.

The question “Would you miss the Promenade if it was discontinued?” again had quite a majority saying they would miss it and very few that said they hoped the event would go away. When asked “What is your favorite thing to do at the Promenade?” most people (35 percent) said browse the products with intent to buy. We wondered if people really wanted to go and buy, or if they wanted to go and browse, or if they wanted to go and listen to the performers or other things. It was fun to see that people go for different reasons, but a lot of people go to mingle with the community and to buy the products offered there.

We asked the question “What do you feel is the biggest challenge?” Two large responses were the variety of products and parking. We will see later on who said what, whether it was visitors or vendors who said which was the larger issue, but those were the two major things people wanted to address. We found with the responses at the end that people gave a little more information about the idea of a variety of products. It had a lot to do with the idea of handmade products versus bulk products.

Now we get into the questions specific to vendors: “What is your favorite aspect of the Promenade?” Vendors said they like other vendors—blue, red, and green—food vendors, farmer vendors, and nonfood vendors. It is nice to know that they appreciate the special events, probably because of the crowds. City Administrator Darrington asked whether he could define the special events. Assistant Larson said we had four special events: the Fire Day, the Police Day, UVU Day, and the car show.

They were next asked “How many days did you attend as a vendor?” There was a variety of answers there, but most vendors who responded to this survey attended multiple days. Only about 10 percent went just one day. We did ask, “If you went one day, why did you only attend one day and not multiple days?” You can see that the largest response was that they did not sell enough (three responses). There were only 11 vendors that said they were only there one day as a vendor. The others are quite a range of things, from getting sick to scheduling conflicts. This was an important question for us—we want to have vendors return. We want to have vendors with some staying power. To see that people would drop off after one week was a little alarming, but when we look at the total number of vendors who came (not just those who responded), over 70 percent did come multiple weeks.

Then there was a question about pricing. We asked the question in this way: “I will participate in the Promenade again as a vendor if the fees were raised,” and then we gave the example of double. Farmers currently are \$5, nonfood vendors are \$12, and food vendors are \$15. Doubling the cost of the vendor fees was not popular and they said they would not participate. This was not surprising.

Council Member Jensen commented that there could be a fourth category, and we probably want to address it if we want to increase attendance. Would we charge a fee if a nonprofit wanted to attend? Assistant Larson said this last year he gave discounts (half price) to nonprofits. That was done on a case-by-case basis. One of them just asked if there was anything we could do for them, and another came in and asked if it could be free. Administrator Darrington asked for an example of a nonprofit. Assistant Larson said one was the American Cancer Foundation; they were going to do a drive and wanted to advertise for it. Another person considered himself to be nonprofit; it was an election-type of entity. He did not give him the discount. Council Member Jensen asked

whether if the cheerleading squad from the high school or the football team or such came, would we consider them nonprofit and treat them differently from a regular vendor. Those kinds of groups might also boost attendance and we might want to encourage them to attend by looking at the fee structures. Administrator Darrington said it might be a nuance of whether they are coming to promote themselves or to sell a product to raise funds. If they are coming to sell a product, it might be a little tricky to give them a discount when we are not giving it to others, but if they are just coming to promote themselves in some manner, they could get a lower price. Mayor Call said there is also a formal definition of the term “nonprofit”: one with 501(c)3 status.

Council Member Boyd said it also might be good to have high school clubs, maybe giving them a space that could rotate among different organizations.

Assistant Larson said then we get into the visitor questions. They are very similar: “How many days did you attend?” Most (75 percent) attended at least a second time. “What is the main reason you only came one time?” Over 50 percent said scheduling conflicts. Some other reasons were that there was not enough variety. Council Member Jensen asked whether the responses were separated by gender. Assistant Larson said they were not; that question was not asked. “What is your favorite aspect?” The visitors again liked the vendors and the special events; not a lot of difference there between vendors and visitors.

Then he got into the questions where different groups responded differently and we can see how they responded. The first question about the biggest challenge showed that parking and variety of products were the challenges brought up the most. Those who said variety of products were generally visitors; those who said parking were generally vendors. He thought visitors might say parking was an issue, but they were not the ones struggling with loading. The next two tell a similar story from different groups. The first way we asked the question was by your favorite thing to do. We wondered if you liked different aspects of the Promenade, did you want a certain number of days. You can see that regardless of why they went to the Promenade, they liked it to be 13 weeks. Regardless of the number of times people went, they still wanted to have it the 13 weeks. Vendors say they would miss it, as did the visitors.

That brings us back to the three main questions we wanted to answer: How many weeks, should we limit vendors, and should we raise prices? The subject was opened for discussion by Mayor Call.

Council Member Meacham said the first question is pretty well answered -12-13 weeks. Mayor Call said that once school starts, attendance drops right off. Days are shorter and it gets colder, so everything conspires against you. Council Member LeMone said that was in some of the comments: one survey taker said to run it June, July, and August, not September. When school starts back up in the fall, it takes people away those nights. Council Member Boyd said she thinks we could have the last one end at Labor Day. If it is a true farmers’ market, the produce does not come off until the farm is done.

Mayor Call said Assistant Larson had asked whether it is a defining event. It is. We have two other defining events that could bracket this perfectly: Strawberry Days and Heritage Festival. What if those were the brackets for the Promenade? It would start the Thursday after Strawberry Days and end the Thursday right before Heritage Festival. He did not think that would end up being the full 13 weeks, but there would be some symmetry. Assistant Larson said one thing to keep in mind is that this year the 4<sup>th</sup> of July is on a Thursday. Beyond that, regarding September, we had our biggest attendance on the car show night. If we had things that were really cool in

September, people would come. Council Member LeMone asked if we could have the car show in another month. Assistant Larson said absolutely; it was just that we do not have to say nothing happens in September; we can make things happen in September.

Council Member LeMone asked whether we had ever thought about changing the night, such as Monday night for Family Night. Administrator Darrington said he did not know if it would hurt vendors that were there every week. As far as families are concerned, that might help because there is less scheduled on that night, but some vendors might want that night off for their own families. Council Member Jensen said it would be interesting to know if that would make a difference. Assistant Larson said for those vendors who come repeatedly, they generally have other events on other nights, and they set aside Thursday night as Promenade night. One vendor approached him two weeks ago and said he was looking for a Thursday night market and wanting to register for Promenade. NAB Chairperson Flegal asked about the vendors who had come only once because they did not sell enough, whether that was because of it being on Thursday. Assistant Larson said we did not ask that question specifically.

Council Member LeMone said a lot of the comments were that it was too much of the same product. They wanted more handmade versus bulk, imported items, and it was too much of the same vendor. She likes the idea of advertising it as between Strawberry Days and the Heritage Festival—it is an easy way to remember it. She does agree that once school starts, except for events, it starts getting dark sooner and there is a lot going on. The summer really makes sense. Administrator Darrington asked if we could explore that a little. Community Development Director Young said he was wondering if the 4<sup>th</sup> of July was necessarily a problem. It might be something fun to do on the 4<sup>th</sup>. Promenade would be over by the time fireworks started. A lot of people want something to do that day, and a special patriotic or military event might work, maybe with extended hours. Engineer Lewis asked whether we would still get the vendors on a holiday like that. Assistant Larson said a lot of the vendors do the 4<sup>th</sup> of July thing in Provo. Mayor Call said it would also be a very easy thing to find out very early on.

Council Member LeMone asked whether this is something that Assistant Larson is in charge of; would he be the person to go to regarding the Promenade. Administrator Darrington said that is something he wanted to bring up. In the past it has been our intern. Now we have hired Assistant Larson full-time, and if we want to continue with him to oversee this and not necessarily have an administrative intern, that is fine. He then said that is the discussion they had, mainly because they are going to see what Assistant Larson has on his plate at the retreat. He does not want us to overload. He thinks Assistant Larson can handle the Promenade as far as all the management. They have also asked him to become the director of our chamber of commerce and focus on the downtown businesses and getting them going, which will take a lot of time and effort. That does not have to be decided tonight. Mayor Call said the reality is if he is works for the City, he is going to be overworked. That's part of the job description. Administrator Darrington said administrative interns are not free, and we had to free up money in order to hire a full-time employee. He is struggling to figure out whether we need an intern. He also wants to have a discussion on whether we need to rebrand it and maybe call it something else. Are we to a point where when people hear "Promenade," they know what is going on? Council Member LeMone said when we used it at first, she heard people wondering why we called it that, but now it is already there and we have created the brand. Council Member Boyd said the logo is great.

Mayor Call addressed the second question. He does not see anything in the survey that would really address that. Assistant Larson said the variety was addressed. Mayor Call said he was talking about limiting the number of vendors. Assistant Larson said he thinks that ties in—if you

have too much of the same vendor, that would be the limiting factor. You do not want 15 guys selling hot dogs or 20 selling earrings. Assistant Larson said we do not allow duplicate vendors for food, for obvious reasons, but then generally it is a market atmosphere. We do not really say, you can or cannot come because you are the fifth vendor that has earrings. Everybody's earrings are different. Council Member LeMone asked if he had been to the Pioneer Park farmer's market in Sal Lake on Saturday morning. That is diversity. She is sure they do not limit anything. The whole park is packed with vendors. Council Member Jensen said his opinion is to let the free market rule. Those who are selling their wares come back week after week because they are selling—great. If there are five of them, that is okay. Mayor Call asked why we limit the food, then has it been a problem, if we had had to turn people away. Assistant Larson said yes, last year we had two kettle corn people register and it worked out that the first person was there for a few weeks, and then the other was there from that point on. When they are set up directly across from each other, it drives prices, profit, and enjoyment down. Council Member Jensen said his solution would be to put them on different ends of the park. He does not see that there is a compelling reason. Assistant Larson said the vendors do not want it. They have specifically said they do not want duplicates and ask him before signing up if he has a similar vendor already.

Engineer Lewis asked about comments about spaces being reserved. Assistant Larson said there were some issues with the term “reserved” that we need to adjust on the web site. City Engineer Lewis said he thought if each was given a numbered spot, people should set up at that location. There could be an increased fee for particularly desirable locations. Director Giles said there was a power supply problem. Council Member LeMone asked whether we were improving that now. Director Giles said we improved it four or five years ago, but the kettle corn types of machines draw a lot of power. Attorney Petersen said power was also an issue at the Heritage Festival. Administrator Darrington said they would take a look at that.

Council Member Jensen said that at most of these types of activities, the price of a spot varies by location. That is not such a bad idea. He does not know a vendor who does not have it exactly in mind what spot he wants (e.g., end booth versus one in the middle). The location determines how many people will walk by your booth. There may be some choice vendor spots that go for a different price, and there will be vendors who will pay more for a particular spot.

Assistant Larson said that goes away from the price structure of the type of vendor to the location. Council Member Jensen said it could be both. Mayor Call said one reason we charge food vendors more is the power they draw. It will take some research on what other people do. Council Member Boyd said electricity is one thing that needs to be upgraded. We also need a covered stage (shade) for entertainment and should look at that the price would be for that. She thinks the entertainment should be relocated this year kind of in the horseshoe area and we need a new sound system. Administrator Darrington said we could look at that. Council Member Boyd said we will get better quality entertainers if there is shade.

Council Member Meacham said part of the reason we started the Promenade is to revitalize downtown. Is there any way we can move some of the activities closer to Main Street? Engineer Lewis said that would exacerbate the parking problem, said we have a bit of a challenge now with Cocalitos there. When they are busy, they take up a lot of the parking in that area. Council Member LeMone said if we cannot take people downtown to the Promenade, get the local restaurants to come, like Chubby's or the cupcakes. They could put up tables at the Promenade. We should get some of our local businesses to come to the park instead of us going to them. Mayor Call suggested giving them financial incentives to come. We need to figure out whether to offer that to any business within Pleasant Grove or just the downtown businesses.

Council Member LeMone said the comment came up over and over again that people wanted more vendor variety. She likes the idea of a free market, but maybe we do not want 10 of the same kind of seller. Administrator Darrington said maybe part of that is identifying what we do not have and trying to recruit them. Assistant Larson said one issue he has is that he agrees there should be some kind of limitation but it is very hard to ask someone about their product when they have a large variety; it is hard to categorize them. Administrator Darrington said he does not think that is what they are talking about when they say “more variety.” His experience is that people who browse want more of those, not fewer. Assistant Larson said he agrees with the idea of letting the market rule. From a management standpoint, we want to reach out to as many vendors as we can, cast a wide net, and maybe target some types of vendors we feel were lacking. Mayor Call suggested having a conversation about some geographic targeting. We would be wise to offer our Main Street businesses and perhaps some others some incentives.

Council Member Jensen said we cannot lose sight of why we hold this event. We do not hold it for the vendors; we hold it for those who attend. The lack of variety is one of the reasons people do not come more than once or twice. We are trying to attract people inside and outside the City who want a good experience. Having too many of the same type of vendor hurts participation by those who come. We need a greater variety of types of vendors to attract more people to come. NAB Chairperson Flegal said one of the reasons people come again is to see whether there are different vendors; not everyone is there the whole time. Engineer Lewis said male and female customers are looking for different things. Council Member Boyd said one comment said “thanks to you guys, my earring collection is complete.” Engineer Lewis said the Promenade is a big attraction on the low-end side for a family to just have fun; it is better than going to the State Fair and paying \$20.

Council Member LeMone thinks the main thing this year will be to be proactive and get businesses coming to us. We may want an event for library week and PG high school week. Special events draw in the crowds and their families. We may be able to get some storytellers from the library who participate in the summer reading program. We should have a special event each week instead of just two or three throughout the summer. It may just be simple, such as the library or rec center. Council Member Boyd said the rec center wanted to do every dance thing on stage, but we need to make sure there is a variety of entertainment. There need to be some rules and guidelines. Director Giles said when we started this whole thing we talked to other farmers’ markets. It is kind of a double-edged sword—you want as many people as you can get there, because that is how you get the quality vendors. To get those vendors there, you also need some of the cheesy ones to draw in the kids.

Mayor Call said we can go in circles for a long time on a lot of this stuff, but the question about the favorite thing to do at the Promenade shows that we still have two-thirds of people who go to the Promenade with no intention of buying any products. They are going just to mingle or grab dinner or listen to the entertainment, or just to walk around and browse. He does not want to get too hung up on micromanaging what is in every booth. The intent was to have it be a gathering spot and a reason to come downtown, and two-thirds of the people are saying they go because it is a great place to spend some time. Council Member Robinson said she went to a similar event in Florida and a company like Cabela’s set up ponds for fly fishing and had duck calls. It drew a lot of people. Thinking outside of the box as far as a community event we can bring a splash so people are really looking forward to seeing what the next week is all about. Council Member Jensen said that is the variety we are talking about. Council Member LeMone said there are seniors who come every time to watch the entertainment. Assistant Larson said from his perspective the community event side of the Promenade is what is important. If we start pushing

the special events, the entertainment, if we do a better job marketing the entertainers coming, that will bring a lot of excitement. We should shift the focus away from the vendors and the business incubator idea.

As one final side note, he said he has started a little bit with the Chamber. He has talked with a couple of board members and they feel it is the Chamber's role to facilitate downtown, utilizing the special event of the Promenade, not that it is the City's role from the Promenade side to cater to the downtown businesses. They are excited about utilizing the value of the Promenade by having all of these people gathered.

Mayor Call expressed appreciation for the work that has been done. He said we have given some feedback and at the retreat we will talk a little bit more about it. There are certain things we as a Council will want to decide on, including the dates.

## **8. NEIGHBORHOOD AND STAFF BUSINESS**

Director Young said he has some feedback on the RAP Sheet. It shows the various plats and plans we are working on. Council Member LeMone said she has received good feedback from sending this out in e-mail. People love it. Please keep it simple and easy to understand. She does not think people are very interested in the plats. Maybe if there is anything going on with parks or master planning that would be useful.

Council Member Robinson asked Director Giles about the health fair by saying that The Lochner Group did a survey on the master trails; are they going to present the results? Director Giles said they should present that information on the 31<sup>st</sup> at 4:00 p.m. Council Member Meacham asked if this meeting will need to be advertised because there will be three Council Members at the meeting. Mayor Call asked Attorney Petersen if the trials meeting will need to be posted. Council Member Boyd said that she would not attend then. City Attorney Petersen said in the future we can just post that there will be three Council Members at a meeting and it will be informational. Mayor Call said asked that the trails master plan meeting be posted so that three Council Members can attend.

Public Works Director Walker said he received a very nice letter from a resident outlining how Jerry Clark and Brian Lloyd really helped out. He provided the letter to the Council.

Chief Sanderson gave a final reminder about the 2013 kick-off event this Friday at 6:00 p.m. All Council Members and staff have been invited. He appreciates the opportunity to recognize fire fighters.

Attorney Petersen advised the Council about the discussion with Rep. Greene about funding and justice court issues. Our part-time prosecutor position will close tomorrow and she will be interviewing with a decision in about a week. She currently has five applicants.

Intern Bird presented what is commonly called a citizen's budget. At the end of last year he had an idea to simplify the City budget so it would be easier to read and understand. He found it had already been done by some other cities. This is collaboration among him, Finance Director Lundell, and Administrator Darrington to cover the important issues and the big items in the City budget: what the different funds are what bonding is and how we use it, sales tax, property tax, and capital projects. This is a consolidated, simplified version. The focus is to empower the citizens to understand what we are doing with their money and also for transparency. This laid

the groundwork so it can be reproduced more easily on an annual basis and be put out along with the budget. It will soon be online soon but it is now in almost every City facility and the library. There have been 100 copies printed up so far. Intern Bird can send it electronically for e-mailing to constituents. Administrator Darrington suggested we also send it out on Facebook and Twitter. Comments should be forwarded to Intern Bird or Finance Director Lundell for the next time.

Intern Bird printed some potential posters discussing the mission, vision, strategies, and values of the City. These can be posted in all the facilities to help drive a discussion. Administrator Darrington said he would like to have them sized 22" x 28" and have one hanging here in the Council chambers so people attending the meetings can see it. They will be in all of our facilities on a much larger scale. We want to promote this with our employees kind of like our P.R.O.U.D. program, but we also want our citizens to know that this is what are mission and vision are. Mayor Call asked whether this is the finalized version. Administrator Darrington said yes unless there is some feedback otherwise. The posters have not yet been ordered. Council Member Jensen said there is nothing in here about utilizing funds. Is this not an appropriate place to make a statement about how we handle the finances of the City? This is wonderful for the citizens, but one of the biggest concerns we know from experience is the fee structure. There is nothing about our approach to finances, budgets, and fees. Mayor Call said it is probably not the right place for that; it is a little more big picture, but it is something to think about. Director Lundell said he liked the idea and the format.

Administrator Darrington presented a quick update about one of the items on the RAP Sheet: the theme park. The developer talked to Director Young today and he is getting ready to close on the property by the end of the month. They are moving forward with this project and, in fact, they wanted to get some contact information about the Hammonds Hotel Group because he wants to let them know they are building this and see some synergy between the two projects. At the executive session, they talked about another project in the City and how that could also help with him. Administrator Darrington said he had sent an e-mail to Jackie Dowdy, who is the CEO, updating her on those two projects. We will re-engage with Hammonds now that we have things online here and see if we can get them up and running.

Director Harrison said if anyone knows of anyone who wants to serve on an arts commission or the historic commission, to send them to her or the mayor. Mayor Calls said he has spoken to Director Young and Director Harrison about those whose terms are up. In two weeks we will be seeing a couple of names; one as a re-appointment to the Board of Adjustment, as well as a new alternate Planning Commissioner.

City Recorder Kresser said the microphone system will be installed next week for use by the 23d. Her part-time position closes on the 18<sup>th</sup>; she has about 10 applicants.

Administrator Darrington said we will also have a discussion at the retreat about paperless packets. We have laptops in front of you that are not really being used yet. These will be updated to the latest technologies, or we will at least have a discussion as to better ways for us to get wireless.

## **9. MAYOR AND COUNCIL BUSINESS**

Council Member Jensen asked for clarification on two items on the RAP sheet: Items 1 (1300 West Pleasant Grove Blvd.), 2 (2000 West Pleasant Grove Blvd.), and 11 (579 South Pleasant Grove Blvd.). He asked whether we have a South Pleasant Grove Blvd. and where it is. City

Engineer Lewis explained that the street runs north-south, so at Central Bank you are crossing 2000 West, but that is really more like 900 South at that point. Council Member Jensen asked why it shows South and across the street it is West. City Engineer Lewis said when you get to the liquor store and shopping mall, that cross-street, the stub that does not go anywhere, that is 550 South. Council Member Jensen asked where, physically, it would be, behind the bank on Pleasant Grove Blvd.? City Engineer Lewis said no, it is across the street from the dental place. Council Member Jensen also said he did not see anything on 1300 West and Procter on the other side of the street from item 1. Is that not on the RAP Sheet? City Engineer Lewis said we will have a discussion about that later.

Council Member Meacham said he sent an e-mail (to the Council and City Administrator Darrington) out this morning regarding Tooele for a couple reasons. This has been going on for quite awhile. The article stated that Tooele City is being sued for \$20 million by a developer because the City slowed progress, enforced things they could not and should not have, and put the developer in a situation where he lost two important issues and scheduling issues. He wanted to make us all aware that it is important to have things in place prior to developers coming in. It makes it a lot easier. The other thing is that we need to be aware that this does happen quite frequently, that cities try to enforce things that are not legislated. City Attorney Petersen cautioned that she did not want the Council to read the article and automatically distill some lessons from it to apply in the future without looking at the real legal analysis. Council Member Meacham is correct in that the courts can hold a City liable for causing damages to a developer because they were asking him to comply with not necessarily ordinance requirements but standards that had not been clearly established. They also lost because there were allegations that they were being required to do things that other developers had not been required to do. We just need to be cautious. It comes more back to staff in terms of making sure that we are applying our ordinances and standards uniformly. We have had discussions about that before when people come in and ask for exceptions and the Council has said they did not want to open that door. Attorney Petersen is going to have a phone conference with Roger Baker, the Tooele attorney, on Thursday to get some practical takeaways from him from a City attorney's perspective about how they could have avoided the litigation to begin with. She will write that up and send it to the Council.

Administrator Darrington said he thinks we do a pretty good job right now as a City asking developers to stick to the ordinances. Sometimes it causes a little heartache but we have done a fairly good job of staying consistent, both staff and Council. Not that we do not have our debates on certain things we would like to have different, but we have done it the right way. We made the decision that maybe we did not like because of what the ordinance said, and then we go back and change the ordinance for future projects (rather than changing an ordinance midstream with a developer right there). City Attorney Petersen said it was a huge development and they missed the market because of all the slowdowns. The other issue is that the attorney on the developer's side has the same reputation as the Anderson development had with the Geneva project. There were a number of issues there and she is going to have Roger give her a behind-the-scenes view of how it happened.

Council Member Robinson asked where we are with the TSSD. Administrator Darrington said they are making arguments in front of the judge on certain elements in February. The litigation is moving very slowly at this point. Attorney Petersen asked whether we know whether a motion for summary judgment has been made on either side. Administrator Darrington said that is a conversation the attorney had in early December and he does not know the details.

Council Member Robinson said the Get Up and Move started great on Saturday. We had 40 adults in the Dare to be Fit and we had 14 in Youth Fit. There were a broad range of goals, not all weight loss. Daycare was a hit on Saturday. We will see how the 16 weeks go. We will be rolling out our new Climb program not this Saturday but the next. Rec Manager Nelson ordered her a book of the 60 best hikes in the Utah County area, so we will climb around here, and ultimately the mayor will climb Timp.

Council Member Boyd gave kudos to Facebook regarding the police updates. She likes the library page and said the rec center needs one. She also said she liked Cocolitos. They are overwhelmed with success and even have gluten-free foods.

Mayor Call apologized for not responding yet on assignments. He has received responses from most of the Council on how they feel about their current assignments. He hopes to focus on that while he is traveling. He asked how the Council Members felt about where they were sitting.

### **10. Signing of Plats**

There were no plats to sign.

### **11. Review Calendar**

Looking at the agenda for the next work session, it will be with the Planning Commission and will be dominated by the Geneva Road project. The retreat will be 15-16 February (President's weekend). If there is a real issue, let staff know. City Administrator Darrington said he is working on the agenda. Yesterday they had the department head retreat and spent all day getting prepared for this retreat. Please send any requests for agenda items to him.

### **12. Executive Session to Discuss the Purchase, Exchange, or Lease of Real Property (UCA 52-4-205 (1)(D)) and Sale of Real Property (UCA 52-4-205 (E)) and to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual (UCA 52-4-205 (1))**

Mayor Call asked for a motion to adjourn and go into executive session to discuss the purchase, exchange or lease of real property and the character, professional competence, or physical or mental health of an individual.

ACTION: At 8:27 p.m. Council Member Robinson moved to go into executive session. Council Member Meacham seconded and the motion passed unanimously with Council Members Boyd, LeMone, Meacham, Jensen, and Robinson voting "Aye."

#### **PRESENT:**

Mayor Call  
Council Member Boyd  
Council Member Jensen  
Council Member LeMone  
Council Member Meacham  
Council Member Robinson

#### **STAFF PRESENT:**

Administrator Scott Darrington  
Attorney Tina Petersen

Transcriptionist Andrea Romanczyk  
City Engineer Degen Lewis

**ACTION:** At 9:05 p.m. Council Member LeMone moved to come out of Executive Session. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.”

**13. ADJOURN**

**ACTION:** At 9:06 p.m. Council Member Meacham moved to adjourn the meeting. Council Member LeMone seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voted “Aye.”

*This certifies that the Council Minutes  
of January 15, 2013 are a true, full, and correct  
copy as approved by the City Council on March 5, 2013.*

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Kathy T. Kresser, CMC, City Recorder

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