

Pleasant Grove City Council Minutes
October 7, 2008
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Cindy Boyd

Bruce Call

Mark K. Atwood

Lee Jensen

City Recorder:

Amanda Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

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 Boyd, Jensen, Atwood, Call and Wilson were in attendance.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Judge Darold McDade.

3. OPENING REMARKS

Opening Remarks were given by Council Member Atwood.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any changes to the agenda. The Mayor then suggested that since the room was full of people who had identified themselves as wanting to speak at the Open Session; that perhaps the Open Session should be moved after the Business portion of the agenda, so that those with plat amendments, etc, could conduct their business and then leave. The Council agreed that this would be a good idea. Mayor Daniels then asked for a motion.

ACTION: Council Member Jensen moved to approve the agenda; with the Open Session portion of the agenda to be held after the Business portion (item 8) of the agenda was concluded. Council Member Call seconded and the motion passed unanimously with Council Members Jensen, Atwood, Boyd, Wilson and Call voting, "Aye."

5. 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. City Council Minutes for September 16, 2008
2. Joint City Council/Planning Commission Minutes for September 23, 2008
3. Work Session Minutes for September 30, 2008
4. To consider approval of Application for Payment No. Sixteen and Change Order No. Seven to HDX L.C., a Dunn Company, for the Pressure Irrigation System – Schedule 6 Project.
5. To consider approval of paid vouchers (September 25, 2008)

Mayor Daniels asked if there were any comments or questions regarding the consent agenda. There were none. He then asked for a motion.

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

6. OPEN SESSION

This item was moved to just below the business portion (Item 8) of the agenda.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Mrs. Libby Flegal said that the search for a new Mudhole chair was still coming along; but no one had been chosen as yet.

8. BUSINESS:

A. PUBLIC HEARING TO CONSIDER GARY CARSON'S REQUEST TO VACATE LOT 1 OF THE ADAM'S COVE SUBDIVISION, PLAT "A," AND TO CREATE A 3-LOT SUBDIVISION KNOWN AS MARTHA'S VINEYARD SUBDIVISION LOCATED AT APPROX. 790 EAST ORCHARD DRIVE, IN THE R1-9 (SINGLE FAMILY

RESIDENTIAL 9,000 SQ. FT. LOT AREA) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD)

Following Mayor Daniels reading this item, Director Young came forward and explained that this item was for the Council to grant final plat approval of a three-lot subdivision, including the vacation of lot #1 of Adam's Cove, Plat A. The applicant is Mr. Gary Carson. The address of the property is approximately 790 East Orchard Drive. The property is zoned R1-9 and is composed of 1.89 acres.

The purpose of the subdivision would be to create two lots (lots 1 and 2), and still maintain the existing structures. The vacation of lot #1 from Adams Cove, Plat A, allows the applicant to obtain the entire necessary frontage needed for the subdivision proposal. The property is within the Medium Density Residential District. This proposal complies with the designated land use.

The subdivision is designed to accommodate one additional lot on the applicant's property, as well as providing the necessary street dedication. The existing structures are to remain on proposed lot #2. Lot #3 is included through the vacation process to allow for the applicant to obtain the entire roadway required by the City. Since half roads are not permitted in the City, it was necessary for the applicant to arrange the inclusion of lot #1 from Adam's Cove Subdivision Plat A, in order to complete the dedication and cul-de-sac requirements. The vacation of this lot makes what is now lot #3. All other zoning requirements have been met.

Access to Lots 1 and 2 will be from 780 East. Lot #3 will maintain the existing home, and its access will be from Spruce Avenue. Engineering has given a positive recommendation to approve the Final Plat.

When Director Young completed his presentation, Mayor Daniels opened the meeting to a Public Hearing. No one came forward. He then closed the public hearing and brought the discussion up to the Council. There were no comments or questions from the Council. There was none. He then asked for a motion.

ACTION: Council Member Call moved to approve to Gary Carson's request to vacate lot 1 of the Adam's Cove Subdivision, Plat "A," and to create a 3-lot subdivision known as Martha's Vineyard Subdivision located at approx. 790 East Orchard Drive, in the R1-9 (Single Family Residential 9,000 sq. ft. lot area) zone; including the following conditions: (1.) All final Planning, Fire, and Engineering Department requirements are met prior to recording the Final Plat. Also, based on the following finding; (1.) the proposal complies with all current zoning and supplementary regulations within the City code. Also, including the following condition: (1.) All final Planning, Fire and Engineering Department requirements are met prior to recording the final plat. A public hearing was held. Council Member Wilson seconded and the motion passed with voice votes from Council Members Atwood, Jensen, Boyd, Wilson and Call voting "Aye."

B. PUBLIC HEARING TO CONSIDER CURTIS MINER'S REQUEST FOR A COMMERCIAL CONDOMINIUM CONVERSION OF THE EXISTING PROFESSIONAL PLAZA AT THE GROVE OFFICES, PROPERTY LOCATED AT 233 SOUTH PLEASANT GROVE BLVD. (SAM WHITE'S LANE NEIGHBORHOOD)

Mayor Daniels read this item. He then told those present that Mr. Miner is the current chair of the Planning Commission for Pleasant Grove.

Director Young next came forward and explained that the applicant, Mr. Curtis Miner of PG Gateway, LLC, was requesting the Council to approve the condominium conversion of the existing, "Professional Plaza at The Grove," office building. He said that the property consists of 1.64 acres and is located at approximately 233 S. Pleasant Grove Boulevard. The zone is The Grove Commercial Sales Subdistrict.

The applicant proposes to convert the existing Professional Plaza at the Grove office building into condominiums. On July 14, 2007 the Planning Commission approved the construction of the building (associated with the site plan), and the applicant has met all planning and engineering comments addressed during that meeting. The applicant's desire to convert the building into condominiums will allow him to sell off the available spaces, thus increasing the marketability of the available spaces.

The property complies with all the requirements of The Grove Commercial Sales Zone. The site plan is not being changed, and the new building meets all current building requirements. He showed views of the building, and said there were additional views in the Council's packets.

When Director Young completed his presentation, Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then closed the public hearing and brought the discussion up to the Council. There were no comments or questions from the Council. He then asked for a motion.

ACTION: Council Member Jensen moved to approve Curtis Miner's request for a commercial condominium conversion of the existing Professional Plaza at The Grove offices, property located at 233 South Pleasant Grove Blvd, including the following conditions: (1.) That all Planning and Engineering comments are addressed prior to the recording of the condominium plat: (2.) That the City Attorney acknowledges that the covenants, conditions and restrictions of the condominium project are in conformance with the provisions of Utah Code annotated section 57-8-10. Also, based on the following findings: (1.) the proposed Condominium Plan does not change the original site or plat plans: (2.) City Engineering has given a recommendation to approve the proposal: (3.) The Planning Commission has recommended that City Council approve the condominium conversion. A public hearing was held. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Atwood, Jensen, Call and Wilson voting, "Aye."

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING DMB INVESTMENTS' REQUEST TO VACATE A 0.046 ACRE (2,012 SQ. FT.) PARCEL OF CITY RIGHT-OF-WAY LOCATED AT APPROXIMATELY 1800 WEST 700 SOUTH IN THE GROVE INTERCHANGE SUB-DISTRICT ZONE; INCLUDING APPROVAL OF DMB INVESTMENTS' REQUEST FOR FINAL PLAT APPROVAL OF A 4- LOT SUBDIVISION KNOWN AS WEST DMB SUBDIVISION #1, LOCATED AT APPROXIMATELY 2000 WEST AND GROVE PARKWAY IN THE GROVE ZONE INTERCHANGE DISTRICT.

Mayor Daniels read this item. Director Young then came forward and explained that this request by DMB Investments was for the approval of a final plat and a road vacation. He went on to say that this request was for the Council to grant final approval of a combined four-lot, two-parcel subdivision proposal (for future commercial development). This will include the vacation of a small portion of 700 South that is to no longer being used as a public right-of-way.

He said the property is approximately 13.41 acres and is located between 2000 West and Granite Way; as well as Pleasant Grove Boulevard and Grove Parkway. The property is zoned in The Grove Interchange Subdistrict.

The applicant is now following through with a proposal to subdivide this quadrant of land, to create commercial lots, one of which has already been purchased by Glen Hoelcher for the project known as the ITM Building. A second site is currently under contract for proposed lot #3 that is to be called Discovery Grove offices, which the Council should see in the near future. The plat will include a small area of public right-of-way that is to be vacated, and then deeded over to the applicant.

The layout of the subdivision is based on the private road improvements that will be constructed, and as shown on the plat. These improvements were initiated with the approval of the ITM Building site plan on lot #2.

There are two main access points to the area being subdivided. Full access drives are each to be constructed off Grove Parkway and Granite Way. The east drive lane will be a right-in/right-out only onto 2000 West. Engineering has reviewed the plans, and has given a recommendation to move forward with final approval, subject to meeting all final engineering prior to recording.

The current land use designation is The Grove District, and the proposal complies with this land use. The area listed as Parcel "A" is being left as such for anticipated future commercial retail development. This will allow the retailers to subdivide and develop the property with more flexibility. The small pyramid-shaped Parcel "B", to the north is a residual piece of Sam White Lane that is no longer in use. The City has agreed with the applicant to deed over the property to become part of lot #4.

Mayor Daniels asked if there were any utilities that needed to be taken care of with the reconstruction of the road. Director Young said that the utilities lines were already taken care of with the reconstruction of the road.

The Mayor then opened the discussion to a public hearing. No one came forward. He closed the public hearing and brought the discussion up to the Council. There were no comments or questions from the Council. He then asked for a motion. Attorney Petersen reminded the Council that when the motion was made, that the ordinance (2008-24) was for the vacation of the road.

ACTION: Council Member Jensen moved to approve ordinance No. 2008-24, regarding DMB Investments' request to vacate a 0.046 acre (2,012 sq. ft.) parcel of city right-of-way located at approximately 1800 West 700 South in the Grove Interchange Sub-district zone; Vacating a portion of a City road right-of-way no longer being used for that purpose; the City Council determined that, it is in the best interest of the City, to vacate the described right of way, finding that there is good cause for the action and that the action will not be detrimental to the public interest; Including approval of DMB Investments' request for Final Plat approval of a 4- lot subdivision known as West DMB Subdivision #1, located at approximately 2000 West and Grove Parkway in the Grove Zone Interchange District, including the following condition: (1.) That all Final Planning, Engineering, and Fire Department requirements are met, and corrected plans submitted to City Staff prior to recording the Plat. Also, based on the following findings: (1.) The proposed subdivision meets all final Engineering, and (2.) the proposal has a significant role in the development of future office and commercial retail projects anticipated for the area. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Atwood, Jensen, Call and Wilson voting, "Aye."

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-15-34, "INDOOR ENTERTAINMENT AS A CONDITIONAL USE," FOR THE PURPOSE OF ALLOWING GREATER FLEXIBILITY IN THE PERIODIC REVIEW OF SUCH ALLOWANCES, THE DAYS AND HOURS OF OPERATION AND OTHER MINOR ADJUSTMENTS; REQUESTED BY PLEASANT GROVE CITY STAFF. (CITY WIDE IMPACT)

Following Mayor Daniels' reading of this item, Director Young came forward and explained that this request was an ordinance amendment proposal for the Council to approve the removal of Items J, O and P from Section 10-15-34 (Indoor Entertainment), as a conditional use. The applicant was Pleasant Grove City staff. Director Young said the amendment was being sought due to concerns that a few of the items, found in this section, are not in the City's best interests. The impact of the ordinance is City wide, but the zoning appropriately regulates where the uses are allowed.

City staff has noticed that there should be greater flexibility, than what is allowed in the current ordinance regarding indoor entertainment. The concern is specifically with regards to two items; the days of operation and periodic reviews. Currently, ordinance 10-15-34, prohibits anything defined as indoor entertainment (including movie theaters), from operating on Sundays and Mondays (Item P). There is also a restriction that requires these uses to be re-approved at their two year anniversary date; or at the request of the neighborhood chairperson (Item J).

On September 11, 2008, the Planning Commission forwarded a recommendation to approve the ordinance, including the recommendation to omit items O, J and P. The Commission felt that if the hours of operation were ever a concern, then it could be handled on a case-by-case basis as administered through the conditional use permit process.

Director Young said that there are current activities taking place in the City that are not falling into the current ordinance. Included, he said, is the new live theater in The Grove Theater downtown, with their Monday night karaoke competition that they hold. Council Member Call then asked if this would also apply to those coming out of a movie at the theater. Director Young said yes, it would.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then closed the public hearing and opened the discussion to the Council. No further comments were made. He then asked for a motion.

ACTION: Council Member Wilson moved to approve ordinance No. 2008-25, amending Section 10-15-34, "Indoor Entertainment as a Conditional Use," for the purpose of allowing greater flexibility in the periodic review of such allowances, the days and hours of operation and other minor adjustments; requested by Pleasant Grove City Staff; based on the following findings: (1.) This section only applies to indoor entertainment that has been classified as a conditional use; and (2.) Having periodic reviews should only be necessary when there is a case or cases of non-compliance. In such instances, the code already allows for Staff to request the Planning Commission to either modify or revoke the CUP: (3.) The Planning Commission recommended an approval of the ordinance proposal. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Atwood, Jensen, Call and Wilson voting, "Aye."

Please Note: At this point in the meeting, the Open Session portion was held.

Mayor Daniels thanked all of those attending for their waiting until the business items had been taken care of. He then explained that each speaker was welcomed to come forward and give their name and address. He also told the group that he would appreciate it if those that did speak not continue to repeat what had been said; but instead if they would just say they agreed with a previous speaker. The Mayor also explained that the Council could not take any action at this meeting. However, he said they could listen and ask questions.

Attorney Petersen then explained that the Council could not make comment on the application from Alliance Youth Services (AYS) that was currently before another body of the City on Conditional Use Permits. She said it was under review by the Board of Adjustment, and they would be meeting the following week.

Mayor Daniels also told the group that the Planning Commission had denied AYS a Conditional Use Permit. He then said that AYS had appealed to the Board of Adjustment.

Mrs. Jenny Faires asked where AYS would go for an appeal if the Board of Adjustment denied their Conditional Use Permit. Attorney Petersen said they would next have to go to District Court, if they wanted to appeal. She said the issue will not come back to the Council.

Mayor Daniels explained that the Council only heard the request for a zone amendment from the applicant. He said that the Council is not the legislative body that hears appeals for the City. He said that the process is set up by the state. The Mayor then opened the meeting to public comment.

- Ms. Alisha Redding from 555 S. 300 E. said she had been asked to be the speaker for the neighborhood committee that was in attendance. She then said that it was being asked that the City "sever the relationship" with AYS on the basis of their request to put a sex offenders facility at 560 S. 300 E. in Pleasant Grove as being, "unconstitutional." She then quoted from several different sources, including the Utah State House Bill (HB) #284, which said that a sex offender was considered to be someone who had committed

either a misdemeanor or felony sex offense. She went on to say that such offenders are required to be registered with the state as such. Ms Redding then told the group that HB #375 clarified restrictions on the locations of facilities that housed sex offenders for more than three consecutive nights. The protected areas would be those within a certain distance of day care facilities, private or public schools, etc. She said these restrictions would encompass both youth and adult facilities.

Ms. Redding then said that the distance from the proposed facility to the Brighter Child Pre-School facility was (by GPS measurement) only 310 feet away. For this reason, she noted that those neighbors she was representing were asking that the land use that had been permitted to AYS be severed. Based on this evidence, she asked where her group should go with this information.

Mayor Daniels said that the Council could not, as far as he understood, make any comment on this information she had just brought to the Council.

Attorney Petersen then indicated that this meeting was not a public hearing regarding this item. However, she said if there had been a mistake regarding the distance requirements, she would need to review that. Mayor Daniels agreed that following the current meeting, and based on the information that Ms. Redding had just presented, staff would need to review the code section just cited. Director Young then suggested that there could be a mistake on the staff report. Attorney Petersen then recommended that there not be, at this meeting, a debate until she was able to review the code Ms. Redding was referring to. Mayor Daniels agreed and said that a process needed to be gone through at this point. Attorney Petersen said it would also need to go back to the staff in Community Development.

Ms. Redding noted that in the Planning Commission meeting in August and the recent Board of Adjustment meetings where they addressed the AYS application, it was noted by AYS that those that would be in the facility had been convicted and sent by the state as misdemeanor or felony offenders.

Following the discussion, Mayor Daniels indicated that he would like Director Young, Attorney Petersen and neighborhood representatives to further meet to discuss the matter. He said Attorney Petersen would be able to guide everyone in the matter with proper procedure.

- Mr. David Duke at 570 S. 300 E. then came to the podium. He said that he lived just south of the property where AYS was proposing to put the facility in. He then told the Council and staff that he had seen people working at the facility during all hours of the night, including over the weekend. He said several cars were coming and going during those hours. He then turned to Director Young and asked if the AYS had gotten any kind of permit to be renovating. Director Young said he didn't know for sure whether they had secured one or not. Mr. Duke asked if they could be doing renovating without a permit. Director Young said no, that they couldn't be renovating without a permit from the City.

Mr. Duke then told the Council that the issue of having sex offenders in a facility close to he and his family was a, “big cause,” for he and his family. He also said that by the time his wife is up at 5 a.m. in the morning, the work in the facility had stopped. Mr. Duke said he would like to see the staff from AYS stop with the renovating if they didn’t have a permit.

The second issue, Mr. Duke said, that he would like to raise was that there was a hearing in August with the Planning Commission that specified that there was a residential treatment facility that was going in with youth from 12 to 20 years old. He said that the representatives from AYS never mentioned that those with sexual offences would be housed in the facility. However, Mr. Duke then said that in the second meeting (which was the Board of Adjustment), there was nothing about the residents having drug or alcohol treatment; but were identified as sexual offenders. He added that the AYS representatives explained at the meeting that the residents would have been convicted of sexual crimes. He then said he felt that the citizens and the City had been lied to by AYS; in that they did not explain from the first meeting that the facility would house sexual offenders. He also indicated that he felt that AYS was, “playing,” everyone involved.

Mayor Daniels then asked Mr. Duke if he understood what he was saying—in that AYS had not specified at the Planning Commission meeting that the residents were to be sexual offenders. Mr. Duke said that was correct. He said it was only brought up at the Board of Adjustment meeting. He said the attorney representing AYS never even brought up the residents as needing treatment as drug or alcohol abusers.

- Mr. Derrick Wade came forward and said that he didn’t live in the immediate area of the proposed facility. He said he lives on the, “other side of town.” However, Mr. Wade said he had concerns about the location of the facility. He then identified himself as a member of Pleasant Grove’s Planning Commission, but was attending and speaking up at the current meeting in his own interest.

In doing research, Mr. Wade said that it was mentioned in one of the meetings with AYS that those with a rating of Level 6 would be placed in the facility, so he looked up what this kind of designation meant. He said he found out that the clarifying points of the Level 6 offender were that they had used force and weapons in their acts. He also said that they were considered to be a, “moderate to high risk as a danger to the community...” He said that when AYS first made their presentation, they used words such as misconduct, etc, to describe the acts of those that would be in the facility. However, he said that when he did his research, it “opened my eyes to an understanding,” of what kind of offenses the residents would have been convicted of.

Mr. Wade then said that there are specific modifications that have to be done to a facility to house residents such as these. He said that the resident’s sleeping area has to be within the line of sight of those that are monitoring them. He wondered if that would be possible in an older home such as this one.

Mayor Daniels then asked Mr. Wade what it was that he wanted the City to do. Mr. Wade said that he was bringing this information to the Council because he wanted to

know who owned these offenders, how far a facility such as this needed to be from a daycare, and if such a facility was, in fact, a danger to the community. He said that currently, the community was up in arms because the general thought was that the residents could, potentially, be a high risk to a residential area.

Mayor Daniels asked Mr. Wade if the same presenters came to Planning Commission as initially came to the Council to make their presentation. Mr. Wade said yes. He said that nothing came up about sexual offenders in that meeting. Mayor Daniels then said that he also didn't remember anything regarding sexual offenders in the minutes for the July 1, 2008 Council meeting where AYS presented.

- Mr. David Lisonbee at 150 E. 300 S. next addressed the Council and Mayor. He said that he felt that the August 14, 2008 Planning Commission meeting and the September meeting of the Board of Adjustment involved his neighborhood directly. Mr. Lisonbee then said that he supported the Planning Commission in denying the application of AYS. He said he felt that the Planning Commission realized that felt it would be a risk to the, "general health and welfare," of the community. He added that he felt the City was lied to in the meeting in July by not being told that sex offenders were going to be housed in the facility.

Mr. Lisonbee then said he felt that how the AYS facility in American Fork was portrayed, and how they have presented a risk to that community was not accurately shown. In his research, Mr. Lisonbee said that this level of offenders, "are not discriminate," in that their offenses are not just against family members, but against those they have the opportunity to be around. He added that he felt it was not only a worry for the children in the neighborhood, but also for the residents, as they had a history of sexual crimes.

Mayor Daniels said that the case, because it was still before the Board of Adjustment, was still open, so he and the Council really didn't have any comments at this time. He then explained that such a request for this facility does have to go through staff, the planning commission, the City Council, etc, for review. He said the quantity of people coming forward and protesting really had no bearing upon the decision. However, he explained that factual materials would be considered.

- Mr. Duane Day then explained that he had understood that such a facility had been considered in The Grove area. He said he was a resident of Pemberly, and was currently serving as the Neighborhood Chair for the Sam White's Lane Neighborhood. He asked if it was a possibility that such a facility could come into that area. Attorney Petersen said that if there was such a question by an applicant, they would need to come into Community Development and check if it would be permitted as a conditional use in that zone.
- Ms. Redding then asked if by the fact the Council made the legislation, if they could also sever a land use, and not make it affect the other land uses in the City. Mayor Daniels said yes, that the Council can remove a land use from a zone without affecting the other land uses in the City. However, he said at this point, the Council couldn't really do anything to affect the current situation. Ms. Redding then asked what would happen if

her group, “won,” and AYS was denied the conditional use permit—could she come before the Council and ask if the proposed land use could be severed. Mayor Daniels said that the process could begin the next day. Ms. Redding said she would proceed with that, if they were denied the conditional use permit.

- Mr. Doug Bezzant at 376 Locust Ave. was the next resident to address the Council. Mr. Bezzant said a resident from the Apple Grove neighborhood came to him and asked him to become involved with the issue. He said they wanted him involved as he had been a former employee of the City and was familiar with land use legislation. He said that if Ms. Redding’s information was correct, and the distance to the pre-school was such that it was too close to such a facility, he said it was his understanding that AYS could not make such an application to the City. He added that he was aware that there were distance limits set by the state for such a facility’s proximity to libraries, schools, parks, etc. He suggested that there be a meeting with the concerned citizens so that this could be discussed. Mayor Daniels said that he and the Council could not speculate in the current meeting, but he said it was clearly necessary that there was a discussion needed, as nothing of what had been brought forward in this meeting had been discussed before.
- Mrs. Jenny Faires at 230 Locust said that she had only heard that a facility to treat young people with alcohol and drug abuse problems would be housed in the facility. She said she had heard of the same thing happening in Bountiful, Utah. She noted that originally the owners of the facility said that young people with drug and alcohol problems would be the residents of the facility. Then, they switched to sex offenders in the facility, including convicted rapists from out of state.

Mrs. Faires said that she realized there was a need for a place for the treatment of such offenders, but she felt that Level 6 offenders were not appropriate for a residential area. Additionally, she said it would pose a high risk to the community. She said that not only was the day care facility close by, but that there was an often-used playground and pavilion for families on the church property nearby the proposed facility.

- Mr. Lisonbee said that he had forgotten to tell the Mayor and Council that the majority of the people that had shown up to the meeting had stayed outside of the Council Chambers so that the fire code was met (with the allowable number of people attending). Mayor Daniels and the Council thanked him and those outside the meeting for their consideration.
- Christy Tyme from 429 Locust addressed the Mayor and Council and told them that she had worked as a volunteer from Alpine to Provo in working with pedophiles. She said that many people don’t understand that if this kind of facility was allowed, there would be problems in the neighborhood and throughout the community. She added that if someone was sexually molested in anyway, it can take years for them to heal. She said she wanted to be on record as, “vehemently opposing (the City) even considering,” such a facility. She asked that the community, “not be exposed to this kind of perversion as it affects everyone.” She closed by saying that she hoped that such a facility not even be permitted anywhere in the City.

Mayor Daniels then repeated the fact that the Council was not in a position to take any action on AYS's application.

The Mayor then addressed those present and said that he fully realized that this was a tough and sensitive issue. He thanked all of those that had spoken for the important information they had brought before the Council. Even though he said that he and the Council couldn't express their opinions on the subject, they wanted the residents to know that they were empathetic with their feelings. He then urged them to participate in a meeting with staff and the City Attorney. He thanked them again for attending the meeting and closed the open session.

At this point, Ms. Redding brought a large stack of signatures of residents of the City that opposed level 6 offenders in the proposed facility on 300 East and gave it to Deputy Burgin.

9. STAFF BUSINESS

- Director Bradford reminded everyone that the Pleasant Grove Business Alliance (PGBA) would be holding a luncheon in the Grove Theater on Friday, October 10, 2008. He said Mr. Guy Christiansen from Utah Valley University would be speaking on engaged learning.
- Director Giles then said that after reviewing the amount of funds needed if the City received a matching grant for the Manila Creek park land and water conservation work, it was decided not to resubmit the grant. He next reported that the demolition work at Shannon Fields and Wils' Park was coming along quickly.
- Director Walker indicated that his department's presentation would be regarding Mapleton City's recent trial experience with having the waste company only picking up waste on one side of the road to save fuel.
- Chief Sanderson said he had finished the recent St. George Marathon.
- Engineer Lewis said work was progressing on the 200 South enhancement; so the underpass project could start soon.
- Attorney Petersen noted that Mayor Daniels had been interviewed by CNN regarding the 10 Commandments case. She said it would be aired on CNN's program, "American Nation," in the near future.
- Administrator Mills asked if the Council or Mayor had been contacted concerning a proposed smoking ban in Utah County parks. He said there would be a meeting coming up on November 24, 2008 at 4 p.m. in the Utah County Health Department. Mayor Daniels asked Council Member Call if he could attend. Council Member Call said he could. Administrator Mills also reminded everyone that the City Holiday Party would be held on December 9, 2008 in the UVU ballroom again this year.

10. MAYOR AND COUNCIL BUSINESS

- Mayor Daniels explained that he and Administrator Mills had met with representatives Vernon Henshaw and Rob Smith from the Alpine School District regarding the new Community Center, etc. He said they said that they are very pleased with the schedule that has been worked out for students to be able to use the center during and after school hours. He also noted that they indicated that the schedule in the school buildings that has been worked out for City recreation programs over the years will continue.
- At this point, Council Member Atwood asked if it would be okay to add an Executive Session to the end of the current meeting's agenda. Mayor Daniels said it would be fine with him if it was okay with the rest of the Council. The other Council Members said it would be fine

11. SIGNING OF PLATS

The final plat for the Villas at Maplewood was signed.

12. REVIEW CALENDAR

Mayor Daniels reminded everyone that the upcoming General Election was coming up on Tuesday, November 4, 2008. He said the Council meeting will be held on that next Wednesday, November 5, 2008. Additionally, he said that the normal Work Session would not be held on Tuesday, November 11, 2008, due to that being Veteran's Day.

13. APPROVE PURCHASE ORDERS

Regarding the purchase orders, Council Member Atwood asked what a, "ps driver," was. Director Giles said it was a power shaft driver that was being used for installing playground equipment.

14. EXECUTIVE SESSION TO DISCUSS IMMINENT OR PENDING LITIGATION (UCA54-4-205(1)(C)).

ACTION: At 8:19 p.m, Council Member Call moved to go into executive session to hold a strategy session to discuss imminent or pending litigation (UCA54-4-205(1)(c)). Council Member Atwood seconded and the motion passed unanimously with Council Members Boyd, Wilson, Call, Jensen and Atwood voting, "Aye."

ATTENDING:

Mayor:

Mike W. Daniels

Council Members:

Cindy Boyd

Lee Jensen

Mark K. Atwood

Bruce Call

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator
Tina Petersen, City Attorney
Gary Clay, Finance Director
Mary Burgin, Deputy Recorder

ACTION: At 8:35 p.m, Council Member Call moved to go back into regular session. Council Member Atwood seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen, Wilson and Atwood voting, “Aye.”

Attorney Petersen then noted that Land Use 65-15, behavior, drug and alcohol treatment centers, was just added as a conditional use in the CS-2 zone. It was already a conditional use in two other zones in the City.

Mayor Daniels asked Attorney Petersen how long drafting an amendment to the ordinance regarding the behavioral, etc. treatment centers, would take. Attorney Petersen said about two weeks.

Council Member Jensen said he felt that the term “behavior” in the ordinance needed to be defined. He said this should simplify the process.

15. ADJOURN

ACTION: At 8:37 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Boyd, Call, Wilson, Atwood and Jensen voting “Aye.”

This certifies that the City Council minutes of October 7, 2008 are a true, full and correct copy as approved by the City Council on October 21, 2008.

Mary Burgin, Deputy Recorder