

Pleasant Grove City Council Minutes
May 1, 2007
7:00 p.m.

PRESENT:

Mayor: Mike Daniels

City Council Members:

Cindy Boyd

Darold McDade

Lee G. Jensen

Mark Atwood

Bruce Call

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Gary Clay, Finance Director

Lynn Walker, Public Works Director

Deon Giles, Leisure Services Director

Marc Sanderson, Fire Chief

Ken Young, Supervisor of Community Development

Libby Flegal, Neighborhood Chair

The City Council and staff met at the City Council Chambers (south entrance), 86 East 100 South, Pleasant Grove, Utah.

Mayor Daniels called the meeting to order at 7 p.m. and welcomed everyone to the meeting.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given by Director Giles.

2. OPENING REMARKS

The Opening Remarks were given by Chief Sanderson.

3. APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, McDade, Jensen, Boyd and Call voting "Aye."

4. CONSENT AGENDA (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

MINUTE REVIEW AND APPROVAL:

1. Joint City Council/Planning Commission Minutes for April 4, 2007
2. City Council Minutes for April 17, 2007

3. Special Joint Pleasant Grove/Cedar Hills Council Minutes for April 24, 2007
4. To consider approval of Partial Payment No. 2 (Final Payment) and Change Order No. 1 to PEC. Inc., for the Pleasant Grove 2006 Sewer Rehabilitation Project.
5. To consider approval of Partial Payment No 8 and Change Order No. 8 to Dunn Construction, LC for the Pressure Irrigation System - Schedule 4B Project.
6. To consider approval of Change Order No. 1 to Absolute Constructors, LLC for the Pressure Irrigation System - Schedule 4A Project.
7. To consider approval of paid vouchers (April 25, 2007)

ACTION: Council Member Call moved to approve the consent items as listed with some changes to the minutes that she and Mayor Daniels made and submitted to the Deputy Recorder. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, McDade, Jensen, Boyd and Call voting “Aye.”

5. OPEN SESSION

Mayor Daniels asked if there was anyone who wanted to come forward in an open session format. He asked if they would state their name and address and noted that they needed to limit their comments to two minutes or less.

Mr. Jim Kelley came forward. Mr. Kelley thanked the Mayor and Council for their time. He said in mid April he had been given a letter that showed significant changes to the rules in the City’s cemetery policy. He noted that since the passing of his wife Linda on March 28, 2005, he has taken great and tender care of the plot she was buried in. However, he said he has been frustrated by what he termed the “outlawing” of solar lights, shepherd crooks, wind chimes and bird feeders. Mr. Kelley said he would appreciate it if there was more dialogue between the Council and residents and a compromise perhaps be met with the new policy.

Mayor Daniels thanked Mr. Kelley for his time in coming in. He said that he would like to have Director Giles and a member of the Council meet with him and explain the reasons behind the new policies. The Mayor said it was difficult to try to have a dialogue in the current meeting. He asked for a volunteer from the Council and Council Member Boyd said she would meet with Mr. Kelley and Director Giles. Mayor Daniels also suggested the cemetery sexton be involved in the meeting.

Mayor Daniels asked where Mr. Kelley had received the information regarding the new policy. Mr. Kelley said his daughter had somehow received the information. Mr. Kelley’s son, Cole, then said that maybe some of the information was inaccurate, and he would appreciate Director Giles’ time in correcting the information they had received.

Mr. Randy Kummer next came forward and identified himself as the Neighborhood Chair from The Battle Creek Neighborhood. Mr. Kummer said his first issue was the concerns of the residents around the Tank Park. He said that he was told that the money had been freed up for the work to be done on the park—and should have been started around April 10, 2007. However, he said that nothing had yet been done. He said that the residents had felt that they had been strung along for a long time and was wondering when the park would be done.

Director Giles explained that there had be some delays due to paper work. However, he said that he was hoping that by Monday, May 7, 2007, the work would begin on the park.

Next, Mr. Kummer explained that he had received a letter from his neighbor. He said the neighbor was concerned that the Falcon View development was not correctly measuring their setbacks from his property. He said the development is in the vicinity of 1500 East and 400 South. Legally, Mr. Kummer said the setbacks on the front and back of the homes should be 25 feet. He said that the resident was upset that the city inspectors were not carefully checking the measurement of the setback; and he had found them to be incorrectly measured. He said they were encroaching on the resident's property, with the setbacks at only 23 feet instead of the required 25 feet.

When the inspector was approached, Mr. Kummer said the inspector said the burden of proof was on the resident, not the developer, in making sure the fence lines they were measuring from were correct. Mr. Kummer said that the resident's property lines were correct and staked.

Mayor Daniels asked Supervisor Young if he was aware of the situation. Supervisor Young said that Attorney Petersen was aware of the situation, but that she had been unable to be at the current meeting. He also said that he was not aware that the homes were continuing to be built, despite the question. He noted that he thought a survey was to be performed to settle the question.

Council Member Call then recommended that work stop on the development until the questions about the setbacks are answered with a survey. It was suggested that the developer would have to take the issue to the Board of Adjustment (BOA). Council Member Atwood said that is not the function of the BOA. He said the situation was allegedly created by the developer; which would void his ability to receive a variance from the BOA.

Mayor Daniels said that the builder of the Apple Grove development consistently disobeyed the instructions of the inspectors. He said that if the builder goes in such a direction, they need to take their errant construction out and do it correctly. The Mayor then told Mr. Kummer that Supervisor Young would follow up on the concern.

Mr. David Castler from 592 E. 200 N. in Orem then came forward. Mr. Castler explained to the Mayor and Council that he wanted to express the feelings of two mothers concerning the information he had received on the new cemetery policy. He said his daughter, Jenny and her friend had passed away in a caving accident about 18 months before, and are buried in the Pleasant Grove cemetery. He indicated that the Pleasant Grove Cemetery was specifically chosen for gravesites for his family due to the fact it was the "happiest "cemetery in the state. He said that his wife felt that if the changes they had heard about that were to happen, that feeling would no longer be in the City's cemetery.

He noted that due to the emotion of the loss, his wife was unable to read a letter that she had composed to the Council. He said he was there to read it in her place. He then went on read the letter which expressed the sadness of their loss. He said that if they were unable to continue to put some of the items they had been putting on the grave; it would be very hard for them, since they were in the process of healing from their daughter's deaths. Mr. Castler said that they carefully clipped around the headstone each week and worked to make sure the area around the

grave was well kept. He even said that if they were able to keep the items they would gladly pay \$10 a month, if needed, for additional care by the city crews.

Mr. Castler then explained that he is a landscape architect by profession. He offered his professional services in somehow solving the maintenance problems in the cemetery, if needed. He said he also realized that not everyone was as attentive to their plots as he and his wife had been.

Mayor Daniels thanked Mr. Castler for his comments and his offer. He then asked Director Giles to organize a meeting with Mr. Castler.

Mr. Paul Varney then came to the podium and identified his residence as the part of the Belle Monet development. He said that he wanted the Mayor and Council to know that the current 2000 West that the residents come out on to meet Pleasant Grove Blvd. by the off ramp was very dangerous. He said that there was a signal on Sam White's Lane, however, there was none on that portion of 2000 west where they came out onto P.G. Blvd, and during the morning and evening rush hours, it was very difficult to even get onto the Blvd. He also pointed out that there were several older residents in the development, and the evening hours were very hard for them to try to see the cement divider in the dark in that area. He even said a couple of older women had almost been hit in that area recently. Mr. Varney asked that the City see to it that the turn lane be painted and there be reflectors applied to the cement divider. He also asked for a definite time frame.

Mayor Daniels explained that the area Mr. Varney was speaking of was in transition. He said that he was aware that a signal was going into the area Mr. Varney was referring to. Administrator Mills agreed. He said that due to a legal posting period needed for bids to come in and subsequently be awarded, he was probably looking at about 45 days before the signal was installed. Council Member Boyd asked about the issue about the reflectors on the cement barrier. Director Walker said he would see that part of the request would be done.

Mayor Daniels asked if there was any further comment from the public. There were none. He then closed the open session.

6. NEIGHBORHOOD ADVISORY BOARD REPORT

Libby Flegal reported that Director Walker had been in attendance at that same evening's Neighborhood meeting. She explained that Director Walker will work closely in helping to establish the priority with the committee for repair of roads. She said that it was agreed that the next step will be for Director Walker and his crews to proceed with the repairs in the order of the list.

7. BUSINESS

a. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING KRISER HOMES' REQUEST TO ADD A NEW SECTION 10-9A-16 TO THE R-R/RURAL RESIDENTIAL ZONE AND 10-9B-15 TO THE R1/SINGLE-FAMILY RESIDENTIAL ZONES; TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT (PRD), AND

AMENDING SUB-SECTIONS 1 & 2 OF CHAPTER 10-9B TO COINCIDE WITH THE NEW SECTION. CITY WIDE IMPACT

Mayor Daniels read this item. Supervisor Young then explained that the applicant, Mr. Matt Kriser, was requesting that the City's ordinance have the option to develop well planned, private communities, within the R-R & R1 zones.

Next, Supervisor Young indicated that on April 3, 2007 the Mayor and City Council, addressed this proposal. He said they made the motion to have City Staff resolve questions and concerns with the responsibility of maintenance of Common areas and streets, in the event the Home Owners Association (HOA), of a Planned Residential Development (PRD), was to dissolve, fail, or neglect their these responsibilities. Staff then prepared a solution that addresses Council's concerns, and the City Attorney has reviewed this additional text.

On July 5, 2005, the City Council approved the "Repeal" of the "PD Overlay Zone," called the *Performance Development* ordinance, which allowed private communities within Pleasant Grove City, with the development revolving around a performance development scheme.

He said that the Mayor and Council brought up valid concerns, which are typically resolved with the submittal and recording of proper CC & R's. The greatest of the Council's concerns was if the City had to deal with the maintenance and repair issues of a PRD in the event that the HOA fails, neglected or completely dissolved. To better ensure that this does not happen, he noted that Staff had included specific CC & R requirements in an additional text, which includes an outside organization to assist in governing the private community. He then read an outline summary of what the additional text required of a Planned Residential Development (PRD); and how this would further protect the City:

1. Text requiring a professional property management company to govern the Home Owners Association established by the developer. This outside property management company shall be required to do the following:
 - Oversee all maintenance responsibilities to ensure consistent, and proper care of Common areas and facilities, including all streets within the PRD.
 - Establish and govern reserves that will absorb future repair and maintenance costs.
 - Act to help sustain the HOA, but shall be available to take the place of an HOA committee, if the HOA dissolves completely. If this were to happen, the property management company would assume complete responsibility of the PRD, without the City's involvement.
 - All streets in a PRD are to be constructed to City standards, but remain private. If at some future time, the PRD wishes to dedicate their streets to the City, the City reserves the right to inspect these streets prior to acceptance. If the streets require repair or restoration of any kind, then the PRD must use reserve funds to bring the streets up to City standards prior to the streets being handed over to the City.
 - Any proposed amendments to the CC & R's must be approved by the Planning Commission and City Council prior to recording.

The property management company would also be involved from the onset, or initial stages of construction, to ensure that the developer performs and meets all the requirements of the development.

He indicated that Staff was certain that detailed CC & R's, which include the governing of a property management company, provides the City with additional security, and is the best solution found to address the Council's future and past concerns. The additional text summarized above, can be found as the underlined portion of the proposed ordinance, included with this report.

Supervisor Young then went through additional comparisons between a PD and a PRD zone:

	<u>PD</u>	/	<u>PRD</u>
Density:	Base + Bonus Density allowing up to a 20% increase.		Based on zone; and follows the General Plan Staff is currently updating. No additional density increase.
Lot Size:	At least 30% of the minimum zoning requirement.		Up to 40% of the total lots may be Reduced in size from the minimum zoning requirement.
Open space:	50% of the net acreage. No more than 15% can be used as hard scape. the Open Space requirement as long as it is recreational in nature.		A (%) requirement specific to the Hard scape may be counted toward

The proposal further meets the goals and objectives of the City's General Plan by providing additional options for orderly, efficient, and attractive residential developments.

The purpose of the R1 Zone is to, "promote an environment for all socioeconomic levels of family life..." There are many people who like living in planned communities, and it has been a successful product in many cities within the State and beyond our borders. This proposal will meet the intent of the zone, and provide another option for quality living within the City.

The purpose of the R-R zone is to accommodate residential developments that can be oriented to an equestrian lifestyle. Staff believes the lot size & open space requirements for a PRD, in this zone, will sustain this definition.

The "PRD" proposal is one that Staff believes can be well suited in the City, because of future residential demands in the future, and the demographics of an increasing population of all ages. Planning has come to this determination based on the analysis and comparisons given above, and that this type of development is now commonplace in the Planning industry.

A developer is to default to all other zoning, supplementary, and development requirements not covered by the new ordinance. On March 22, 2007, Staff presented the ordinance proposal to the Commission, and the Commission recommended approval to the Council, including the following corrections:

- Reduce the Open Space requirement for the R-R zone to 12%.
- Increase the minimum side-yard setback for a dwelling to 10 feet.
- Give a complete definition of “Hard scape.”

Staff addressed the three major areas for correction listed above; however Staff is maintaining its original recommendation on the Open Space and Setback requirements. The Open Space should be a higher percentage to be compatible with the purpose and objectives of the R-R/Rural Residential Zone. As for Staff recommending a reduction in the side and rear yard setbacks, this was done because a standard characteristic of a planned community is one that has an increased density from a standard subdivision. The applicant is not required to use a 5’ wide side-yard setback, because it is just a minimum, but a future applicant may need a reduction in this setback rule. By reducing the side-yard setback to 5 feet, the City provides the flexibility that a planned community should have, and still meets the minimum space needed for the fire department along the side of a dwelling.

Supervisor Young said he would now like to turn the discussion over to the applicant. Mr. Kriser then asked his director of research for his company to come forward. Mr. Carl Hansen identified himself and said that he had been able to accomplish a great deal of research since the last meeting with the Council. He said that in going through several scenarios regarding PRD’s on the internet, he found that the common thread that ran between the successful developments was professional property management companies that were put in charge of the workings of the HOA’s.

He went on to explain that the main reason for disagreements within the HOA’s was money. With a professional property management company writing the checks and hiring plumbers, etc, the HOA’s were more apt to work together. Mr. Hansen explained that Arizona communities have a lot of these kinds of communities. The PRD’s in that state seem to all have professional property management companies that make sure such issues as the grounds and the streets of the communities are kept up to a high standard.

Mr. Hansen said that Council Member Atwood was concerned as to the locked gates and how emergency vehicles were able to get in. He said there are electronic devices available to the emergency agencies that will open the gates and allow them in.

After further discussion, Council Member Boyd asked what the total acreage would be for the development. Council Member Jensen noted that the report said it was 25 acres. Council Member Jensen then asked if the 5 ft. setbacks were per lot or the total setback. Mr. Kriser said it would be a total of 10 ft. setbacks with 5 ft. per home. Council Member then said that it was his preference that the setbacks are at least 10 ft. Council Member Boyd said it was her preference, also.

Council Member Jensen then asked Mr. Kriser how much open space the development would provide. Mr. Kriser said that he has noted in some other developments that 1.2 acres in a 10 acre development would be the open space area. He said he felt that wouldn’t be enough to be a true amenity. Mr. Kriser said it is important to him that the individual lots not be small.

Mr. Kriser said it is his observation that the city cannot really afford to buy land to build large parks throughout the community. He said he felt that the PRD’s provide open space for residents

to be able to come together, much like his neighborhood congregates on his own quarter-acre lot for games and picnics. He went on to explain that he feels that homeowners would give up some of their lot size in order to have a nice common area that they can utilize as a gathering place. He also said these small parks break up the house-after-house look that identifies urban sprawl.

Council Member Atwood indicated that he feels it would be a better idea if the development was built without a gate. He said he doesn't like the idea of only certain people being within the walls of the development being able to enjoy the park. He also said he would like to have access to use the park. Mr. Kriser replied that the property owners within the PRD are giving up some of their property to have amenities such as a park and swimming pool. He said that he feels it would be wrong to punish someone if they had a swimming pool in their yard. Mr. Hansen further explained that the property owners are paying taxes for all of the parks in the City, and the concept of the PRD does not take away from those other parks.

Council Member Boyd then explained that if you take 50 homes, and each homeowner is willing to give up a little to benefit the community. She said she sees this as a workable way to set up a development. She also said that if you haven't given up anything to have a park or swimming pool, then you haven't paid your dues to have such amenities in your area. Additionally, she said she likes the idea of 10 acres with only 20 homes, as well as an attractive open space area that helps create a neighborhood "feel."

Council Member Jensen then asked about Item 8 in the staff report. He said he would like to understand how a gated community would provide blending or connectivity to a City, as stated. Mr. Kriser said that he met that these communities can provide a residential feel instead of commercial development. Council Member Jensen explained that he felt that the City's roads lead to the development, but that the communities behind such gates are isolated; and he felt this did not lend a connecting or blending element to the City. Mr. Kriser noted that these types of communities have open gates throughout the day, with the gates closing later at night. He said if these communities are allowed to come in, they raise the standard. Council Member Jensen then said he didn't feel the beauty of the communities answered his question of the connectivity.

Mr. Hansen then explained that such a community doesn't always work well in the middle of Main St, with main roads needed in that area. However, it has to be carefully placed in an area that would not require main streets running through it, but around it. He showed this on the conceptual drawing of the community on the screen and how the roads within the gated community are not connected to main arteries within the City. By not impeding the traffic flow, he said the community does contribute to the connectivity of the roads in the City.

Council Member Call then explained that he doesn't have issues with lowering the density, with amenities or connection questions. He said his original concern about the HOA's come into play with whether or not the Council is comfortable with the vagueness as to how a professional property management company is chosen. He asked if the Planning Commission or Staff would be the ones to choose the company. Mr. Kriser answered that he had worked with Attorney Petersen on that question. He said that these companies must be licensed and bonded. He added that if they do go out of business and default on an agreement, they would be the ones who would loose. Council Member Boyd also added that Utah County, with BYU and UVSC housing, has a lot of professional property management companies operation in the valley.

After further discussion, Council Member McDade commented that since the passage of legislation that prohibited what the Council learned were inherent problems with the prior PD developments had been nice. He said the Council had repealed the ability for these kind of developments to come into the City due to the fact that the HOA's had repeatedly come to the Council with matters that really didn't have anything to do with the City. He said he was surprised when Mr. Kriser brought the PRD concept to the Council for approval when as a sitting Planning Commissioner. Council Member McDade said he felt that Mr. Kriser knew what problems the City had dealt with.

Mr. Kriser said that he felt that he is being punished. Council Member McDade said that he knew that Mr. Kriser would put in a quality development. However, he said that other developers might not have the same interest of the City at heart that Mr. Kriser has had. He went on to say that those that follow might cause the same problems as the prior PD developments caused the City.

Council Member Atwood asked who would be in charge of hiring the property management company. Mr. Hansen said that within the CC & R's, there would be a stipulation that if the HOA wanted to add another clubhouse, etc, they would need to come before the Planning Commission and the Council to get approval to change the CC & R's in order to do that.

After further discussion, Mayor Daniels opened the discussion to a public hearing. Mr. Pete Blake came forward and asked how many homes would be involved in the development. Mr. Kriser said there would be about 64. Mr. Blake said that if 64 homes were being built, he would rather see them built into this kind of development than just rows of homes.

Mr. Varney then came forward and says he also feels this would be a very nice addition to the City. He said he currently lives in Belle Monet (Mr. Kriser's project), and has been very happy with the HOA. He also explained that if there is a leaky sprinkler, etc, the HOA is legally obligated to take care of those problems—not the City Council. He also said his brother lives in a gated community that he always has open access to.

Mrs. Libby Flegal then came forward and said that she also likes Mr. Kriser's idea. She noted that her sister lives in a gated community. She said her sister loves the atmosphere of the community and the well-kept landscaping and amenities.

The Mayor then brought the discussion back up to the Council. Council Member Boyd said she felt Mr. Kriser's concept was more creative than what the Council had seen in the past. She also said that she is aware of other communities that have gated communities that are working very well. She also said she likes the idea of a variety of homes as well as open space in these communities. She went on to say that The Grove area could use more variety in development than it currently has.

After further discussion, Council Member Jensen said that in looking at the proposed development, he sees streets and homes and yards. He asked where, exactly the variety is at. Supervisor Young said the open space within the development gives it variety. Council Member Jensen then commented that the Council was being asked to pass an ordinance that doesn't really specify how the City enforces the potential failure of an HOA. He went on to say that it was in

the best interest of the City to know if the property management company would be legally obliged to continue to function.

Council Member Boyd explained that in developments in The Grove such as Pemberley and Trophy Homes that the developers are not always on site. She said they hire property management groups to take care of the needs of the HOA. She went on to say that the Council has not needed to concern themselves with these and other developments in The Grove that have HOA's.

Mayor Daniels then addressed the Council. He said he felt that a conditional use clause needed to be in the ordinance. This would give the Planning Commission and the Council the ability to review each proposed development and making sure all concerns were addressed. Additionally, he said a PRD is created because of several reasons. He said people have a right, as a group, to fence their development, if it is what they want and for whatever reason. He observed that due to the price of property in the area, he doesn't feel that people will be trying to make a fast buck with PRD developments. Council Member Boyd agreed. Council Member McDade suggested that it would need to be specified that certain issues would need to be approved by the Council prior to overall approval.

Supervisor Young then explained that he has seen very successful PRD developments. He said the secret seems to be in not allowing the requirements to be open ended for the developer. He said he knows this puts the burden on Staff to create criteria that is code-specific. Council Member Call said this would be as the Mayor had said, conditional use. Supervisor Young said yes, it would.

Mayor Daniels said he would suggest that the PRD go forward, with the conditional use clause. He said this would give the City Staff, Planning Commission and Council the ability to review and make sure that every minimum requirement would be met by the developer. Council Member Call said he agreed. He said that perhaps the proposed ordinance could be simplified. Mr. Kriser said the ordinance before the Council was the one that Provo had been using.

Mayor Daniels asked for a motion from the Council.

ACTION: Council Member Call moved to approve Ordinance No. 2007-23, regarding Kriser Homes' request to add a new Section 10-9A-16 to the R-R/Rural Residential zone and 10-9B-15 to the R1/Single-Family Residential zones; to allow for a Planned Residential Development (PRD), and amending Sub-Sections 1 & 2 of Chapter 10-9B to coincide with the new Section; adding that all new PRD projects must be approved through the conditional use process and these developments must have 10 ft. minimum side setbacks. Council Member Boyd seconded and the motion passed with Council Members Boyd, Jensen and Call voting "Aye," with Council Members Atwood and McDade voting, "Nay."

Council Member McDade suggested that instead of adopting new text, that the Council just deny the ordinance, then have any of the PRD projects go through the conditional use process.

Council Member Jensen asked that the ordinance be amended to include 10 ft. side setbacks (which is now included in the motion).

B. TO CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING PLEASANT GROVE CITY TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT ESTABLISHING THE UTAH LAKE COMMISSION; APPROPRIATING SIX THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS AND TWENTY CENTS (\$6,235.20) FOR PAYMENT OF THE CITY'S FISCAL YEAR 2007-2008 MEMBERSHIP COMMITMENT; APPROVING THE APPOINTMENT OF A CITY REPRESENTATIVE TO THE UTAH LAKE COMMISSION'S GOVERNING BOARD; AND APPROVING THE APPOINTMENT OF A CITY REPRESENTATIVE TO THE UTAH LAKE COMMISSION'S TECHNICAL COMMITTEE.

After Mayor Daniels read this item and explained that he had asked Council Member Jensen to serve on this particular commission, Director Giles came forward to inform the Council regarding the Utah Lake Commission. He said he has been regularly attending the meetings and has been impressed with the discussions that have taken place regarding Utah Lake. He recommended that Pleasant Grove join the commission.

(Please Note: Council Member Atwood left at 9 p.m.)

Mayor Daniels asked if the amount being requested was for full membership. Director Giles said that Pleasant Grove will be able to cast a full vote with the membership. Council Member Call asked if each community had one vote. Director Giles said yes, they do.

Council Member Jensen said he noted that the contract said that the City would sign up for, initially, two years. He said that the City would need to give a year's notice if they decided to no longer be on the commission. Mayor Daniels agreed and said this would be obligating the City. Director Clay said that the City would be obligated only as long as they were committed per year, as the items from the City's budget cannot be obligated beyond one year.

Mayor Daniels asked if there were any other questions. He said if not, he would entertain a motion.

ACTION: Council Member Call moved to approve Resolution No. 2007-025, authorizing Pleasant Grove City to enter into an Interlocal Cooperative Agreement establishing the Utah Lake Commission; appropriating six thousand two hundred thirty-five dollars and twenty cents (\$6,235.20) for payment of the City's Fiscal Year 2007-2008 membership commitment; approving the appointment of Council Member Lee Jensen to the Utah Lake Commission's Governing Board; and approving the appointment of Director Deon Giles to the Utah Lake Commission's Technical Committee. Council Member McDade seconded and the motion passed with voice votes from Council Members Call, Boyd, Jensen and McDade voted "Aye."

C. TO CONSIDER AWARDED BID TO E.S.P. EXCAVATION FOR THE CITY HALL/POLICE DEPARTMENT SOUTH PARKING LOT EXPANSION PROJECT.

Director Walker came forward and reminded the Mayor and Council that this was a newly proposed bid that had been pared down from the original project that included the north side of the city hall parking lot. He said that Staff was recommending that the Council accept the bid.

Mayor Daniels asked if there were any further questions, if not he would call for a motion.

ACTION: Council Member Jensen moved to award the bid to E.S.P. Excavation for the City Hall/Police Department South Parking Lot Expansion Project in the amount of \$37,474.25. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members McDade, Jensen, Boyd and Call voting, "Aye."

D. TO PRESENT AND CONSIDER THE ADOPTION OF THE CITY'S TENTATIVE OPERATING AND REDEVELOPMENT AGENCY (RDA) BUDGETS FOR FISCAL YEAR 2007/2008 AND SET DATE FOR A PUBLIC HEARING TO CONSIDER ITS APPROVAL AND A DATE FOR ITS FINAL ADOPTION.

Director Clay came forward and presented this item to the Mayor and Council. He said that many hours had been spent in preparing the budget as the Mayor, City Council and Director worked together to refine the figures in the budget. He said there would be an increase in the permanent part time COLA adjustment as well as a 3.4% merit increase (based on performance). Additionally, he said there will be four new full time positions that will be added including the fire department, an engineer and a chief building official.

He went on to say that the garbage fees had been increased to \$9.99. Additionally, he said that the total budget was \$33,878,100. A public hearing would be held on June 5, 2007 where more information would be presented and the final budget be presented for approval. Residents can see a copy of the budget at City Hall and the Library. Council Member Call asked if it could also be sent to the website. Director Clay said that would be no problem.

Mayor Daniels thanked Director Clay. He said the meeting on Saturday and the overall experience with the budget had been very positive. He recommended that the Council approve the tentative budget.

Mayor Daniels asked if there were any further discussion. If not, he would call for a motion.

ACTION: Council Member Call moved to approve the adoption of the City's Tentative Operating and Redevelopment Agency (RDA) Budgets for Fiscal Year 2007/2008 and set date for a public hearing to consider its approval and a date for its final adoption. Council Member Jensen seconded and the motion passed unanimously with voice votes from Council Members Atwood, McDade, Jensen, Boyd and Call voting, "Aye."

8. STAFF BUSINESS

- Director Giles said the information that had been presented concerning the new cemetery policy during the meeting's open session had mostly been incorrect. He said he would meet with the residents and explain the new policy. He also said it was included in the May utility newsletter.
- Chief Sanderson reminded everyone about the Firemen's breakfast on the upcoming Saturday morning, May 5, 2007, from 6 to 11 a.m. He recommended that everyone buy their tickets ahead of time.

- Supervisor Young said the General Plan open house had been very successful. He said 50 to 60 people had been in attendance. He also said that several excellent comments had been submitted. He said the plan should be before the Council in June.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Boyd told the Council and Mayor that she had been sitting on the Utah County housing consortium for the past year. She said the board's function is to see that monies are used for home and bathrooms being remodeled, etc. She said that Pleasant Grove had contributed monies so that people on fixed incomes, etc, could received the funds. She said some of the monies were lent to the home owner's interest free. Additionally, she said Mr. Jorgenson would like to come to a Council meeting to explain how the program works. Mayor Daniels asked her to please let Recorder Fraughton know so she could get it on the agenda. She said she would.
- Council Member Jensen said the installation of the new irrigation system had began on the back nine holes of Fox Hollow Golf Course. He said the irrigation system installation is going to take about 120 days to install. Also, he said that in regard to the lights on the driving range, Lehi City will install the lights. American Fork City will then wire the lights. Pleasant Grove City was to clean all of the canals on the course, which has been completed. He also said that due to the mild weather, the course has been doing very well this spring. A transformer that is to be installed has been slated to be put in when the clubhouse is being put in.
- Council Member McDade thanked Chief Sanderson for bringing the fire truck to Manila ball fields for opening day on the past Saturday. He said the kids were really excited and it added a very nice touch.

Next, he announced that he had been appointed by Governor Huntsman for the judgeship on the 4th District Court. He said he would probably only be able to serve a maximum of two more months on the Council. He also said the appointment was a real honor for him. Everyone congratulated Council Member McDade and applauded his news.

- Mayor Daniels thanked everyone that turned out on the previous Saturday to the Downtown Park to plant trees and honor the City for the 11th year in a row as a Utah City of Trees for Arbor Day. He said five trees were planted by volunteers from the Beautification Commission, the Parks crew and the Council.

10. SIGNING OF PLATS

The Council signed Bastian Estates (Plat A), Murphy Meadows (Plat A), West View Heights (Plat A) and Villas at Maplewood Grove (Plat D).

11. REVIEW CALENDAR

The Mayor indicated that a tentative meeting with Mr. John Q. Hammons had not yet been set up. He said he would like to see City Staff in attendance at the meeting as well as others who could possibly be influenced to locate their businesses here.

12. APPROVE PURCHASE ORDERS

ACTION: Council Member Jensen moved to approve the purchase orders. Council Member Boyd seconded and the motion passed unanimously with Council Members McDade, Jensen, Boyd, and Call voting “Aye.”

13. ADJOURN: At 9:24 p.m. Council Member McDade moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members McDade, Jensen, Boyd and Call voting, “Aye.”

This certifies that the City Council Minutes of May 1, 2007 are a true, full and correct copy as approved by the City Council on May 15, 2007

Signed _____
Mary Burgin, Deputy Recorder