

**Pleasant Grove City Council Minutes
Of the Special Meeting held on December 29, 2009
7:00 p.m.**

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Bruce Call

Lee Jensen

Mark K. Atwood (via telephone)

Excused:

Cindy Boyd

Jeff Wilson

City Recorder:

Kathy T. Kresser

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Libby Flegal, NAB Chair

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

1. **CALL TO ORDER**

Mayor Daniels noted that himself as well as Council Members Atwood (via telephone), Jensen, and Call were in attendance.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given by Scout Dillan Favilla

3. **OPENING REMARKS**

Leisure Service Director Deon Giles offered opening remarks.

4. **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 Jensen, Atwood, and Call voting, "Aye."

5. **BUSINESS:**

A. **TO CONSIDER MATT RASBAND'S REQUEST FOR FINAL APPROVAL OF A CONDOMINIUM PLAT, CONVERTING THE EXISTING**

DISCOVERY OFFICE BUILDING INTO OFFICE CONDOMINIUMS; INCLUDING A VACATION OF LOT 3 OF DMB SUBDIVISION NO. 1, LOCATED AT APPROXIMATELY 1955 WEST GROVE PARKWAY, IN THE GROVE (INTERCHANGE) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD)

Mayor Daniels read this item and then turned the time over to City Planner Allen for the presentation. Planner Allen stated that the applicant would like to convert his existing commercial condominiums so he can sell the spaces. This necessitates the need to vacate Lot #3 of the DMB Subdivision #1 commercial plat. The only thing that the City needs is a letter from the applicant's attorney stating that the CC&R's comply with the State law for condominiums.

Mayor Daniels asked the Council if there were any questions for Planner Allen. There weren't any, he then called for a motion.

ACTION: Council Member Call moved to grant the request of Matt Rasband's for final condominium plat approval for the existing Discovery Grove Office Building, located at approximately 1955 West Grove Parkway, with the conditions that (1) All Community Development and Fire Department requirements are met prior to recording the final plat and (2) A letter from the applicant's attorney stating that the CC&R's have met all State requirements for condominiums. Council Member Jensen seconded and the motion passed unanimously with Council Members Jensen, Atwood, and Call voting "Aye."

B. TO CONSIDER REED SWENSON'S REQUEST FOR APPROVAL OF A TWO (2) LOT COMMERCIAL PLAT TO BE CALLED MAJESTIC MEADOWS SUBDIVISION, LOCATED AT APPROXIMATELY 587 WEST STATE STREET, IN THE C-G (GENERAL COMMERCIAL) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD)

Mayor Daniels read this item and turned the time over to Planner Allen for the presentation. Planner Allen stated that the applicant would like to convert building "A" into commercial condominiums to sell the spaces. This will include vacating Lot #1 of the Majestic Meadows Commercial Subdivision Plat "A." The condominium plat area matches the site plan and the private and common areas are divided appropriately. The only thing that the City needs is a letter from the applicant's attorney stating that the CC&R's comply with the State law for condominiums.

Mayor Daniels asked if there were any questions for Planner Allen. There weren't any, he then called for a motion.

ACTION: Council Member Jensen moved to grant the request of Reed Swenson, All American Development/Triple Focus LLC, for final condominium plat approval of the Majestic Meadows Commercial plat, including the vacation of lot #1, located at 587 West State Street, with the conditions that (1) All Community Development and Fire Department requirements are met prior to recording the final plat and (2) A letter from

the applicant's attorney stating that the CC&R's have met all State requirements for condominiums. Council Member Jensen seconded and the motion passed unanimously with Council Members Jensen, Atwood, and Call voting, "Aye."

C. TO CONSIDER REED SWENSON'S REQUEST FOR APPROVAL OF A CONDOMINIUM PLAT, CONVERTING BUILDING A INTO RETAIL AND OFFICE CONDOMINIUMS, OF THE PHASE I SITE PLAN CALLED MAJESTIC MEADOWS PROFESSIONAL OFFICE SUITES, LOCATED AT APPROXIMATELY 587 WEST STATE STREET, IN THE C-G (GENERAL COMMERCIAL) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD)

Mayor Daniels read this item with Planner Allen presenting. Planner Allen stated that the applicant has recently contracted with a tenant for one of the approved buildings (Building F) and that the tenant would like to have his own lot so the applicant is before us tonight to get the land divided into two parcels. Each lot will meet the requirements of the C-G zone. Since the proposed Lot 1 is part of a larger parcel of land that entire parcel must be shown on the plat, however the applicant will further subdivide and develop that in the near future, for this reason the City will only require the necessary dedication along 220 South, and seek those improvements with the future development of Parcel "A."

Mayor Daniels asked if there were any questions for Planner Allen. Council Member Jensen questioned if the building was under construction. Planner Allen indicated that it was.

Mayor Daniels asked if there were any more questions, there weren't any; he then called for a motion.

ACTION: Council Member Call moved to approve the two lot commercial subdivision proposal called Majestic Meadows Commercial Subdivision Plat "A", for property located at approximately 587 West State Road including the following condition: (1) That all City requirements are met prior to recording the Final Plat. Council Member Atwood seconded and the motion passed unanimously with Council Members Jensen, Atwood, and Call voting, "Aye."

D. TO CONSIDER A RESOLUTION (2009-045) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH CHRISTINE A. SORENSON PALMER FOR A PARCEL OF PROPERTY .20 ACRES IN SIZE, LOCATED AT APPROXIMATELY 375 SOUTH LOCUST AVENUE, PLEASANT GROVE, UTAH. (SCRATCH GRAVEL NEIGHBORHOOD)

Mayor Daniels read this item; he also indicated that this property is the one that the Council has already negotiated on. Attorney Petersen replied that that is correct. Council has already approved this negotiation and this is the final step with the authorizing resolution. This property is an additional parcel that the City has been working on along

Locust Ave. We will be paying one hundred forty two thousand dollars for the property which is the fair market value according to the appraisal. We will be giving the Palmers up to ten months of occupancy without rent and then if they retain occupancy they will pay the City eight hundred dollars in rent per month. They will be responsible for all other costs while occupying the home.

Mayor Daniels said that this was a good negotiation. He then asked if there were any questions or comments.

Council Member Jensen asked if the rent was open ended after the ten months? Attorney Petersen replied that if the occupancy goes past the ten months then the City will enter into a lease agreement.

Council Member Jensen then asked what the funding source is for this kind of project? Attorney Petersen responded that the money comes out of capital projects. Council Member Jensen asked where does the money come from to go into capital projects? Mayor Daniels replied that the City has designated a certain amount of money from the general fund that goes into capital projects. At the end of the year if City has enough money in the remainder over the eighteen percent that money can be transferred into capital projects or you can accrue it if there is a particular project that the City wants to fund.

Council Member Jensen asked what the current status of this account was. Mayor Daniels said that he doesn't have the exact number but with the audit that was recently done of the City there is about three point twenty five million dollars in the account. The land that the City has purchased along Locust Ave has come out of the capital account and there are some other projects that we are going to talk about tonight that will be funded from capital projects. City Administrator Mills indicated that when building starts back up some of that money will go back into the capital account from the impact fees that will be charged.

Council Member Jensen then commented that the reason that he is asking these questions is because as he looks down the line four years, eight years, twenty years, he is wondering what the City is doing to purchase property for a civic center or a substation for the fire or police or even building a new city hall in the downtown area. When, if, how and why did the City ever make a determination that the City is centering all the property purchases in the Locust Ave area that maybe is on the want list instead of a need, was it done before my time? Mayor Daniels responded that this year the City has purchased .92 acres for a substation for a fire station or a police station down in the Grove area. The City is looking to pick up property or lease property for the excess dirt that the City has to store for public works. In the last year we have talked to people about a large arts center in the downtown area, but the people that we talked to didn't come back so we couldn't close on that deal. The City has acquired the Beck home property over two years ago, but nothing has been done with the property because the Council has not expressed an interest in the expansion of the Library.

Council Member Jensen then wondered if it is appropriate to spend one hundred forty two thousand dollars on property that is a want and not a need. He commented that he is not against the expansion of the recreation center but is concerned with spending money that could be used downtown.

Council Member Atwood commented that there has not been any property in the downtown area that has been for sale. It just has happened that this property has come up for sale and the City is being smart to purchase it at this time when the property value is lower. As long as he has been on the Council the City has been watching for ground to be purchased. Mayor Daniels said that as long as he has been on the Council there have been five opportunities to purchase property in the downtown but as Council has looked at the packets that were presented it was determined that the property would not benefit the City to get us where we need to be.

Mayor Daniels asked if there were any other comments. There weren't any, he then called for a motion.

ACTION: Council Member Call moved to approve Resolution 2009-045 to authorize the Mayor to sign a purchase agreement with Christine A. Sorenson Palmer for a parcel of property .20 acres in size located at approximately 375 South Locust Ave, Pleasant Grove, Utah. Council Member Atwood seconded. Mayor Daniels called for a voice vote. Council Members Atwood and Call voted "Aye." Council Member Jensen voted "Nay." The motion passed with a vote of 2-1.

Mayor Daniels commented that in cases like this normally when you have a question and something has been approved a large number of Council can change the outcome, but when acquiring land it is too late.

6. STAFF BUSINESS

- Neighborhood Chair Flegal commented that there is partial neighborhood meeting for the Sam White's Neighborhood scheduled for the second week in January for the substance abuse home that is coming in.
- City Engineer Lewis said that he has the item for the executive session.
- Attorney Petersen commented that she has an item for the executive session also.

7. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen said that the Mayor should have gotten an email from Neil Miller regarding the lights at the golf course. Mayor Daniels replied that he has responded to that email. He also asked if anyone had gone to the ground breaking for the Quail Run School, because he was not able to attend. Council Member Call said that he attended.
- Mayor Daniels commented that the only thing on the agenda for the January 5th meeting is the swearing in of the elected officials and then a short reception after.

Council Member Call said that there is one more item. He wanted to review the process that will be taken to appoint a new City Council member.

8. APPROVE PURCHASE ORDERS

There were no Purchase Orders to sign

Mayor Daniels stated that the Council will now go into an executive session and called for a motion.

9. EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205(1)(d))

ACTION: Council Member Jensen moved to convene into Executive Session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d)). Council Member Atwood seconded and the motion passed unanimously with Council Members Jensen, Atwood, and Call voting, "Aye."

At 6:35 p.m. the Council went into Executive Session.

PRESENT:

Mayor:

Mike Daniels

City Council Members:

Mark K. Atwood (Via telephone)

Bruce Call

Lee Jensen

Staff:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Degen Lewis, City Engineer

Kathy T. Kresser, City Recorder

ACTION: At 6:58 pm Council Member Jensen moved to close the executive session and return to regular session. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Call, and Jensen voting "Aye."

After coming out of Executive Session Mayor Daniels asked for a motion to amend a prior approval in the negotiations with Joe Gebhardt to purchase the entire approximately two acres for property located at approximately 2600 North and 1160 West for the purchase price of two hundred fifty seven thousand dollars.

ACTION: Council Member Call moved to amend a prior approval in the negotiations with Joe Gebhardt to purchase the entire approximately two acres for property located at approximately 2600 North and 1160 West for the purchase price of two hundred fifty seven thousand dollars. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Call, and Jensen voting "Aye."

10. **ADJOURN**

ACTION: At 7:00 pm Council Member Call moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Call, Atwood and Jensen voting “Aye.”

This certifies that the City Council minutes of December 29, 2009 are a true, full and correct copy as approved by the City Council on January 19, 2010.

Kathy T. Kresser, City Recorder