

Pleasant Grove City Council Work Session Minutes
May 29, 2007
7 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members: Excused:

Cindy Boyd

Mark Atwood

Darold J. McDade

Lee G. Jensen

Bruce Call

Deputy Recorder:

Mary Burgin

OTHERS:

Frank Mills, City Administrator,

Gary Clay, Finance Director

Tina Petersen, City Attorney

Tom Paul, Police Chief

Richard Bradford, Economic Development Director

Ken Young, Supervisor of Community Development

Deon Giles, Leisure Services Director

Marc Sanderson, Fire Chief

Libby Flegal, Neighborhood Chair

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

Mayor Daniels welcomed everyone to the meeting and noted that Attorney Petersen and Police Tom Paul and Deputy Burgin were to be excused from the meeting.

1. Opening Remarks

The Opening Remarks were given by NAB Chair Libby Flegal.

2. Department Report (Police Department)

Mayor Daniels noted that Chief Paul and his department would be presenting the report for this meeting. Chief Paul explained that Public Safety was divided into several divisions, including Investigation, Patrol, Traffic and Administration. Chief Paul then came forward and introduced Lt. Mike Smith and said the lieutenant would be explaining to the Mayor and Council the function of the Investigative Division of the department. He said that Lt. Smith has been with the department for 13 years and is currently over the Investigative Division. He also said he serves as a Commander on the County Swat Team.

Lt. Smith then came forward and explained that he had the responsibility in the department for the Investigative Division. Lt. Smith then indicated that his department deals with crimes such as robbery and child abuse and neglect. He then showed a picture of a recent bank robbery in the area that the detectives were able to solve and bring the perpetrators to justice. He also explained that the data he would be sharing was just from the first quarter of this year.

He noted that there had been 8 child abuse/neglect and 149 assaults and robberies, etc, reported. He showed a picture of Detective Carl Nielson dusting for finger prints related to a recent robbery at the rodeo grounds. He said Det. Nielson is over property crimes for the division. He said that 30 burglaries, 54 frauds/forgeries, 216 stolen property and 103 property damage cases had been reported.

Next, he showed a picture of Det. Doug Eastman. He explained that Det. Eastman is over controlled substance crimes. Officer Scott Painter also works with Det. Eastman. He said their area of expertise includes possession/distribution (130), felonies (21) and misdemeanors (109). Lt. Smith said that Det. Eastman attended a specialized and extensive course to test for drugs. He said that Officer Painter is on the Utah County major crimes task force. He said that he spends time assisting other cities, but the favor is repaid with the assistance of 25 to 30 officers coming to Pleasant Grove to help, if needed. Chief Paul mentioned that Pleasant Grove does use the task force during Strawberry Days (with the carnival). He said Council Members can recognize the members of the task force by the fact they wear black.

The next part of the Investigative Division is the Sex Crimes unit, Lt. Smith said. He said that Det. Britt Smith is over the unit. He is assisted by Det. John Clayton. Statistically, 16 sex crimes have been reported, with another 10 reported against children. Lt. Smith said this is difficult work for the officers, but the sex crimes against children have a high percentage of being solved. He said the detectives generally know who the suspect is. Many of the crimes are started by offenders on the internet. He noted that there are decoy police that do run a unit in the area whereby they communicate with these offenders, and catch them trying to lure young people through chat rooms. He said that the Children's Justice Center is of great help with the children. He went on to say at the facility, the children are carefully interviewed with language that is geared to their age.

Det. Clayton is over the zoning enforcement, he said. He said Officer Merrill Finlayson also works in this division. Nuisance abatement cases are 60, junk permit/littering is 10 and multiple dwelling violations are 3, he said. Lt. Smith noted that Det. Clayton and Officer Finlayson are very good at making sure that repeat violators eventually find it easier to leave the area than receive multiple citations.

Lt. Smith then named the other detectives. He said Sgt. Michael Roberts is over the Person Crimes. Det. John Lloyd is over fraud. Det. Carl Nielsen is over property crimes, and is assisted by Det. Mark Wright. He said that the cooperation of pawn shops has been of great help with this. Det. Jeff Wilson works with the kids in local schools. Det. Wilson teaches the Nova program in the schools, also.

Mayor Daniels asked how the statistics given compared with former year's statistics. Chief Paul said he didn't have those numbers with him, but would get them to the Mayor. The Mayor said the reason he was asking was due to the fact the City had grown so quickly in recent years and he wondered if crime had also grown in numbers.

Council Member Jensen asked if there was any kind of gang problem in the City. Lt. Smith explained that the City has never had much of a problem. He said that most of those that fancy themselves part of a gang are actually “wannabees,” that mostly act out by drawing graffiti around town.

Mayor Daniels asked if the numbers of crime had gone up or down the first quarter of this year. He said with the growth in the City, he wondered if the crime rate would also grow. Chief Paul said he didn't have those numbers with him, but would forward them to the Mayor.

Lt. Smith noted that the officers had many cases to each investigate. Sometimes, he noted, the officers were overwhelmed with their case load. At any given time, Lt. Smith said that the officers have 120 to 140 cases to be solved. He said that the detectives are trained to get together immediately with the victims so they know the officers really care. He complimented the officers and said they are really good to work closely with the victims.

Council Member McDade asked if the Detectives were chosen by having the most years in with the department. Lt. Smith said no, that officers can be rotated for a year into the investigative department. He said they are chosen based on hard work. He also noted that they can come into the Division and then rotate back to patrol in a year, having done a great job. This helps the officers to have a different perspective with their work.

Council Member Boyd asked how many crimes go unresolved. Lt. Smith said the crimes that have the highest number of unresolved cases are property crimes. If stolen property doesn't have a serial number, he said it is difficult to prove who it belongs to. He also noted that the local Sportsman Pawn owner is excellent to work with. He said some pawn shops are very difficult to work with. This makes the solving of cases difficult without their cooperation.

Next, he said that Utah County leads the nation in the solution of internet crimes. He suggested that if anyone would like to have a presentation given to their specific group, the police department has a program that they take to schools, etc.

Mayor Daniels thanked Chief Paul and Lt. Smith for their excellent report. He said it is good to know the police are taking such good care of the community. He also said the information given was fascinating.

3. Review of proposed Interlocal Agreement with Cedar Hills for the provision of services, and proposed zoning changes in the North Manila Area (north of the canal).

Mayor Daniels read this item. Supervisor Young said that he would present his portion once Director Clay and Attorney Petersen had finished with their portions of the presentation.

Attorney Petersen explained that she had not heard back from Cedar Hills City Manager Konrad Hildebrandt with the Mayor and Council's answer as to whether or not they would approve a 10% administrative fee. She said this is the fee that Pleasant Grove and Lindon cities have agreed to. She said that the Cedar Hills officials have, so far, expressed the fact that they want to charge more than 10%, however. She noted that the services were most sewer services, and excluded Manila Water patrons. Director Clay explained that if Manila Water Company goes out of business, the same agreement will take place. He also said that Mr. Hildebrandt assured him he would do all he could to

get his Mayor and Council to agree to the 10%. Administrator Mills said that until the Manila Water is resolved, residents will continue to come into Pleasant Grove offices (even if they are residents of Cedar Hills) to sign up for water—if they are to be on Manila Water. Mayor Daniels asked if Pleasant Grove does the billing for Manila Water Company. Attorney Petersen said yes.

Mayor Daniels said the issues being discussed with the agreement include; 1. The city the person lives in; 2. The city will bill the other city; 3. One city will pay the bill to the other city. He said that there was still cleaning up to do of the language with the agreement. He went on to explain that Mayor McGee said the only problem was item 2 of the proposed agreement.

Mayor Daniels observed that he wondered if Pleasant Grove City could subsidize if they Cedar Hills did agree to a larger than 10% fee. Attorney Petersen explained the actual costs of providing service, would involve the same process of calculation as impact fees. She said the administrative fee of sending the bill and collecting the money.

Administrator Mills explained that it has continued to be a problem with a small number of residents who will not pay their bill. He said the disagreement has been for the cities to be able to shut off the water of those that have large, unpaid utility bills.

Mayor Daniels asked the Council to please review the information with this item so they can be ready to take action. He asked that, if possible, this item be put on the agenda prior to the end of June.

Supervisor Young then came forward and showed a map on the overhead projector. He said the objective is to create zoning that matches the overall feel of the development of the area; without regard to existing city boundaries. Also, he said another objective is to provide a satisfactory solution for property owners who desire the best use and development of their properties

He went on to explain the exiting situation in the area is that the North Manila area is zoned RR, which allows a minimum of .5 acre lots with animal rights. He said the majority of Cedar Hills lots which surround North manila are sized between .3 and .4 of an acre. Some have animal rights, and some don't.

Supervisor Young indicated that the zoning options were; 1. To leave the entire area zoned RR—with .50 acre minimum with animal rights; 2. Rezone entire area to new RR-1-20,000—with .46 acre minimum with animal rights; 3. Rezone entire area to new RR-17,500—with .40 acre minimum with animal rights; 4. Rezone entire area to R1-15,000—with .34 acre minimum an no animal rights; or, 5. Provide a mix of the above.

Council Member Jensen asked if the animals for these lots were defined. Supervisor Young said yes, they are defined in the code.

Council Member Call said this information is very instructive. He said he wasn't aware of the difference between the Cedar Hills and Pleasant Grove zoning. He said as he looked at it, some of the zoning wasn't much different between the two cities. He then asked if there was much difference to the landowners as to whether they develop in either city. He said he has heard that landowners want to develop in Cedar Hills because they allow more homes to the acre—but he said it looked like to him the zoning was very close. Supervisor Young explained that in this area, the actual issue is

service, not so much acreage.

There was then discussion of specific residents in that area and some of their plans to develop. Council Member Boyd then said her instinctive feeling would be that the two Councils would run into less resistance if all of that area was blended into a R1-20 zone (or that equivalent zoning in Cedar Hills). She said the animal rights must be maintained. She also added that the Cedar Hills zoning of RR-1-17,500 would not be large enough lots for animals.

Attorney Petersen noted that lots do need to be large enough for animal rights. She said that when, "grandfathering," in animal rights starts to come up, there is always question whether or not animals were legally established on the property. She said she would prefer the issue be simplified by having large enough lots in the first place for animal rights.

Council Member McDade commented that zoning can be changed, also. He said that a person can come in and request the zone change, the Council can look at it and possibly change the zone.

After further discussion, Mayor Daniels then observed that the most cohesive and beneficial way to develop in the area seems to be when large groups come in together. He said they can be creative overall and solve the problem. Council Member Boyd said she agreed with The Mayor was suggesting. She said that animal rights can be grandfathered, unless there is a change of ownership of the property.

4. To consider awarding bid for electrical design build for the new Pleasant Grove Community Center

Administrator Mills indicated that at the recent bid opening on May 21, 2007 for the new Pleasant Grove Community Center, GSL Electric was the low bidder with a bid in the amount of \$616,739.00. He said this bid is \$235,000 under the engineer's estimate.

ACTION: Council Member Jensen moved to award the bid for electrical design build for the new Pleasant Grove Community Center to GSL Electric in the amount of \$616,739.00. Council Member Boyd seconded and the motion passed unanimously with Council Members McDade, Jensen, Boyd and Call voting "Aye."

5. To consider awarding bid for mechanical design build for the new Pleasant Grove Community Center

Administrator Mills next explained that at the recent bid opening on May 21, 2007 for the new Pleasant Grove Community Center, Gunther (G3) was the low bidder for the mechanical design with a bid in the amount of \$611,479.00. He said this bid is \$280,129.00 under the engineer's estimate.

ACTION: Council Member Jensen moved to award the bid for electrical design build for the new Pleasant Grove Community Center to GSL Electric in the amount of \$616,739.00. Council Member Boyd seconded and the motion passed unanimously with Council Members McDade, Jensen, Boyd and Call voting "Aye."

6. Discussion of items for the upcoming June 5, 2007 City Council meeting

a. Introduction of Strawberry Days Royalty.

Mayor Daniels read this item and said Mrs. Terry Marchbanks will be bringing the royalty.

b. To consider an Ordinance granting a request for Disconnection from Pleasant Grove City. Said property, which is located at the intersection of 4000 West and Cedar Hills Drive on the east side of 4000 West and the south side of Cedar Hills Drive, belong to Eric Todd Johnson and Noreen Johnson (husband and wife). Said disconnect includes that portion of 4000 West fronting the subject property.

Mayor Daniels read this item and noted that Mr. Eric Johnson is the attorney for the City of Cedar Hills. He said the Council has had his request before them and are familiar with his request. He then asked Attorney Petersen if Mr. Johnson perhaps would rescind his request if the interlocal agreement (discussed earlier in the meeting) was worked out soon. Attorney Petersen said she would approach Mr. Johnson with that question. She said she would ask if he could wait until July of this year. She also said he wasn't really picky as to which city he ended up in, just that he wanted to have access to services. Council Member Boyd mentioned that the building fees are quite a bit less in Pleasant Grove than they are in Cedar Hills, however.

c. Public Hearing to consider an Ordinance re-districting the zoning of The Grove Zone (formerly The Gateway Zone) map to three subdistricts: The Grove Interchange, The Grove Commercial Mixed Use and The Grove Commercial Sales. SAM WHITE'S LANE NEIGHBORHOOD

Mayor Daniels said this redistricting had been discussed several times by the Council. Administrator Mills then explained that with this redistricting, he and Director Clay have been approached by an older couple that live in the area that say they have been hit with higher taxes (particularly by the county), and need relief. He said they noted that their taxes have been raised because of the rezoning that has been taking place in The Grove area.

Mayor Daniels asked if the matter has been looked into. Administrator Mills said he asked Supervisor Young to please research the matter. He also said the couple is elderly, and they don't want to sell their property, but would like to stay.

After further discussion, Director Clay observed that he has known the couple for 30 years, and feels badly that they are caught in such a situation. He said they took their case to the county last year and did receive some relief from the taxes. He noted that the county did what they could. Also, he said the City could rebate taxes back to the couple, but that wouldn't be much. He said their taxes also include such entities as the school district, etc.

Council Member Jensen said he wondered if the couple would go ahead and sell due to the taxes. Administrator Mills said they would not sell. He also said they claim the city did not properly notify them that the land was being rezoned.

Supervisor Young said the only way to give the couple relief was to downzone the property—a move he said he does not recommend. He said he could only see two ways to help the couple. One would be to change the zoning and the second, for the City to refund what it had charged the couple.

Council Member Boyd asked if the staff knew this would happen when the property was rezoned. Frank said he didn't know for sure. He said it was done when a previous employee was over the

Community Development department. He went on to say that staff still doesn't know for sure or not whether the rezoning was noticed.

Council Member Jensen said the whole situation didn't have a good feel to it for him. He said that staff had helped to find relief in a recent meeting for the secondary water users that are not yet hooked into the system. He wondered if there was also some kind of remedy for this couple and their tax problems.

After further discussion, Mayor Daniels said it seemed to him that the couple's real argument was with the county, not the city. He said the valuation comes from the county. Council Member Boyd said that the couple, however, seems to feel that Pleasant Grove City was the trigger. The Mayor said the situation was sad.

Attorney Petersen said she would check to see when the City had noticed the change on the property. Mayor Daniels asked what would be the consequences if the City didn't properly notice. Attorney Petersen said that she has a hard time believing the City had not given proper notice, given the zoning act requiring specific noticing. Director Clay noted that the couple could, perhaps, stay on the land even if they sold it.

d. Public Hearing to consider an Ordinance amending Section 10-14-27-3 "The Grove Interchange Subdistrict" by removing Land Use Code #6110, "Banking & bank related functions," as a conditional Use and adding Land Use Code #6110 as a permitted use. SAM WHITE'S LANE NEIGHBORHOOD

Mayor Daniels read this item. Supervisor Young said this was being made due to a bank possibly coming.

e. Public Hearing to consider a Resolution adopting the Final Budget for Fiscal Year 2007/2008, including the allocation of revenue from the water, sewer and other enterprise funds to the general fund. The Pleasant Grove Redevelopment Agency Budget is included in the Final Budget (July 1, 2007 to June 30, 2008).

Mayor Daniels read this item. Director Clay explained that there was no change from the tentative budget. He said the budget had been available to the public, and no comments had been made.

Mayor Daniels asked if Lindon had come back with information on the fire and police budget. Director Clay said that fire and police was still in the budget, as it always had been.

Council Member Jensen asked if there was, as shown in the budget, monies in the amount of \$2 million for 2000 West. He asked if that amount was assured of coming to the city for the project. Director Clay said no, it wasn't, and if it doesn't come, then the city won't have it to spend. He added that several things are approved in the budget every year that the city never receives. He also explained that the budget is taking the best, educated guess. He said that adjustments always have to be made. However, he said in regard to the money for 2000 West, he said staff is feeling relatively confident that it will happen.

f. To consider adoption of a Resolution amending fees charged by the Community Development Department regarding fast track development review for permitted uses in The

Grove Zone; and establishing an effective date.

Supervisor Young explained that these amended fees will be needed once the fast track method of reviewing for permitted areas (in The Grove Zone).

g. To consider approval for the placement of log cabin and ice house at Pioneer Park.

Director Giles said the process was about to start. He said that the Boy Scouts would be of help on the project. Attorney Petersen said there will be a policy set up for permanent structure approval.

h. To consider amending the recent Planned Residential Ordinances to include lot reductions, up to 505, and reduced lot widths for these same lots, as part of the newly adopted text for Planned Residential Developments.

Supervisor Young explained that the applicant came to him and brought up the prior meeting's motion (May 15, 2007 City Council meeting). Mr. Kriser said it didn't include what he felt had been discussed about the 50% reduced size of the lots in the PRD. He also didn't know why it wasn't part of the motion; as to whether the Council meant to not include the 50% reduced size, or the reason for excluding it. He said he just wanted to know the Council's reasoning.

Attorney Petersen then said the applicant wanted clarification. She said he felt the discussion in the meeting seemed favorable, but then it wasn't included in the motion.

Mayor Daniels then asked Deputy Burgin to pull the minutes for the meeting and get those minutes to himself and the Council.

7. Mayor, City Council and Staff Business:

- Director Giles thanked everyone that participated for the excellent Memorial Day program on Monday. He then told the Mayor and Council that there would be a group coming to help the city combat the noxious weeds in the area.
- Chief Sanderson said that the bids for the air compressor for his department were coming in. He said the compressor was being paid for by grant money the department had received.
- Chief Paul said that JUB Engineers had determined that a 4-way stop needed to be installed at 400 East and Center St. He said they said it was needed due to the lack of ability to see clearly in that intersection. Administrator Mills said that Central Elementary's PTA would probably not be happy about this decision.
- Administrator Mills said that a bid opening would take place on the 2000 West project the next week. He said the City staff had been working with the state on the funding for the project. Additionally, he reported that Judge Bullock had been hospitalized. He said that The Judge was still weak, but hopefully on the mend.
- Council Member Call said there had been a glitch with the software so the Council packets could be prepared electronically. He said he feels they had found the problem, however.

- Council Member Jensen handed documents to Deputy Burgin and explained that they needed to be filed with the Utah Lake Commission file. He then explained that he learned in a recent meeting of the Commission that its budget was \$316,000, which was generated from the member cities and from the state. He also said the commission is hiring a Director and Consultant in the amount of \$240,000. He said their offices will be in the old courthouse.

He went on to explain that much of what is being done with the commission is being patterned after the work done for Bear Lake in northern Utah. He commented that there is a lot of excitement and enthusiasm regarding ideas, etc. for the lake.

He next asked what the procedure would be for Council Member McDade and his exit upon becoming the 4th Circuit Judge. Mayor Daniels said the Council would deal with the legal steps once he actually tenders his resignation from the Council. Attorney Petersen said others are welcome to file for the position.

- Mayor Daniels said that UDOT has taken an official position as to which of the four options that they support with the Mtn. View Corridor. He noted that they had researched the financial and other factors that influenced their choice. The choice, he said, was opposed by Lehi City. This choice would be to build a bridge in south Salt Lake County. He said the Mayors in the Mountainland organization feel that a parallel freeway would take better care of the needs of Utah County.

Administrator Mills added that the State Transportation Commission has recently approved the 2100 North alignment in Lehi. He asked Mayor Daniels what his position was on this decision. Mayor Daniels said he doesn't really care about the alignment, as long as the freeway goes south. Administrator Mills said that other corridors are being looked at, including the 1000 South road that is being built as a non-freeway option.

Mayor Daniels said if the Council wanted to press him to vote a certain way on the corridor, it was their option. However, he said that if they would trust his judgment, he would listen to what was presented in upcoming meetings, then vote a certain way for the city.

Mayor Daniels reminded the Council and Directors of the quick trip they were taking to Arkansas on the 13th and 14th of June to the Hammons' headquarters. He said the reason was to show support of plans coming forward very soon for the development going in The Grove area. He said architectural drawings, etc. should start coming into the city offices very soon.

8. Adjourn

ACTION: At 9:37 p.m, Council Member Jensen moved to adjourn the meeting. Council Member Call seconded and the motion passed unanimously with Council Members McDade, Jensen, Boyd and Call voting "Aye."

This certifies that the Work Session Minutes For May 29, 2007 are a true, full and correct copy as approved by the City Council on June 5, 2007.

Mary Burgin, Deputy Recorder