

**Pleasant Grove City
City Council Meeting Minutes
July 28, 2015
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

Staff Present: Scott Darrington, City Administrator
David Larson, Assistant to the City Administrator
Dean Lundell, Finance Director
Degen Lewis, City Engineer
Deon Giles, Parks and Recreation Director
Mike Smith, Police Chief
Dave Thomas, Fire Chief
Kathy Kresser, City Recorder
Ken Young, Community Development Director
Marty Beaumont, Public Works Director
Sheri Britsch, Library and Arts Director
Tina Petersen, City Attorney

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

1) CALL TO ORDER

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

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stanley.

3) OPENING REMARKS

The opening remarks were given by Council Member Andersen.

4) APPROVAL OF AGENDA

City Administrator, Scott Darrington stated that Items 10A and 10B will be discussed in reverse order. Item 9B was stricken from the agenda.

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

5) OPEN SESSION

Mayor Daniels opened the open session.

Mayor Daniels was impressed with everyone's performance at the City Council debates the previous night.

Willy Holdman, who resides at 2945 Wild Bear Way, in Heber City, recently got involved with the pending land swap with Snowbird taking place in American Fork Canyon. Mr. Holdman has approached various elected officials throughout the County, and everyone with whom he has spoken either doesn't know about the situation and/or has concerns. He then provided additional overview on the current status of the transaction. Mr. Holdman encouraged the City Council to pass a resolution to indicate that they care about the water source and recreational activities that are afforded by the canyon. He stated that he uses the canyon two or three times a week, and is just a citizen who cares about being involved. Last, Mr. Holdman mentioned that he is part of a Facebook community called Protect and Preserve American Fork Canyon. More information was available at www.americanforkcanyon.com.

Mayor Daniels explained that Parks and Recreation Director, Deon Giles, has been asked to take responsibility for gathering and sorting through facts on this matter. He asked Mr. Holdman to meet with Director Giles with more information. Mr. Holdman then presented a map of Utah County as well as an overview of the organization's website. He reported that currently there are eight members of the Protect and Preserve American Fork Canyon organization, with approximately 9,000 online followers.

Rich Goodwin gave his address as 107 South 1300 West and mentioned that a City-owned waste ditch in front of his house recently flooded, which consequentially flooded his home and property. For the past several years he has requested that the City cover or pipe a nearby ditch, and action has not yet been taken. Mr. Goodwin asked if the Robinson property has been sold. Administrator Darrington was not sure of its status. Mr. Goodwin mentioned that he has spoken with Administrator Darrington and personnel from the Public Works Department. Mrs. Goodwin added that the flood caused \$52,000 in damage and ruined their home. She stressed that this issue needs to be addressed immediately. Mr. Goodwin then presented the Council with photos of the damage caused by the flooding.

Public Works Director, Marty Beaumont, stated that he met with Mr. Goodwin after the incident occurred. He mentioned that there is a grate in the area for storm water runoff which had

become heavily covered in weeds, thus causing flooding. His staff has since removed the weeds and cleaned out the ditch. They are anticipating that the ditch will be piped with the new development on the Robinson property that was approved last week, some of which may come at a cost to the City. The ditch will be piped as soon as possible with the first phase of the project. In the interim, there are people who will be on call to make sure that nothing plugs the grate in the event of another storm. However, since staff has cleaned the ditch it will be more easily managed.

Mr. and Mrs. Goodwin stated that they want a guarantee that this issue will be completely resolved, and implored the City Council to take action immediately. Mayor Daniels asked what the City's liability was on the matter. City Attorney, Tina Petersen, answered that the insurance company has already settled the claim. Administrator Darrington stated that the City needs to get with the developer to determine a specific time frame on the ditch. The City may need to front the money for the pipe now and recoup the costs from the developer later. Mayor Daniels concluded that this issue needs to be resolved immediately, and staff stated that they would get started on a solution the following morning.

John Harr stated that he owns the parcel north of the Goodwins, and met with the developer of the Robinson property earlier in the day. He was happy to meet with staff and the Goodwins to share additional information.

Mayor Daniels closed the open session.

6) **CONSENT ITEMS**

- a) **City Council Meeting Minutes:
City Council Minutes for the June 30, 2015 meeting.
City Council Minutes for the July 7, 2015 meeting.**
- b) **To consider approval of paid vouchers for July 23, 2015**

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

7) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

There were no appointments.

8) **PRESENTATIONS**

A) JUDGE BULLOCK TO ADDRESS THE COUNCIL REGARDING A FULL-TIME PROSECUTOR POSITION.

Judge Bullock explained that he has discussed this matter extensively with Attorney Petersen, and that in 23 years he has gone through at least 30 part-time prosecutors. This is problematic because there is always a learning curve with each new prosecutor. When Judge Bullock became

the Judge 23 years ago, there weren't very many misdemeanors; however, as the City has grown, so has crime, and these cases all take time.

Judge Bullock stated that he serves on the Justice Court Board, and in their last meeting they discussed the 6th Amendment, which deals with courts. As a result of an amendment to Utah Constitution, the Judicial Council was created to oversee State-wide court operations, and is chaired by the Chief Justice. They asked if they could do a study on the 6th Amendment, because they were specifically concerned with whether or not courts were affording the right to council of individuals who appear in court. They visited various court officials around the State and observed judges in different court settings. They subsequently followed up with several recommendations which have not yet been released to the public. The results of the study will be released sometime in October, and the recommendations therein will drastically affect justice courts.

There are cases out of the United States Supreme Court that give instructions as to when a party is entitled to counsel. If a party cannot afford to retain an attorney, they then enter into a question and answer session with the municipal court to discuss income. Tax returns and check stubs are often required of individuals who are residing in the home to determine income. The Utah Supreme Court has held that a Class C misdemeanor is entitled to a jury trial. Traditionally, a prosecutor will then move to amend the misdemeanor to an infraction, which means that they do not get a jury trial. This study will address this type of action, which is essentially depriving someone of their constitutionally guaranteed rights. Judge Bullock then provided other examples of misdemeanor cases, particularly for immigrants.

Judge Bullock appoints counsel to do a discovery for major misdemeanors. Afterwards there is a pre-trial, provided that the lawyer doesn't continue the case. If the lawyer continues the case on account of needing additional information, Judge Bullock is then faced with a motion to suppress. At this point, the cost of the public defender goes up, and consequentially the time for the prosecutor goes up as well. The defense counsel files a memorandum, which is the legal explanation as to why the case is being suppressed. The prosecutor then has to respond in writing. Next, a hearing takes place. If the motion to suppress is denied, there is a jury trial in which the prosecutor seeks to make some kind of negotiation.

One of the recommendations that will come forward in the aforementioned study results will be to have more appointed council. If there is a probability of jail time, Judge Bullock will be required to appoint counsel, which will result in more of the prosecutor's time. In order for them to address the number and complexity of the cases, they need more than 25 hours per week.

Council Member Boyd remarked that it is an eye opener to see how the City has needs in every department. Judge Bullock invited all who are interested to come to the Court House to observe what takes place. Council Member LeMone stated that she would like to see numbers on what it would cost to make the current Prosecutor position full-time. She asked for information on what other cities are currently doing. Judge Bullock commented that Pleasant Grove is unique in that they have a lot of domestic violence cases.

Attorney Petersen added that the Prosecutor appears in the American Fork District Court as well, and provided a breakdown of their weekly work schedule. She explained that Class A Misdemeanors go to American Fork. The Prosecutor has the authority to prosecute Class A misdemeanors, however Pleasant Grove's Justice Court does not have the authority to hear them. This thereby necessitates two different court systems.

Council Member Stanley inquired as to the hourly rate of a part-time Prosecutor. Attorney Petersen noted that it is around \$27 per hour. After making the position full time, they would also be paid benefits. Last budget year, Finance Director, Dean Lundell, had budgeted approximately \$33,000 to \$34,000 of additional cost for the full-time Prosecutor position. However, there were other needs that took precedence and the request was dropped. Administrator Darrington added that there are personnel needs throughout the whole City, and staff will have additional information for review next week.

Police Chief, Mike Smith, commented that once the results of the study are made public and changes are implemented, the City will see some of the added case load immediately. Defense attorneys are starting to postpone their court dates until after October, which will partially make up the bigger case loads.

9) **ACTION ITEMS WITH PUBLIC DISCUSSION**

- A) PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED IMPACT FEE FACILITIES PLAN AND PROPOSED IMPACT FEE ORDINANCE (2015-28) TO ADOPT, ENACT, OR MODIFY: IMPACT FEES FACILITY PLAN, WRITTEN IMPACT FEE ANALYSIS AND IMPACT FEE ENACTMENTS FOR STORM DRAIN; AND PROVIDING FOR AN EFFECTIVE DATE. COPIES OF THE PLAN WILL BE AVAILABLE FOR REVIEW AT CITY HALL, 70 SOUTH 100 EAST, COMMUNITY DEVELOPMENT, 86 EAST 100 SOUTH, AND LIBRARY, 30 EAST CENTER DURING REGULAR BUSINESS HOURS. *Presenter: Director Lundell and Matt Millis, Zions Bank.***

Director Lundell explained that the rate for residential units would \$2,242 for impact fees. Commercial units would be based on square footage. Mayor Daniels recalled that in the last discussion, they discussed the shock associated with the higher impact fee. Director Lundell explained that they have cut back on the project's, but spread them over a longer period of time. Therefore, the impact fee wouldn't change significantly based on projects.

Matt Millis added that as the dollar amount on projects are scaled back, the capacity that can be provided by the projects is also scaled back. In the end, the math works out to be very similar. Mayor Daniels asked if there would be a delay in the implementation of services. Mr. Millis explained that there would be a delay in the implementation of the capital projects, which will have a greater effect on the monthly user rate that is charged, but not necessarily the impact fee itself. Each year there will be 40% less capital projects to fund, which then results in a lower monthly storm water fee. Furthermore, 60% of the full projects in the impact fee calculation also accounts for 60% of the full capacity that could be served. Therefore, while the impact fee would not change, but the monthly storm water fee would change.

John Schiess explained that there were four categories of capital projects that were in the original Master Plan: more facilities, system replacements, existing deficiencies, and build-out improvements. The first three categories need to be funded by existing users, which need to skyrocket in order to fund everything. Therefore, there was discussion on how to fund the high priority projects, and they decided to drop system replacements, backyard replacement and to decrease existing deficiencies and build-out projects by 40%. The ditch pipe as brought forward by Mr. Goodwin is a hybrid between impact and user fees. Mr. Schiess explained that the minimum standard pipe size is 15 inches, which is the developer's responsibility. The City would then upsize that pipe to 48 inches and pay the difference. City Engineer, Degen Lewis, noted that the pipe size on the northern property is 36 inches, which needs to be upsized.

Mayor Daniels opened the public hearing.

Molly Andrew, who resides at 1125 Sage Drive, explained that the number of years in a storm water plan is broken down to a certain percentage.

In response to a question from Mr. Goodwin, Mayor Daniels explained that the current discussion is on a new impact fee for new construction. A user fee, which is a separate discussion, would either be raised or lowered.

There were no further public comments. Mayor Daniels closed the public hearing.

Council Member Stanley asked if any analysis has been conducted as to the impact this item would have on businesses. Director Lundell responded that the impact fee is based on higher demand and construction, and is less important when development is slower. He also pointed out that the Grove area has a 100-year detention, so their impact fee is much lower. Impact fees are paid when the building permit is issued.

ACTION: Council Member Boyd moved that that Council adopt of proposed Impact Fee Facilities Plan and proposed Impact Fee Ordinance (2015-28) to adopt, enact, or modify the: Impact Fees Facility Plan, Written Impact Fee Analysis and Impact Fee Enactments for Storm Drain; and provide for an effective date. Council Member Andersen seconded the motion. A voice vote was taken, with Council Members Stanley, LeMone, Jensen, Boyd and Andersen voting "Aye". The motion passed unanimously.

B) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION OF AN ORDINANCE (2015-29) AMENDING THE PLEASANT GROVE CITY CODE SECTION 10-9A-8-E: YARD REQUIREMENTS IN THE R-R (RURAL RESIDENTIAL) ZONE, REDUCING THE REQUIRED SIDE YARD SETBACK FOR ACCESSORY STRUCTURES TO THREE FEET. (DAVID MCDONALD, APPLICANT) Presenter: Director Young *Continued from the July 21, 2015 meeting.

Note: The above item was stricken from the agenda.

C) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-23) TO REZONE ONE ACRE OF LAND FROM THE GROVE ZONE, COMMERCIAL SALES SUBDISTRICT TO THE GROVE ZONE, MIXED HOUSING SUBDISTRICT ON PROPERTY LOCATED AT APPROXIMATELY 100 SOUTH 1300 WEST IN THE GROVE ZONE, COMMERCIAL SALES SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) (John Harr, Applicant) Presenter: Director Young *Continued from the July 21, 2015 meeting.

Community Development Director, Ken Young, presented the staff report and displayed an aerial map of the subject property. The applicant, John Harr, was concerned that a portion of the property is not as useful for commercial purposes. Therefore, he would like to have it rezoned for a mixed housing development. Staff determined that a maximum of eight units could be built based on what the condominiums and townhomes Mr. Harr is proposing to develop. Mayor Daniels stated that there is a hard line at 100 South that delineates mixed use housing from commercial. Furthermore, the Council is concerned by neighboring one-acre parcels that are all zoned differently.

The applicant, John Harr, stated that on his property the parking is not sufficient for commercial. He approached the Goodwins about purchasing their property, which borders his, but they were not interested in selling. There was then continued discussion on the different zones surrounding Mr. Harr's property. Administrator Darrington noted that the proposed zone change was favorably recommended by the Planning Commission.

Mayor Daniels explained that there is a general concern in the City that there shouldn't be any more multi-family housing development because there is already plenty of residential in Pleasant Grove. The dilemma is determining where to draw the line. Mr. Harr replied that his property cannot be used for commercial and the Goodwins do not have an immediate interest in developing their property either. Mayor Daniels stated that the Council is trying to balance the request from the entire City to reserve areas for commercial development so that more sales tax revenue can be generated.

Mayor Daniels opened the public hearing.

Mr. Goodwin pointed out that Mr. Harr would only have about 90 feet on which to develop homes. Mr. Harr explained that in speaking with the Planning Commission, there are three fourplexes in condominium development, and the units match those located to the north. Mayor Daniels added that Mr. Harr would still have to meet all setback requirements. The ordinance allows for up to 12 units per acre, but after all engineering, roadways, setbacks and other requirements are met, the development would be reduced to eight units per acre.

Cindy Mitchell gave her address as 1265 Mohican Circle and stated that a decision on the zone had already been made. She echoed previous comments about multi-family housing being an issue for the City.

There were no further public comments. Mayor Daniels closed the public hearing.

Scott Richards, who resides at 4354 North 900 West, commented that there are a lot of details on this particular item. He stated that prior to answering questions he would like to review the minutes from previous Planning Commission meetings.

Administrator Darrington stated that the role of the Planning Commission is to make sure that a proposal meets the requirements, not whether it is a good policy. The role of the Council is to decide whether a proposal is good policy. Attorney Petersen added that this item is a legislative rather than administrative decision. Director Young commented that the main guiding tool for the Planning Commission when reviewing rezone requests is the General Plan. The General Plan lists the entire Grove Zone as one planning area. Mr. Harr's proposal meets the objectives of the General Plan.

ACTION: Council Member LeMone moved that the Council deny Ordinance (2015-23) to rezone one acre of land from the Grove Zone, Commercial Sales Subdistrict to the Grove Zone, Mixed Housing Subdistrict on property located at approximately 100 South 1300 West in the Grove Zone, Commercial Sales Subdistrict, finding that the zone is currently for commercial sales use only and should not be rezoned a mixed housing subdistrict. Council Member Boyd seconded the motion. A voice vote was taken, with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion passed unanimously.

Note: The Council took a short break beginning at 8:06 p.m.

10) **ACTION ITEMS READY FOR VOTE**

- A) CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE (2015-22) AMENDING THE COMPENSATION SCHEDULE FOR THE STATUTORY OFFICERS AND APPOINTED OFFICERS OF PLEASANT GROVE CITY; AND PROVIDING FOR AN EFFECTIVE DATE. (CITY WIDE IMPACT) *Presenter: Administrator Darrington *Continued from the July 7, 2015 meeting.***

Note: Items 10A and 10B were discussed in reverse order.

Assistant to the City Administrator, David Larson, explained that the methodology in determining the compensation schedule was to start with a market study to review 11 benchmark cities. He then presented a benchmark cities comparison graph, which displayed the population and general fund revenue number of each city. There were also additional cities shown on the graph that were not included with the market study. A separate chart was shown that compared salary ranges in different cities specific to the Public Works Director position. Mr. Larson explained that tonight the Council will be making a decision on the proposed ranges for each position.

Council Member Stanley asked Mr. Larson if during the analysis process there were any benchmark cities that didn't have a certain position, such as a City Engineer position. If this was ever the case, he wanted to know how a comparison was made. Mr. Larson responded that in those cases they simply weren't included with the average calculation. However, in many

instances a position was filled in an alternative way. For example, while some cities do not have a Community Development Director, they do have a City Engineer who assumed community development responsibilities. Council Member Boyd thanked Mr. Larson for providing additional information at the Council's request. Administrator Darrington stated that there are some City employees who currently are being paid less than the minimum end of the range. Provided that these new salary ranges are approved, those employees will be granted a pay raise.

Council Member Stanley commented that several citizens have expressed concerns over this topic. Council Member LeMone replied that the results of the study and methodology behind the research should help resolve those concerns. Council Member Stanley asked if the City is required by law to implement these salary updates. Attorney Petersen answered that while this is not a legal requirement, the City has not implemented changes to the salary ranges in six years. There was continued deliberation over the item.

Mayor Daniels opened the public hearing.

Jason Hunter gave his address as 680 East 300 North and pointed out that the Public Works Director's salary is above the previous maximum. He stated that if the City does not adjust their salary ranges, they will not get good employees. Mr. Hunter stated that he wants the best City staff for his tax dollars and he encouraged the Council to approve the proposed ranges. He mentioned that there has been a lot of false information spread by way of online forums on this issue. He believes it is the Council's job to correct this false information and to base their decision on the correct information as it has been presented. In conclusion, Mr. Hunter thanked staff for their efforts.

Amy Lindstrom, who resides at 1160 East 100 North, commented that Attorney Petersen, for example, is not even up to midrange for her position. She stated that the ranges are a guideline for in order to make sure they are being fair to their employees. Ms. Lindstrom stated that when Council Members are approached by the public with concerns, it is their job to come up with solutions. She asked Council Member Stanley if he has any alternative solutions, should the salary ranges not be approved.

Council Member Stanley replied that the Council needs to analyze whether or not there is merit to some of the concerns expressed by the public. He opined that the City could have brought in a Public Works Director that was within the current salary range. Administrator Darrington noted that the Public Works Director position was advertised with the proposed salary range, rather than the 2009 salary range. He continued that the City needs to assess their philosophy on how to attract and maintain quality employees. Council Member Stanley suggested rearranging the order in which each step along the way is analyzed.

Ms. Lindstrom referenced Judge Bullock's earlier remarks about the City losing 30 prosecutors over the past 23 years. She explained that many of the public complaints are not necessarily related to salary ranges, but rather to how much individual employees are paid. Ms. Lindstrom reiterated that if the salary ranges are not approved, there needs to be an alternative solution. Otherwise the City will lose quality employees.

Molly Andrew gave her address as 1125 Sage Drive and commented that Administrator Darrington is not even close to where he should be in his salary as far as a 2% inflation rate is concerned, especially in relation to the end salary of Frank Mills prior to his retirement. This is also the case with Attorney Petersen and Chief Smith. Furthermore, Ms. Andrew noted that Mr. Mills started at \$81,400 in 2004 and increased to \$128,000 in 2009, which is a 58% raise. Mayor Daniels did not approve Mr. Mills' raises until the end. Ms. Andrew encouraged the Council to approve the new proposed salary ranges.

Administrator Darrington explained that the 2009 range is what was adopted in 2009. The actuals of the employees at that time fit within those ranges. The philosophy behind each individual salary was determined by the City Council at that time.

Dennis Thayne who resides at 4087 Canyon Road commented that there is value in reevaluating salary ranges so that the City has a basis to work off of moving forward. Administrator Darrington noted that salary ranges will be updated on a yearly basis moving forward.

Mr. Hunter remarked that huge changes have been made in Pleasant Grove over the past 10 to 15 years and the positions need to be able to take care of the City. He pointed out that this meeting is public and currently there hasn't been anyone stand at the podium to request that the salary ranges not be adopted.

Katrina Ross gave her address as 4583 North 900 West and stated that having salary ranges is a good practice and guideline to ensure that employees are treated fairly. She added that if these ranges are approved the two positions that are below range should be brought to the minimum.

Mayor Daniels asked a general question to those in attendance about how many have had to make business decisions in their workplaces with regard to hiring, firing, and attracting quality employees. He was of the opinion that the Council has been presented with sufficient information to make a decision on the matter.

ACTION: Council Member LeMone moved that the Council consider Ordinance (2015-22) amending the compensation schedule for the Statutory Officers and Appointed Officers of Pleasant Grove City; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken, with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion passed unanimously.

B) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-027) AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH ARIC JENSEN AND KNOWLTON DEVELOPMENT FOR A MIXED USE PROJECT ON MAIN STREET, PLEASANT GROVE, UTAH, REGARDING ACCESS AND PARKING EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Presenter: Attorney Petersen.

Note: Items 10A and 10B were discussed in reverse order.

Attorney Petersen explained that Mr. Aric Jensen presented a proposal a few weeks earlier to make use of an empty spot on Pleasant Grove's Main Street, the empty lot faces Main Street and backs up to the city parking lot for the Library and City Hall. In order to accommodate his proposal, cooperation from the City was needed with regard to parking and cross access easements. Mr. Jensen's proposal was for a mixed-use project and the parking easement would be strictly for the commercial portion of the project. The exact location of the easement will come later as it is still currently in the concept phase.

The applicant, Aric Jensen, commented that he has had a great experience working with staff. So far everything is moving forward as planned and they will be closing on the property later in the week. Furthermore, he will soon have a site plan ready for review by the Planning Commission and Council.

There was discussion regarding parking. Council Member Boyd remarked that a plan should be in place to clean up the parking lot and create additional space for the Library. Council Member Jensen inquired as to whether Knowlton Development purchased a previously City-owned building. Mr. Jensen explained that the building in question is currently not for sale, but they did look at a parcel to the south of that building. Council Member Stanley commented that Knowlton Development has presented a great proposal.

ACTION: Council Member Stanley moved that the Council adopt a Resolution (2015-027) authorizing the Mayor to sign a Development Agreement with Aric Jensen and Knowlton Development for a mixed use project on Main Street, Pleasant Grove, Utah, regarding access and parking easements; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken, with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion passed unanimously.

C) DISCUSSION AND POSSIBLE ACTION ON 4000 NORTH SEWER. *Presenter: Administrator Darrington.*

Note: Council Member Boyd recused herself from the above item and left the meeting 9:10 pm.

Administrator Darrington provided a brief overview of the item, and commented that if the cost of putting in a new line will be split between the City and residents in a particular way, the reasoning behind the decision needs to be explained. The costs to be paid by residents regardless of the following proposals are as follows: TSSD Impact Fee - \$2,475; Pleasant Grove City Impact Fee - \$1,034; lateral from house to sewer main - estimated between \$5,000 and \$12,000. All residential monthly costs are based on 14 connections, a 20-year payback and a 3% interest rate. Administrator Darrington noted that while previous discussions have also included residents without sewer on 900 West, the proposals as outlined will only apply to 4000 North. However, what is decided tonight could be used as a guideline for future situations that are similar to this one.

Option 1 is otherwise known as the "Residents Proposal" and was given to the City by the residents that live on 4000 North. In their proposal they stated that they feel they should have some level of participation. They proposed that they pay 10% and the City pay 90%, which

would equate to \$38,293 as the total cost to residents, and \$344,640 as the total cost to the City. The monthly cost to the citizens would be \$15.17.

Option 2 is for the residents to pay the 1998 cost of the sewer line. This proposal takes the original cost estimate in 1998 to put the sewer line in and charges the residents the full cost at that time, which was \$62,598. In this scenario, the percent paid by the residents would be 16.3%, and the percent paid by the City would be 88.7%. The total cost to the residents would be \$62,598, and the total cost to the City would be \$320,336. The monthly cost to the citizens would be \$24.72. Council Member LeMone asked if other streets were offered something similar in 1998. Administrator Darrington reported that in 1998 the City put in sewer on 2600 North and 900 West up to a certain point. At the time, the City indicated that they were going to collect a front foot fee from the residents to help pay for future projects. To staff's knowledge, the front foot fee was never collected.

Option 3 is for the City to pay the original price committed to Cedar Hills. This proposal would take the original dollar amount that Pleasant Grove City offered to Cedar Hills to use their line in the City's 2011 proposal to Cedar Hills. The residents then would pay the remainder of the balance, which was \$164,406. In this scenario, the percentage paid by the residents would be 57.1%, and the percent paid by the City would be 42.9%. The total cost to the residents would be \$218,655, and the total cost to the City would be \$164,278. The monthly cost to the residents would be \$86.62. No official action was ever taken by the Council on this option.

It would cost the City \$382,934 to pay for 100% of the 4000 North sewer line. If the residents paid 100% of the cost of the line, their monthly cost would \$151.70. If the cost of the line was split 50/50 with the residents, each party would pay \$191,467. The monthly cost to the residents would be \$75.85.

Administrator Darrington stated that the Council will decide on which option to pursue, after which the City will have a meeting with the residents. At least 60% of the residents on 4000 North will need to be supportive of the Council's decision on the matter in order to create the SAA. Negotiations were ongoing until a majority consensus is reached. Once the SAA is created, all of the residents therein will be required to participate. Attorney Petersen explained that this method of creating an SAA is different than what was previously done. The State Code has changed recently.

Dennis Hullinger, who resides at 637 West 400 North, stated that in the last meeting where this item was discussed, most of the residents supported Option 1, which is that the City pay 90% and the residents pay 10%. He was of the opinion that it would be difficult to gain majority support from residents if they were required to pay more than 10%. Mayor Daniels asked Mr. Hullinger how much it costs to replace or repair a septic tank. Mr. Hullinger did not know the answer.

Dan Stewart gave his address as 4611 North 900 West and explained that he hired a contractor from Salem, and they dug 375 feet of drain field with a depth of 24 feet. In speaking with the County, he learned that if he were to have crushed his existing septic tank he would have needed a permit to get a new one. However, if he would have added to his existing tank, he would not have needed a permit. Therefore, he doubled the size of his existing septic system. Mr. Stewart

commented that tonight he is representing his neighbors, who have all had very tenuous situations with their tanks, especially during heavy rain and snow. He stressed that many of his neighbors are on fixed incomes and cannot afford to pay large amounts of money each month. It cost Mr. Stewart \$10,000 to \$20,000 to secure his septic system's efficiency, and there was further discussion on current rates for replacing a failed septic system.

Dennis Thayne, who resides at 4087 Canyon Road, commented that in speaking with residents on 900 West, it cost them between \$12,000 and \$15,000 to connect to the sewer. He asked the Council to give residents a starting point on negotiations for the sewer line.

Scott Richards gave his address as 4350 North 900 West and stated that he is on a septic tank but has the option of connecting to a sewer line in front of his house. Mr. Richards commented that this issue comes down to the City taking care of the citizens, and addressing why some residents get sewer and others do not. The issue has been ongoing for far too long and it is time to make a decision now. Mayor Daniels asked if the current City Council has in any way given the impression that they do not want to resolve this problem. Mr. Richards did not think that was the case and again stressed the importance of arriving at a solution. Mayor Daniels replied that they are currently trying to determine dollar amounts upon which they can act.

Katrina Ross gave her address as 4583 North 900 West and asked if the numbers would be comparable to putting in a sewer line on 900 West. Administrator Darrington answered that staff has not run any numbers for a sewer line at 900 West. As of now, they are trying to determine what percentage of the 4000 North line would be paid for by the citizens, and how much would be covered by the City. The price would depend on the lateral foot cost.

Jacob Sutch stated that the subsidy should only apply to existing homes and not new development. He expressed frustration with the fact that this is the fourth meeting on this item and questions are still being asked about how much it costs to replace a septic system. He argued that at this point all research should be completed.

Mayor Daniels felt the City was responsible and had they acted when the annexation policy was declared, the cost of the system would have been affordable for everyone involved. The inflation has now made the line expensive for the entire system and put it almost out of reach for the people who are most directly affected. Furthermore, the City has been in back and forth negotiations with another entity that is not responsible for solving Pleasant Grove's problems. Mayor Daniels remarked that it is ridiculous to assume that the citizens are going to cover 100% of the cost of the line. Furthermore, he disagreed with the notion of investing in a significant amount of infrastructure, only to leave it to the future to determine whether or not residents will hook onto the line. He stated that the City needs to get the job done and get the laterals in now for the existing homes. After the 4000 North sewer is addressed, the City can then address 900 West.

Ron Nix, a 23-year Pleasant Grove resident, was impressed with Mayor Daniels's comments. He added that there are a lot of residents on 4000 North on fixed incomes. He felt that making them pay only 10% of the line is fair, especially since they have been devoted citizens who have supported the City with their tax dollars for many years.

Mr. Hunter echoed comments made previously. Mayor Daniels closed the discussion to public comments.

Council Member Andersen explained that as a community everyone works together to help provide valuable resources. She cited the secondary water system as an example. She remarked that of all the budgets in the City, the Sewer Fund is the one account that can afford this pipe. Council Member Andersen stated that as a citizen she would love to participate in helping these residents have access to sewer.

Council Member Stanley remarked that as a Council they have an obligation to treat every taxpayer equally. The utility rates in Pleasant Grove far exceed the average of cities across the County, and therefore, the City needs to be responsible and self-sufficient within their existing systems. Council Member Stanley proposed that 10% of the cost be charged as a monthly fee and the remaining balance paid when properties subdivide or are transferred. He felt this would make the project affordable for the residents involved. Secondly, he proposed to staff that a voluntary contribution fund be created. Third, Council Member Stanley wanted to see the 3% interest rate waived. He concluded that it is morally wrong to have the entire Pleasant Grove citizenry pay for a service that will only benefit 10 households.

Council Member Jensen commented that their City has to be compared to other TSSD cities. Pleasant Grove cannot be compared to Orem, for example, because Orem had all of their infrastructure paid for by Federal grants. TSSD passes on all of their costs onto their cities, who in turn has no other option than to pass the costs onto the citizens. Council Member Jensen stated that what is fair is different in everyone's mind. He then calculated rough mathematical estimates on the cost the residents would need to pay up front. Council Member Jensen expressed his preference for either Option 1 or Option 2, and feels that either would be fair.

Council Member LeMone asked staff if the City had installed a sewer line at 900 West and 2600 North without charging the residents. Administrator Darrington answered in the affirmative. According to the minutes, there was an intent to charge a front foot fee, however, the current staff had no knowledge of it ever having been collected. Mayor Daniels expressed appreciation for Council Member Stanley's remarks.

Council Member Andersen was in favor of either Option 1 or 2, and remarked that her turning point was when residents in the Manila Township chose to be part of Pleasant Grove when the County required them to choose a city with which to annex. Council Member LeMone agreed with previous comments made by Council Member Andersen that there are many projects throughout the City that won't benefit her directly, but she is willing to contribute to them because she is part of a community. These residents have been promised by previous administrations and Council Members for the last 17 years that they would be provided sewer. The City has an obligation to keep this promise. She felt that asking residents to pay the remaining portion of the line when they subdivide or sell would be a huge financial burden, especially when the City has paid for sewer lines in other areas throughout the City. Council Member LeMone stated that the City has exhausted all other options throughout the past 17

years, and she was in favor of Option 1 or 2. The Council further deliberated between the options as presented.

ACTION: Council Member Jensen moved that the Council continue meeting past 11:00 p.m. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

Dennis Thayne commented that he doesn't have an immediate need for a lateral because he has a working septic tank. He would, however, be more than happy to pay a sewer fee to hook into the line. Administrator Darrington explained that residents would be given the option of paying cash up front if they don't want to finance the lateral. In this case, the resident would be required to connect immediately.

In response to a question from Dennis Hollinger, Administrator Darrington explained that the line would be designed with all of the laterals going in, which would provide an overall cost. This would then allow the City to break the cost down for each individual property. Katrina Ross asked if broadening the project would affect the voting. Staff provided an overview on the reasons staff opted to focus primarily on the 4000 North sewer.

Gordon Davies, who resides at 4583 North 900 West, expressed disappointment in how this situation has been drawn out. Furthermore, he stated that it doesn't make sense to do two separate projects on 4000 North and 900 West. Mayor Daniels responded that there are some added complications with 900 West, as it is owned by Cedar Hills. Therefore, they will either have to get permission from Cedar Hills to dig into their road or exercise eminent domain. Currently, Pleasant Grove does not have this control over 900 West, however, the City does have control over 4000 North. Mayor Daniels stated that it also doesn't make sense to be discussing putting a sewer line in 4000 North because there is already an existing line there. Cedar Hills, however, won't allow Pleasant Grove residents to connect to the line without annexing into Cedar Hills.

Administrator Darrington mentioned that there are two residents who have applied to boundary adjust into Cedar Hills and one resident has already hooked onto a sewer line owned by Cedar Hills. He then provided a recap of all that has taken place with regards to the 4000 North sewer.

ACTION: Council Member Andersen moved that the Council proceed with Option 1. The motion died for lack of a second.

ACTION: Council Member Stanley moved that the Council directed staff to proceed with Option 4. The motion died for lack of a second.

ACTION: Council Member Jensen moved that the Council proceed with Option 2, which was outlined as follows:

Option 2 is for the residents to pay the 1998 cost of the sewer line. This proposal takes the original cost estimate in 1998 to put the sewer line in and charges the residents the full cost at that time, which was \$62,598. In this scenario, the percent paid by the residents would be

16.3%, and the percent paid by the City would be 88.7%. The total cost to the residents would be \$62,598, and the total cost to the City would be \$320,336. The monthly cost to the citizens would be \$24.72.

Council Member LeMone seconded the motion. A voice vote was taken with Council Members LeMone, Jensen and Andersen voting "Aye", and Council Member Stanley voting "Nay". The motion passed 3-to-1. The next step for the project will be to send the design out to bid and the SAA would be created provided that at least 60% of the residents on 4000 North are agreeable to the proposal.

11) ITEMS FOR DISCUSSION - NO ACTION

There were no additional discussion items.

12) DISCUSSION ITEMS FOR THE AUGUST 4, 2015 CITY COUNCIL MEETING

The only item currently on the August 4, 2015, agenda was a discussion on R-rated movies at the Library. The meeting on August 12, 2015 was to be cancelled because it will be the day after the Primary Election.

13) NEIGHBORHOOD AND STAFF BUSINESS

Note: Council Member Boyd returned to the meeting at 11:22 pm.

Staff provided updates on their respective departments. Director Young reported that the Verizon Wireless cell tower issue is being resolved, in that they are most likely considering a separate tower in the Manila Discovery Park. Mr. Larson stated that he spoke with Culinary Crafts, and they recognize that the Promenade isn't necessarily a true farmers market. They are making plans to host a farmers market in their building on Saturday mornings beginning August 8, 2015. Director Beaumont noted that he spoke with employees about the policy of not entering private property late at night for the purposes of water enforcement. With regard to streets, they will be presenting a three-year plan for the Council's review in the near future. Police Chief, Mike Smith, explained that he recently completed a report where he took a year's worth of statistics based on historic neighborhood to clarify circumstance codes in the Spillman database. The study will help the Police Department identify which high density housing units are generating the most calls. Last, Library and Arts Director, Sheri Britsch, stated that the Library recently completed the summer reading program. She read several comments from parents who attended with their children.

14) MAYOR AND COUNCIL BUSINESS

There was no further Mayor and Council business.

15) SIGNING OF PLATS

There were no plats signed.

16) REVIEW CALENDAR

There were no additional calendar items.

17) ADJOURN

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

The City Council Meeting adjourned at 11:30 p.m.

Minutes of July 28, 2015 were approved by the City Council on September 1, 2015.

Kathy T. Kresser, City Recorder

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