

**Pleasant Grove City  
City Council Regular Meeting Minutes  
August 5, 2014  
6:00 p.m.**

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen  
Cyd LeMone  
Ben Stanley  
Jay Meacham  
Cindy Boyd

Staff Present:

Scott Darrington, City Administrator  
David Larson, Assistant to the City Administrator  
Deon Giles, Parks and Recreation Director  
Degen Lewis, City Engineer  
Kathy Kresser, City Recorder  
Mike Roberts, Police Lt.  
Marc Sanderson, Fire Chief  
Tina Petersen, City Attorney  
Ken Young, Community Development Director  
Lynn Walker, Public Works Director

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

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1) **CALL TO ORDER.**

Mayor Daniels called the meeting to order and noted that Council Members Andersen, LeMone, Meacham, Boyd, and Stanley were present.

2) **PLEDGE OF ALLEGIANCE.**

The Pledge of Allegiance was led by Council Member Andersen.

3) **OPENING REMARKS.**

The opening remarks were given by Council Member Stanley.

4) **APPROVAL OF AGENDA.**

**ACTION:** Council Member Stanley moved to approve the agenda as presented. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

5) **CONSENT ITEMS.**

- a) **City Council and Work Session Minutes;  
City Council Minutes for the June 18, 2014 Emergency Meeting.  
City Council Minutes for the June 23, 2014 Special Meeting.  
City Council Minutes for the July 1, 2014 Meeting.  
City Council Work Session Minutes for the July 8, 2014 Meeting.  
City Council Minutes for the July 15, 2014 Meeting.**
- b) **To consider for approval Change Order No. 4 and Final Payment for Dennis Lierd II Construction Inc. for the 220 South Waterline Project.**
- c) **To consider for approval Change Order No. 1 and Final Payment for the S&L Inc. for the 500 East Storm Drain Improvements Project.**
- d) **To consider for approval of paid vouchers for (July 23, 2014).**

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

6) **OPEN SESSION.**

Mayor Daniels opened the open session.

Doug Gordon gave his address 69 South 360 East and thanked the Council for approving the Temporary Sign Ordinance. He remarked that he had a very successful fireworks season this year. Mayor Daniels added that Mr. Gordon did the fireworks at the Water Gardens this year for the second year in a row, as well as at the new Holliday Oil location.

Mayor Daniels closed the open session.

7) **BUSINESS.**

- A) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-031) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH ALPINE SCHOOL DISTRICT FOR THE COOPERATIVE USE AND MANAGEMENT OF BATTLE CREEK PARK AND PROVIDING FOR AN EFFECTIVE DATE.**

*Presenter: Administrator Darrington.*

City Attorney, Tina Petersen, stated that this particular resolution is a continued resolution from several weeks ago. The Mayor and Council were asked to consider a Use Agreement with Alpine School District for the joint use and management of Battle Creek Park. She informed the public that the City has divested itself of nearly all of the property in Battle Creek Park. Alpine School District has since purchased the property and the City will cooperate in the continued use and

maintenance of those facilities. The Use Agreement was updated based on the suggestions made during the previous meeting, and more specifically, restrictions were added to the parking. The proposed resolution states that there will be six parking spaces designated close to the park area, which will have a two-hour parking limit. One of the stalls will also be ADA accessible. The two-hour parking limit will discourage students or Alpine School District employees from parking in those stalls for extended periods of time.

Furthermore, the ordinance contains language that guarantees the planting of at least 40 new trees on the property. This addresses the concern several members of the public had about whether or not the trees that will be removed will be replaced. The tennis court scheduling was next refined. It was made clear that the scheduled priority items for the Alpine School District must be on the calendar at the beginning of the year. This will ensure that no unauthorized use takes place. Last, Mayor Daniels added that during the previous hearing, several residents voiced concern about the remaining parcel. Administrator Darrington stated that staff spoke with the school district and the Council accepted their offer on the property. Currently staff was working to finalize all of the necessary paperwork.

Council Member Stanley acknowledged the extra time and effort Attorney Petersen has put into making the needed adjustments.

**ACTION:** Council Member Stanley moved that the Council adopt a Resolution (2014-031) authorizing the Mayor to sign an Interlocal Agreement with Alpine School District for the cooperative use and management of Battle Creek Park and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken. Council Members LeMone, Andersen, Boyd, Stanley and Meacham voted "Aye". The motion carried.

**B) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-032) AUTHORIZING THE MAYOR TO SIGN A PROCUREMENT CONTRACT AND NOTICE OF AWARD TO CANYON INDUSTRIES, INC. FOR THE BATTLE CREEK MICROHYDRO POWER GENERATION PROJECT AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Administrator Darrington.**

Attorney Petersen stated that work is finally underway on the City's Blue Energy Project. The proposed resolution is an action to award the bid to Canyon Industries to create a functioning microhydro power generation system at the top of Battle Creek Park. Any power generated from the project will offset some of the City's power costs. Furthermore, net metering will be used to keep track of the power generated. Canyon Industries, Inc., is a major company that performs this type of work in the western United States, and they have a long history of successful work. They are one of the few companies who make the type of turbine that we need.

Council Member LeMone asked if staff had an estimate on how much this will save the City in power expenses in the long run. Attorney Petersen did not have updated figures available. She explained that the estimated savings amount has changed over the years, as it was once a much larger endeavor. The project is funded by a \$1 million earmark from the federal government and there have been problems with the matched portion of the funding. City Administrator, Scott Darrington, added that the last time these figures were estimated, the project was expected to cost

\$300,000 with the City being able to give back \$30,000 per year. Therefore, the payoff would be over a 10-year period. Everything saved after that point would be profit for the City.

Council Member Meacham asked if the \$198,005 listed in the Notice of Award were coming from City funds. He referred to Administrator Darrington's comment about the City contributing \$300,000 to the project and asked if this was the maximum amount they would need to contribute. Administrator Darrington explained that the federal government will match whatever the City puts in to the project, up to \$300,000. He explained that the City will contribute \$300,000, which will then be matched, for a project grand total of \$600,000. The \$198,005 listed in the Notice of Award is one of the first expenses outside of the engineering costs. Additional expenses will include items such as design of the project, construction, and materials. Administrator Darrington stated that Finance Director, Dean Lundell, has a budget that breaks down each expense, which will be sent to each Council Member.

Council Member Meacham expressed concern with the contract in that the lump sum of \$198,005 has very limited identification of what the funds will provide. He asked if this was the only bid received on the project. Attorney Petersen was unable to provide an answer and deferred the question to Director Lundell, who was not present at the meeting. Council Member Meacham noted that while the company is qualified, they are coming from out-of-state. Therefore, they are likely to be more expensive than an in-state firm. There was continued discussion about the language as contained in the Notice of Award. Administrator Darrington reiterated that a breakdown of the expenses can be provided by Director Lundell.

Council Member Meacham asked about housing the generator. Administrator Darrington replied that there will be a structure to cover it, which is an expense included in the project. However, it is not part of this contract. Council Member Meacham pointed out that there isn't any language included in the contract that addresses hooking up the power source to the grid. Engineer Lewis explained that time is needed to acquire this particular type of equipment. Council Member Meacham preferred to continue the item until more information can be made available by Director Lundell and other members of staff who have extensively worked on the project.

**ACTION:** Council Member LeMone moved that the Council continue Resolution (2014-032) authorizing the Mayor to sign a Procurement Contract and Notice of Award to Canyon Industries, Inc. for the Battle Creek Microhydro Power Generation Project to a date uncertain. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

It was noted that the Pleasant Heights proposal was on the draft agenda for tonight's meeting, however, it was changed to another date and not included on the final agenda. Mayor Daniels also suggested that staff provide an overview of the Blue Energy Project for the newer members of Council, as it has been an ongoing endeavor for many years.

**C) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-033) AMENDING THE FEE SCHEDULE FOR RENTAL OF THE LIONS/SPORTSMAN CENTER AND JACOBS SENIOR CENTER FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Giles.*

Parks and Recreation Director, Deon Giles, stated that the proposed resolution is for rate increases in the fee schedule for rental of the Lions/Sportsman Center and the Jacobs Senior Center facilities. Furthermore, this will secure staff support to help maintain the facilities.

**ACTION:** Council Member LeMone moved that the Council adopt a resolution (2014-033) amending the fee schedule for rental of the Lions/Sportsman Center and Jacobs Senior Center facilities and providing for an effective date. Council Member Meacham seconded the motion. A voice vote was taken. Council Members LeMone, Andersen, Boyd, Stanley, and Meacham voted "Aye". The motion carried.

**D) TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-31) AMENDING TITLE 7 CHAPTER 3 "CEMETERY REGULATIONS" OF THE PLEASANT GROVE CITY CODE BY ADOPTING NEW REGULATIONS WHICH INCLUDE NEW REPORTING AND RECORD KEEPING REQUIREMENTS TO BE IN COMPLIANCE WITH STATE LEGISLATION AND OTHER RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Giles.**

Director Giles presented the proposed ordinance changes. The changes in the section entitled "Burial Rights" essentially state that a resident or non-resident purchases the right to be buried in the cemetery, not necessarily the property itself. Furthermore, the amendments include changes to how the burials per lot are defined, such as single, double deep, cremations, etc. The "Right to Maintain" section states that the City reserves the right to maintain the property. The "Transfer Fee" is also outlined in the proposed amendments. Director Giles reviewed the proposed changes.

The section titled "Private Improvements" prohibits the owner from planting trees and installing fences or other structures. Director Giles explained that the City needs to maintain a record on each burial right and the records need to be reported to the County. Additionally, a plat of all the City's available burial lots needs to be filed. A copy of all of the certificates of burial rights need to be submitted to the County by January 1 and the July 1 of each year.

Director Giles spoke about disinterment and the role of the sexton. He explained that the amendments give the City the opportunity to not proceed with a disinterment it is deemed unhealthy. He explained that Orem City has a history with their cemetery where the sexton nearly lost his life due to the outcome of a disinterment.

Other amendments were reviewed. A section was added to state that only human remains will be allowed to be buried in Pleasant Grove's cemetery. More details were added to the section entitled "Headstones and Vaults." Essentially the word "marker" was replaced with the word "headstone" throughout this section. The allowable height for headstones was changed to a maximum of 28 inches. Other state regulations on vaults were also included. The proposed amendments include a section that prohibits burials from taking place outside of the cemetery within City limits. It was reported that a portion of the cemetery may be designated for the burial of indigents. Whenever it is determined by the City Administrator that any resident of Pleasant Grove who has died who does not have funds or an estate sufficient to pay the cost of a burial right in the cemetery and whose nearest relative or representative desires to have the body of such deceased interred in the cemetery,

the City Administrator may grant a burial right for such deceased person at no cost. All strangers without known relatives or funds who die in the City may be accorded the same privilege.

Last, the proposed amendments included language prohibiting burials from occurring on major holidays, specifically New Year's Day, Memorial Day weekend, Thanksgiving Day, Christmas Eve, and Christmas Day.

Council Member Meacham asked for additional clarification on the "Family Transfer Fee." Director Giles explained that oftentimes non-residents have a friend who lives in the City purchase a lot in order to save the extra \$1,000, which is required for non-residents when purchasing a lot in Pleasant Grove's cemetery. Once the burial is completed, they will request that the lot be transferred into their name. Staff was taking measures to prevent this from occurring in the future.

In response to a question raised by Council Member Andersen, Director Giles confirmed that headstones that measure greater than 28 inches will be grandfathered in. Council Member Meacham mentioned that in the past, residents who purchased lots were given a deed. Director Giles explained that they are given a Certificate of Burial Right. Attorney Petersen explained that many years ago residents were able to purchase a deed. The State, however, has since made legislative changes that prohibit this. The right to burial still allows a resident to designate a specific, desired location. Council Member LeMone asked why the headstone height was changed to 28 inches. Director Giles stated that it was due to irrigation needs.

Council Member Stanley asked if court orders would trump the established ordinance requirements for disinterment. Director Giles stated that they would not trump the ordinance and that the sexton would still have the option of shutting down a disinterment procedure. Council Member Boyd asked if there are costs associated with disinterment. Director Giles answered affirmatively and noted that it is very expensive.

**ACTION:** Council Member Meacham moved that the Council adopt an Ordinance (2014-31) amending Title 7 Chapter 3 "Cemetery Regulations" of the Pleasant Grove City Code by adopting new regulations that include new reporting and record keeping requirements to be in compliance with State legislation and other related matters; and provide for an effective date. Council Member Andersen seconded the motion. A voice vote was taken. Council Members LeMone, Andersen, Boyd, Stanley, and Meacham voted "Aye". The motion carried.

**8) NEIGHBORHOOD AND STAFF BUSINESS.**

Assistant to the City Administrator, David Larson, reminded those present of Food Truck Tuesday. Additionally, he announced that this upcoming Thursday is the luncheon for the Chamber of Commerce. Evermore will be providing the presentation. Assistant Larson predicted that around 120 business leaders from around the County will be in attendance at that luncheon. The event will take place at the Stone Gate Center. Mayor Daniels asked if the Chamber had identified a new location for Food Truck Tuesday, due to the growth of the event. Assistant Larson replied that they are still searching for a new location; however, they have been soliciting suggestions from the Chamber's Facebook followers.

Administrator Darrington briefly spoke about the meeting that took place the previous night between the Steering Committee, Blue Ribbon Committee, and Citizens Committee. He distributed and presented a brochure containing details of the proposed Public Safety Building. He also spoke about the upcoming Special Meeting on August 7, 2014, which will take place in the Pleasant Grove Junior High Auditorium, at 7:00 p.m. The meeting will include a presentation by David Hart from MOCA on the findings for the proposed Public Safety Building.

9) **MAYOR AND COUNCIL BUSINESS.**

Council Member Meacham suggested that a counter be added to the City's website in order to monitor how many people are accessing the information. Mayor Daniels added that they would like information on visits to subpages, not just the main page. Mayor Daniels suggested that a feedback box be added to the website as well.

Council Member LeMone asked about the turnaround time for the new promotional videos. Administrator Darrington offered to follow up on the matter. Council Member LeMone commented that the water filter video is now live and going viral.

10) **SIGNING OF PLATS.**

There were no plats to sign.

11) **REVIEW CALENDAR.**

There were no calendar items to review.

12) **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 6:57 p.m.

Approved by the City Council on August 19, 2014.

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Kathy T. Kresser, City Recorder

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