

Pleasant Grove City Council Work Session Minutes
January 30, 2007
7:00 p.m.

PRESENT: Excused:
Mayor: Darold McDade
 Michael Daniels
City Council Members:
 Cindy Boyd
 Lee G. Jensen
 Bruce Call
 Mark Atwood
City Recorder,
 Amanda R. Fraughton
Deputy Recorder:
 Mary Burgin
Others:
 Frank Mills, City Administrator
 Gary Clay, Finance Director
 Tina Petersen, City Attorney
 Ken Young, Supervisor of Community Development
 Tom Paul, Police Chief
 Deon Giles, Leisure Services Director
 Lynn Walker, Public Works Director
 Robert Kresser, Water Superintendent
 Karen Bezzant, City Treasurer

The City Council members met in the City Council Chambers at 86 East 100 South in Pleasant Grove, Utah 84062 at 7 p.m.

Mayor Daniels welcomed everyone to the meeting.

1. Opening Remarks

The Opening Remarks were given by Council Member Call.

2. Department Report

Mayor Daniels introduced Mr. John Schiess from Horrocks Engineers. Mr. Schiess explained that the he and Mr. David Barlow would be presenting updated information on the City's Draft Sewer System Master Plan. He then noted that Mr. Barlow had put together a presentation to explain the progress of varying projects within the City's current system.

First, Mr. Barlow indicated that the report shows the years from 2006 to 2030. The population within this time is projected to grow from around 30,000 to 60,000 residents. He said this would be what is called "build-out," whereby all available land is in use for housing, etc.

Most of the sewer pipe in Pleasant Grove is 8.” He said the pipe, especially in areas of The Grove, is up to 30.” Also, most of the system dates from the 1950’s. Most of the system, he said, is flowing at recommended capacities. However, a small part of the system is flowing above capacities. He said 700 South from Geneva Rd. to State. St. and 100 South/900 south from state Street to Loader Avenue will exceed capacity at build-out conditions. These improvements consist of upsizing sewer pip to 14” sewer pipe along State Street, 1,411 feet of 10” to 12” sewer pipe along 1000 South and 2,422 feet of 9” to 10” sewer pipe along 900 South.

(Council Member Jensen arrived at 7:09 p.m.)

Mr. Barlow explained that there are three scenarios recommended by his firm. The first scenario would include current projects. He then went on to say that these projects would include the existing 8” line in 100 West from 400 North to Center St. is above design capacity and should be upsized to a 12” line. Additionally, the existing 8” line in Garden Drive from 1600 West to 1300 West is above design capacity and should be upsized to a 10” line. The 10” line from Orchard Dr. to Nathaniel Dr. will need to be upsized to a 14” line. Because of the shallow slope of this segment, he said the 10” line can exceed 50% of full capacity during peak flows.

He noted that each one of the scenarios include projects that need to be completed within that year for the next several years. He said the reports listed improvements are in yearly intervals. Also, he said that financial advisor Mr. Jason Burningham will check the lists within the report.

Mr. Schiess said the system is in quite good shape and he would give the overall system a “B” rating. He also said that the City has done an admirable job of staying ahead of many of the needs within the system. Currently, he said over 5,000 feet of the system is going through a “rehab” process that relines the pipes.

Council Member Jensen asked if the project on 1100 North would somehow tie into the current SID project. Mr. Schiess said no, it was in a different area.

Mayor Daniels asked if the City has fallen behind in upkeep of the system. Mr. Schiess said that the system has not fallen behind in upsizing or upkeep. He noted that Director Walker and Superintendent Kresser have worked hard to stay ahead of the needs of the sewer system.

Administrator Mills then indicated that since the last Master Sewer Plan was presented, a new line was run through the rodeo grounds. Mr. Schiess agreed and said the line was very bad for a time in that area. He said water was coming up in the manholes until the lines were upsized.

Mr. Schiess then said that the actual flow per capita had gone down in the last few years. He said it wasn’t completely clear if that was because of the drought or water conservation.

Mayor Daniels then asked if the fees the city charges cover the city’s costs at the treatment plant, etc. Mr. Barlow said that those expenses are covered by fees. He said no monies can come from the General Fund to pay those fees, so the city needs to make sure the system is financially independent.

The Mayor noted that due to current discussions with Cedar Hills regarding the sewer lines and service to that area, he wondered if the lines in that area were in good shape. Mr. Schiess said they were fine. Mayor Daniels noted that it is important that Pleasant

Grove officials know for sure that they can provide services in that area. Mr. Schiess said there is existing pipe in that area on 900 West. He also said the maps, etc. that have been provided by staff and by the engineers are up to date.

Administrator Mills then explained to the Council that they needed to take the report they had been provided by Mr. Schiess and review it. He said that in about a month there would be a public hearing where the new Master Sewer Plan would be presented. He also said Mr. Burningham would be coming back with his financial recommendations.

Mayor Daniels as well as the Council thanked him for his report.

3. To consider approval of Pleasant Grove City's Financial Audit Report for Fiscal Year 2005-2006.

Director Clay told the Council that he had put copies of the Financial Audit Report in their boxes in City Hall. He asked if they have had a chance to look at the report. Most of the Council said they had already looked it over. He then went on to explain that the audit has been done by Mr. Randy Heaton with the firm of Gilbert and Stewart over the years. The audit includes information within the fiscal year that ended on June 30, 2006. He said the report is comprised of the City's basic financial statements. He said they assess accounting principles that are used by Pleasant Grove City.

The issued report, dated January 5, 2007, notes that Pleasant Grove City's internal control structure over financial reporting and compliance are in conformity with accounting principles. Only three minor compliance issues have been on-going. The first is the RDA agency. The second is that some RDA budget expenditures were done without proper public hearings. The last was that the budget was exceeded. He said there were more collections in the General Fund than they had anticipated at the beginning of the budget year. He said they adjusted the budget. Attorney Petersen noted that budget adjustments can legally be made during the year.

Director Clay told the Council that he would like to thank Treasurer Karen Bezzant for her hard work in keeping the accounting straight. Treasurer Bezzant said she would also like to thank the ladies in City Hall for their help each year with the accounting.

Mayor Daniels thanked Director Clay, Treasurer Bezzant and all those involved in keeping the "books straight" for the city.

Attorney Petersen reminded the Mayor that a motion needed to be made regarding the audit. Mayor Daniels thanked her and asked for a motion.

ACTION: At 7:49 p.m. Council Member Boyd moved to approve Pleasant Grove City's Financial Audit Report for Fiscal Year 2005-2006. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Jensen, Call and Atwood voting, "Aye."

At this point, Mayor Daniels said that he would like to have Chief Paul come forward and give a brief report on a couple of newsworthy crimes that had been locally committed.

Chief Paul came forward and said that Lindon's Wells Fargo bank had again been robbed the preceding Friday. He said the robber wore a black coat and carried a 357 revolver. He also noted that it looked as though this was the same person that had robbed the bank three times since November. This time, there was a tracking device involved that let dispatchers know where the money was at. After a long chase that involved the changing of cars and drivers, he said they ended up at an apartment complex on Sam White's Lane.

He said that due to the new 800 megahertz system, American Fork police were also aware of the robbery and were providing backup for Pleasant Grove police.

Initially, the wife of the suspect, Kylee Rich, was arrested. She allegedly drove the get-away car in two of the robberies. Her husband, Mr. Josh Rich, was next apprehended in Orem. Chief Paul said the FBI was also involved and had been superb to work with. He said both suspects will likely spend quite a long time in Federal prison for the robberies. He indicated that when their apartment was searched, money as well as drugs and drug paraphernalia was found.

Next, Chief Paul told of a recent high speed chase. He said that the suspects have been chased twice, but when they got into traffic, the chases were terminated due to the danger to citizens. He said one woman was pursued. He said that Orem officers became involved when she crossed into their city. When she got to the area of Oak Ridge School, she left the car and took off on foot and was apprehended by officers. When they went back to check her car, a child was found in the car. The woman is in jail and the child is in protective custody. The man involved was not found.

Mayor Daniels thanked Chief Paul for his report. He said it was good to know the city has such high caliber individuals with the department. Chief Paul thanked him. He said that as is usual, his department had a meeting after the incidents and a constructive critique was done to help the department to be even better with such incidents in the future.

4. Discussion of items for the upcoming January 16, 2007 City Council meeting.

- a. **To consider adoption of a Resolution accepting a Petition for Annexation of certain real property under the provisions of Sections 10-2-403 and 10-2-405, Utah Code Annotated, 1953, as amended. The subject property, to be known as the Warnick Dairy Annexation for property located at approximately 1500 West 3300 North with zoning of property to R1-20 (Single Family Residential, 20,000 sq. ft. lot area) zone. Property owners include Charles Terry Warnick and Val D. Warnick. Parcel contains approx. 9.92 acres.**

Mayor Daniels said he would read each one of the items, but as there were so many items in the agenda, he invited the Council to ask questions or comment, if they wanted to. Otherwise, he would just read through the items.

- b. **Public Hearing to consider the request of Charles Green to amend lot 1 of the Mattinson Subdivision, Plat "A," and to create a 2-lot subdivision known as Green Subdivision, Plat "A," located at approx. 257 North 850 East in the R1-9 (Single Family Residential, 9,000 sq. ft. lot area) zone. MONKEY TOWN NEIGHBORHOOD**

There were no comments on this item.

- c. **Public Hearing to consider an Ordinance regarding Mark Ryan's request to rezone a 1.66 acre tract of land located at approx. 300 East 1100 North from RR (Rural Residential, 21,780 sq. ft. lot area) zone to**

R1-10 (Single Family Residential, 10,000 sq. ft. lot area) zone. BIG SPRINGS NEIGHBORHOOD

Council Member Boyd noted that the area around this property is zoned R1-10, anyway.

- d. **Public Hearing to consider an Ordinance regarding Paul Southam’s request to rezone a 1.28 acre tract of land located at approx. 575 East 700 North from R1-9 (Single Family Residential, 9,000 sq. ft. lot area) zone to R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone. MONKEY TOWN NEIGHBORHOOD**

Mayor Daniels read this item.

- e. **Public Hearing to consider an Ordinance regarding Jerry Smith’s request to amend Section 10-12B-12 of the Pleasant Grove City Municipal Code to add text to allow an exception to the MD (Manufacturing Distribution) zone for on-site parking and traffic way improvements. SAM WHITE’S LANE NEIGHBORHOOD**

Supervisor Young told the Council that Mr. Smith wants to simply convert the south portion of his property into a lot for parking recreational vehicles and trailers. He said the applicant would like the city engineers to waive improvement requirements based on meeting certain qualifications. Attorney Petersen said this would only be a temporary thing. She said Mr. Smith doesn’t want to put money into improvements at this time.

- f. **Public Hearing to consider an Ordinance regarding The Siding Guys Inc.’s request to amend Section 10-11C-13 of the Pleasant Grove City Municipal code, to add text to allow an exception to the C-S (Commercial Sales Zone) for on-site parking and traffic way improvements. STRING TOWN NEIGHBORHOOD**

Supervisor Young said this was about the same scenario as the previous item.

- g. **Public Hearing to consider an Ordinance in regards to amending the “Conditional Uses” Section for the following zones: A-1/Agricultural (10-8-2/G), RR/Rural Residential (10-9A-2/G), and R1/Single-Family Residential (10-9B-2/F), to allow for animal husbandry of unique & exotic animals as a new use classification #8229. The request is to add land use code #8229 to the conditional uses list under the zones given above, and modify it to read, “Other Animal Husbandry services (Exotic), excluding animals which pose a threat to human life under**

normal circumstances, limited to one animal of one species as a pet, and a business shall be subject to Section 10-21-4 of this title. All animal husbandry in this category shall be subject to recognized national standards and best management practices, where they exist, or similar to standards as modeled by the National Reptile Improvement Plan (NRIP)/*Best Management Practices for Reptile Trade and Hobby*". Also adding text to Tile 5-1C-13-A/ *Number of Animals* stating that "Any other animals, defined as exotic, and their number allowed shall be determined by the Planning Commission through the conditional use permit process." CITY WIDE IMPACT

Supervisor Young said this item was sent back to the Planning Commission after it came before the Council several months ago. He said the Planning Commission looked at it as well as the applicant. National standards were applied to the proposed ordinance. He said this would allow for tighter controls. He also told the Council that a copy of these national standards was in their packets; and they might want to review them prior to the City Council meeting in a week. Attorney Petersen asked if the enforcement issues have been addressed in the proposed ordinance. Supervisor Young said he would have Planner Allen call her and discuss the matter.

Supervisor Young explained that Planner Allen had taken the lead on seeing that there was a recommendation that those that held such animals be certified by the national organization.

- h. Public Hearing to consider an Ordinance adjusting the common boundaries between Pleasant Grove City and Lindon City in three areas: (1) First area is between 1200 West and Geneva Road in Pleasant Grove, and 1700 West and Geneva Road in Lindon; (2) Second area is between 1100 East and 1200 East in Pleasant Grove, and Main Street and 200 East in Lindon; and (3) Third area is between 1450 East and 1720 East in Pleasant Grove, and 400 East and 650 East in Lindon. Property owners affected by the Lindon City Adjustment include: Rai Corp.; Warren B. & Le Ora Bradshaw, Ivory Dev., Kenneth L. & Laura G. Fryer and Daniel H & La Nae Muhlstein. Property Owners affected by Pleasant Grove Adjustment include: Carma C. Millar, Louis J. & Donna J. Frank, Ken D. Gordon and Lindon City. Contains approx. 2.88 acres.**

Mayor Daniels indicated that this ordinance was in response to several discussions during quarterly meetings with Lindon officials.

- i. **Public Hearing to consider an Ordinance in regards to amending Sections 10-14-16, “Landscape and Buffer Area Landscaping Requirements;” 10-14-17, “Parking Lot Landscaping” and 10-14-18, “Buffer Landscaping Materials,” of the Pleasant Grove City Municipal Code, in the Gateway (GW) zone. SAM WHITE’S LANE NEIGHBORHOOD**

Supervisor Young said this was in response to staff concerns. He said himself and Planner Allen were aware of easier ways to accomplish landscaping and (in the next item) parking lot standards for the community.

- j. **Public Hearing to consider an Ordinance in regards to amending Section 10-18-2, “Parking Design Standards,” of the Pleasant Grove City Municipal Code, to include an additional landscape requirement. CITY WIDE IMPACT**

Mayor Daniels read this item.

- k. **To consider a Resolution authorizing the Mayor to sign a Development Agreement with Trophy Homes regarding the Mayfield Development.**

Attorney Petersen explained that this item, as well as the two subsequent items may not go forward as Trophy Homes’ staff has not gotten all of the information to City staff as yet.

- l. **To consider Trophy Homes’ request for final plat approval of a 7-lot mixed use development subdivision known as Mayfield Development, Plat “A;” located at approximately 700 South 2500 West.**

The Mayor read this item.

- m. **To consider Trophy Homes’ request to approve the Liahona Academy Site Plan and Conditional Use Permit for lot 5 of the Mayfield Development, Plat “A,” and part of Phase 1 of the construction Phasing Plan; located at approx. 700 South 2500 West in The Blues Sub-district of the Gateway Zone.**

Mayor Daniels read this item.

- n. **To consider a Resolution authorizing the Mayor to sign an amended Development Agreement between Pleasant Grove City, Lindon City and Ken Gordon regarding sharing costs for the reconstruction of 1000 South Street and Murdock Drive; making technical corrections to the Agreement previously approved on December 5, 2006.**

Attorney Petersen said that Lindon had a slightly modified version of the Development Agreement from that of the version the Pleasant Grove Council passed. She said this would make it so both cities would be able to have exactly the same versions of the agreement.

o. **To Proclaim February as, “White Ribbon Against Pornography,” Month.**

Mayor Daniels said a copy of the proclamation was in the Council’s packets for their information.

5. Mayor, City Council and Staff business

- Supervisor Young thanked the Mayor and Council for their participation in the planning session during the recent Joint meeting with the Planning Commission.
- Director Walker said that a mandatory pre-bid meeting for the Special Improvement District (SID) on 1100 North would be held.

Attorney Petersen told Director Walker that there has been some misunderstanding from the public regarding the notices put on people’s doors about the secondary line and the \$100 owed to the city. Mayor Daniels agreed and asked if the notes could be plainer for residents to understand.

- Attorney Petersen said that there would be a Public Hearing on February 13, 2007 regarding the Smith disconnection. She said she felt that maybe the department presentation should not take place that night as she feels there will be a long meeting with many people expressing their opinions.
- Council Member Call said that he had received a call from a landlord in the city. He said that the landlord felt that the utility bills needed to be “like other cities” whereby the bill only goes to the renter. Director Clay said that knowing where the landlord was at helped the city more readily collect outstanding bills. Treasurer Bezzant added that with the billing the way it currently is, both the landlord and the renter receive bills. That way, she said the landlord can see if the bill is being kept up.
- Mayor Daniels congratulated Director Clay and Treasurer Bezzant for their successful audit.

The Mayor then said he would like to bring the Council up to speed on the negotiations going on with Cedar Hills’ officials about an Interlocal Agreement. Gradual progress seems to be coming along with the discussions with both cities agreeing to give instructions to the engineers so that both cities can come up with a revised, proposed boundary where each city can provide services (i.e. sewer, water, etc.) He said decisions need to be made based on where services are best

provided, and not based upon political considerations. Based on those service areas, a list will be created of items people feel will impact them with a boundary adjustment. At this point, a third party will come in and educate the residents of that area. They will then collect feedback from those residents, and based on that feedback, take the information back to the attorneys. Also, the engineers will determine whether the input from the residents is possible or probable to accomplish. The Mayor said the process will most likely slow down until the two communities digest the information. At this point, he said he foresees the two communities revising their recommended approaches. Also, as the service areas are agreed to, a boundary agreement will be put into place.

Council Member Call asked if the Mayor felt the process would be able to reach the June 30, 2007 deadline (referring to the agreement with Mr. Eric Johnson). Mayor Daniels said he didn't think they would be able to have the agreement completed by that date. In his personal opinion, the Mayor said he felt that the input that comes back from the property owners will guide the path of the agreement. He said the percentage of residents that agree or disagree with the engineer's proposals will have a large impact on the agreement.

- Administrator Mills said he had three items he wanted to bring forward to the Mayor and Council for their information.

The first item, he said, was in regard to the information the Council had looked for regarding recycling. He said that Allied Waste said that the every other week recycling service option would be mandatory, with a cost per person of \$3.90 to \$4.50. The other plan would be for subscription service, also every other week, and 50% of the residents would need to sign up for this. The cost for subscription service would be \$4.70 to \$5.00 per resident.

Administrator Mills indicated he had met with Allied Waste representative Gordon Raymond. Mr. Raymond said that he had just met with representative from American Fork City and they did not have enough populace to support the mandatory or subscription service. He suggested that information go out in the city newsletter, along with a place people could say yes or no to the service.

Supervisor Young said he lives in Cedar Hills. He said it is cheaper for he and his family to have a recycling receptacle instead of a second trash can. Administrator Mills agreed. He said Cedar Hills and Saratoga Springs are able to maintain the recycling program due to their being so many families in those areas. However, he said that retired people would just as soon not spend the extra money, it has been found. He added that not a lot of people in Pleasant Grove have two trash cans, as seen in communities with more families.

Mayor Daniels said the Council and himself need to think about how they will poll the public with the question of possible recycling. He said that as elected officials, they need to really get a pulse as to what the residents would like to do.

He added that he has a list of his own concerns about recycling. He said he didn't think that a questionnaire would be sufficient. He suggested that the question be on the ballot in the fall.

He next told the Mayor and Council that Mr. Schiess had prepared a water report. He said the report says that the City is doing what they had planned on doing with the system. He handed out copies of the report and suggested that the Council look the report over so they were ready when Mr. Schiess came in with the report. He complimented Mr. Schiess in the way he has made sure that Pleasant Grove water rights have been protected.

The next item Administrator Mills brought forward was the land that the City had purchased by the North Grove Park (by Creekside Development). He said that the Alpine School District (ASD) and Pleasant Grove City would be developing the area together with a school and park facilities. Also, he said that in the corner of the property, there would be the city's largest secondary pond. He then handed out a map to Council Members that showed an engineer's rendition of four possible ways the pond could be configured. He said that there would be a fence over the pond during the summer months. During the winter, the pond could be used as a skating rink. He asked that the Council look at the proposal, as the park and secondary pond would be bid out in about 30 to 45 days for design and work. He said the pond would be finished first, with the park coming in phases.

He went on to say that there would be a meeting with the ASD on Friday morning, February 2, 2007 to discuss the possibility of the ASD and Pleasant Grove City possibly forming a cooperative effort between in the construction of a recreation center by the high school. He said there are talks about the possible trade of land in Battle Creek Park and the southwest side of the high school. He also said that the school is planning to build a parking lot just south and west of the football field. He said there would be enough property (about three acres) by the parking lot for a recreation center. Also, the ASD plans to landscape that area. Also, he said they have purchased homes along that corridor so that a driveway could get to the proposed parking lot from Locust Ave.

Mayor Daniels said he could see three potential concerns. First, he said he was concerned as to how the residents in that area would react to a new recreation center in that area. Second, that all of the issues could be worked out between the City and district in regards to the financial participation with in-kind capital costs. He said his third concern would be the on-going negotiations related to the operation and maintenance (O & M) of a recreational facility.

Administrator Mills said that any final decision that is made will have to be mutually agreed upon by the City Council and the ASD Board. He added that prior to that decision; staff would need to have all of the information for both entities. Mayor Daniels agreed. He said the citizens committed to \$5 million and

the Council and he have to make very careful decisions about the expenditure of those monies. He then asked the Council if they agree to the continued discussions between The City and ASD. The Council agreed that the discussions needed to continue.

The next item Administrator Mills said he wanted to bring up to the Mayor and Council was the current State Legislative session that is going on. He said the hot button item is HB 282, which is the tax on the sale of food. He explained that due to the passage of the bill last year, they are currently taking 2% of the tax money from Pleasant Grove as it is. Also, he said that SB 98 had passed the House and was being sent on to the Senate. This bill would allow money to be used on significant roads. He said a significant road would be one such as 2000 West. He said he would encourage the Council to strongly urge the Senate not to vote to take the sales tax off of food, or the funding could go away to finish 2000 West.

Next, he said there are bills concerning land use. Three of these bills, SB 233, 129, 172 and 187 are all concerning eminent domain. He said that one of these land use bills would impact Pleasant Grove as it would affect the sensitive lands. The bill proposes that developers can challenge the cities' right to declare sensitive lands. Another of the bills would make cities purchase land adjoining a right-of-way along a road. Currently, the city has to purchase the right-of-way property, only. With this bill, they would have to purchase all of the land adjoining the right-of-way. He discussed other changes that would impact cities.

Mayor Daniels said he is a bit concerned that the legislature seems to not be concerned with the impact on individual cities as to the current bills that have been introduced. Administrator Mills noted that the Utah League of Cities and Towns have a strong presence with the Legislature.

6. Adjourn.

ACTION: At 7:30 p.m. Council Member Jensen moved to adjourn the work session. Council Member Atwood seconded and the motion passed unanimously with Council Members Boyd, Jensen, Call and Atwood voting, "Aye."

This certifies that the Work Session minutes of January 30, 2007 are true, full and correct copy as approved by The City Council on February 6, 2007.

Signed _____
Mary Burgin, Deputy Recorder