

Pleasant Grove City Council Meeting Minutes
January 7, 2014
6:00 p.m.

PRESENT:

Mayor:

Mike Daniels

Council Members:

Diana Andersen
Cindy Boyd
Cyd LeMone
Jay Meacham
Ben Stanley

Staff Present:

Scott Darrington, City Administrator
Dean Lundell, Finance Director
Degen Lewis, City Engineer
Tina Petersen, City Attorney
David Larson, Assistant to the City Administrator
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
Sheri Britsch, Arts and Culture Director
Libby Flegal, NAB Chairperson

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

1) **CALL TO ORDER**

City Recorder, Kathy Kresser, called the meeting to order and indicated that Council Members Boyd, LeMone and Meacham were present.

2) **ADMINISTER THE OATH OF OFFICE TO THE NEWLY ELECTED OFFICIALS.**

The Oath of Office was administered to newly elected Mayor Mike Daniels and City Council Members Diana Andersen, and Ben Stanley by Recorder Kresser. The new Mayor and Council Members then took their place at the Council table.

3) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member, Jay Meacham.

4) **OPENING REMARKS**

The Opening Remarks were given by Council Member, Cyd LeMone.

5) **CONSENT ITEMS.**

a. **City Council and Work Session Minutes:**

City Council Minutes for February 15 and 16 2013, Budget Retreat.

City Council Minutes for the November 19, 2013 meeting.

City Council Minutes for the December 3, 2013 meeting.

City Council Minutes for the December 10, 2013 meeting.

b. **To Consider for Approval Paid Vouchers for (December 10 and 20, 2013).**

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

6) **OPEN SESSION.**

Mayor Daniels opened the public session.

Milt Fugal expressed gratitude to the people who serve the City. He thanked Mayor Call for his service as well as Council Members Pack and Robinson for all of the time and energy they put into their positions.

Mayor Daniels closed the public session.

7) **BUSINESS.**

A) **ELECT A MAYOR PRO TEM FOR 2014.**

ACTION: Council Member LeMone moved to nominate Council Member, Cindy Boyd as Mayor Pro Tem for 2014. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

B) **PUBLIC HEARING TO CONSIDER APPROVAL OF AN ORDINANCE (2014-1) AMENDING TITLE10, CHAPTER 14, SECTION 24, SUBSECTION 3C-2, THE GROVE INTERCHANGE SUBDISTRICT PERMITTED USES, AMENDING PROVISIONS REGARDING A LIMITED PROFESSIONAL OFFICE AREA, ETC.**

PRESENTER: DIRECTOR YOUNG (WILL BE CONTINUED TO THE JANUARY 21, 2014 MEETING).

ACTION: Council Member Meacham moved to continue to the Ordinance 2014-1 to the January 21, 2014, meeting. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-2) PERMANENTLY ABANDONING A SEWER PIPELINE EASEMENT LOCATED AT APPROXIMATELY 800 WEST 200 SOUTH. (SAM WHITE'S NEIGHBORHOOD)
PRESENTER: ENGINEER LEWIS.

City Engineer, Degen Lewis, stated that the old Westroc property on 220 South is proposed to be developed as a senior housing project. The developer discovered an existing sewer easement to the benefit of the City running north-south from the property. The sewer line used to run from State Street to 220 East. When Pleasant Grove Boulevard was built in 2003 the sewer line was intercepted, cut off, and abandoned. The developer is now proposing to construct over the easement area. The easement is 15 feet wide and runs through the property. The City would be vacating the line from the developer's north property line down to 220 South.

Mayor Daniels opened the public hearing. There were no public comments.

Council Member LeMone remarked that it looked like staff recommended approval and asked if there was any concern about granting the request. Engineer Lewis stated that there was no reason to use the line now or in the future and staff recommended approval.

ACTION: Council Member Boyd moved to approve Ordinance 2014-2 permanently abandoning a sewer pipeline easement located at approximately 800 West 200 South. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voting "Aye."

D) TO CONSIDER AWARDING THE GROVE CREEK IRRIGATION PIPE PROJECT TO S&L INC. PRESENTER: ENGINEER LEWIS.

Engineer Lewis reported that this project serves as one of the feed lines for the secondary water system located up Grove Creek Canyon. The current line is undersized for the amount water that the City is allowed to take and is old enough that it needs to be upgraded. It will be replaced with a better line. There were 12 bidders on the project with the low bid coming from S&L, Inc. for \$163,195.52. The average bid price was \$193,359. S&L's bid was below what the engineer estimated the project would cost.

Council Member LeMone asked if the City has worked with S&L before and wondered why their bid was so far below the average. Engineer Lewis stated that this will be the first time the City has worked with S&L and the bids are examined carefully for missing or unbalanced items. There were several bids in the same price range. Engineer Lewis considered S&L's bid to be an honest bid. It was noted that there were a wide range of prices in the 12 bids. Council Member LeMone asked if Engineer Lewis was involved in the reference checks of the companies considered for approval. He

was not involved in this project but stated that there is always discussion and verification from staff; in this case it was John Schiess with Horrock's, to ensure that any company selected is of high quality and reliable.

Council Member LeMone stated that she was just making sure that we were not awarding this to the lowest bidder because they are the lowest bidder. Engineer Lewis responded that when we do a bid we have conditions of approval and criteria established that needs to be met. As of yet we have not found an objective way to where we can say that we are not picking this person even though they were the lowest bidder but because they haven't met the criteria. He then deferred to Attorney Petersen as to how much discretion that the state code allows.

City Attorney, Tina Petersen, stated that State Code requires the City to take the lowest responsive bidder. The only way to not take the lowest bid is if there are extenuating circumstances such as a past history of poor performance. City Administrator, Scott Darrington, stated that there were five bidders within \$6,000 of the lowest bid.

ACTION: Council Member Meacham moved to award the Grove Creek Irrigation Pipe Project to S&L, Inc. in the amount of \$163,195.52. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

Council Member Meacham asked if the pipe carries both irrigation and culinary water. Engineer Lewis said there were two different points of diversions. The water will only be used for irrigation or secondary water.

E) TO CONSIDER AWARDING THE 220 SOUTH WATERLINE PROJECT TO DENNIS LIERD II CONSTRUCTION, INC. PRESENTER: ENGINEER LEWIS.

Engineer Lewis reported that the project involves a waterline upsize replacement on 200 South and 220 South and starts just east of the railroad track. It was installed beneath State Street and continues until roughly to 700 West on 220 South. The line provides the capacity for the Grove area of the City. Due to the many developments occurring in that part of the City, this upgrade is necessary to provide adequate water volume and pressure to the area. There is also work being done to transition residents along 200 South in the downtown area and on Main Street from 200 South to State Street to a new water main. This project was competitively bid and the accepted bid includes both additives at \$305,000.

Council Member Stanley asked why the lowest bidder was not selected for this project. Engineer Lewis said the lowest bidder did not provide a bid for one of the additives. Council Member Stanley then asked why we didn't follow up and say this question was not answered. Engineer Lewis answered that that is why it is important the criteria to have established before the bid goes out so if a question was not answered then the bid would be considered as non-responsive. Attorney Petersen interjected that the State Code says "the lowest responsive bidder."

Mayor Daniels said the amount being approved is for the base plus Alternative One. He asked how Alternative Two is handled because there is not a cost being approved. Public Works Director, Lynn Walker, stated that they typically come back to the Council for further approval once they are ready. The agreement will tie down a certain amount and then once they are further into the project adjustments may be made.

Attorney Petersen stated that the language of the award only includes Alternative One, so they will have to come back for approval for Alternative Two. The approval at tonight's meeting is for the base plus Alternative One.

ACTION: Council Member LeMone moved to award the 220 South Waterline Project to Dennis Lierd II Construction, Inc. with additive Alternative One in the amount of \$279,383.50. Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

F) TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-3) AMENDING TITLE 1 CHAPTER 11 SECTION 2 SUBSECTION A PROVIDING FOR THE ADDITION OF AN ARTS AND CULTURE DEPARTMENT, DELETING COMMUNITY SERVICES DEPARTMENT AND CREATING SEPARATE DEPARTMENTS FOR LEGAL, FINANCE, AND ENGINEERING SERVICES AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ATTORNEY PETERSEN.

Attorney Petersen stated that the ordinance is designed to bring the code in line with what the City is currently doing. Several years ago they stopped functioning with the Community Services Department and did away with the Public Safety Director position. The proposed ordinance is designed to combine the Public Safety Department into the Police and Fire Department as well as the Legal Services and Engineering Departments and add the Arts and Culture Department.

Council Member Stanley asked if this was the appropriate time to identify minor changes such as grammatical errors. Attorney Petersen stated that those types of issues as well as formatting changes are corrected by the codifiers after approval. If Council Members have substantive changes they can contact Attorney Petersen beforehand.

Council Member LeMone thanked Attorney Petersen for her efforts to update the code.

Council Member Meacham was comfortable with what was written but thought the Council may need to discuss where the Economic Development Director fits into the ordinance. He asked if they are potentially going to look for a separate Director or whether it should remain under administration. Council Member LeMone stated that last year they decided to hire a contractor for that position and forego a part or full-time Economic Developer. Administrator Darrington stated that this topic is on the agenda for the retreat and the proposed ordinance can easily be amended if changes are made.

Council Member LeMone asked if it would be helpful to call the Cultural Arts Department, Cultural Arts/Library because she felt people often don't realize that the library is included in that department. Administrator Darrington said they could add Library Director in parenthesis for clarity. Mayor Daniels suggested having a more thorough discussion at the retreat regarding the title of this department.

ACTION: Council Member LeMone moved to approve Ordinance (2014-3) amending Title 1, Chapter 11 Section 2 Subsection A providing for the addition of an Arts and Culture Department, deleting Community Services Department and creating separate departments for Legal, Finance, and Engineering Services and providing for an effective date. Council Member Boyd seconded the

motion. A voice vote was taken and the motion passed unanimously with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voting "Aye."

8) NEIGHBORHOOD AND STAFF BUSINESS.

Engineer Lewis reported that the City is in need of rain and snow as they are at 50% of average and falling.

Police Chief Mike Smith remarked that a few days earlier he received a letter from an out of town visitor about what a wonderful police force Pleasant Grove City has. Chief Smith also noted that the department raised \$1,000 for Sub-for-Santa and helped seven families in the community.

Assistant to the City Administrator, David Larson, stated that the Chamber of Commerce is holding their annual kick off and awards presentation this Thursday from 11:30 to 1:00 p.m. at Stonegate. The Mayor and City Council were invited to attend.

9) MAYOR AND CITY COUNCIL BUSINESS.

Council Member Meacham felt it would be beneficial to invite David Church from the Utah League of Cities and Towns to an upcoming work session to give a presentation on the City's form of government for both new and current Council Members. Attorney Petersen said there is a newly elected officials training scheduled for January 11. Council Member Meacham thought it would be useful for the group to hear from Mr. Church in addition to the training.

Council Member Stanley reported that he recently spoke with a member of the Cedar Hills City Council who is also the Director of the Open Software lab at BYU. This individual is qualified and willing to make a free presentation on ways the City can increase transparency and accountability. He stated that it could benefit the Council and the City. Administrator Darrington suggested that he and Council Member Stanley get together to work out a time for that type of presentation.

Council Member Boyd suggested following up with Republic about ways to reeducate the public about recycling. Administrator Darrington reported that cards were sent to residents who have two garbage cans but no recycling bins. He did not know what the response had been from those cards, but would follow up.

10) SIGNING OF PLATS.

No plats were signed.

11) ADJOURN.

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

The City Council Meeting adjourned at 6:51 p.m.

This certifies that the City Council
Minutes of January 7, 2014 are a true,

-full and correct copy as approved by
the City Council on January 21, 2014.

Kathy T. Kresser, City Recorder

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