

**Pleasant Grove City Council Minutes**  
**April 20, 2010**  
**6:00 p.m.**

**PRESENT:**

**Mayor:**

Bruce W. Call

**Council Members:**

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

**Excused:**

Jeffrey D. Wilson, City Council Member

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Lynn Walker, Public Works Director

**City Recorder:**

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

**Others:**

Scott Darrington, City Administrator

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degan Lewis, City Engineer

Sean Allen, City Planner

Karen Bezzant, City Treasurer

Libby Flegal, NAB Chairperson

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

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**1. CALL TO ORDER**

Mayor Call called roll for the Council and noted that Council Members Boyd, Danklef, Jensen and Robinson were present. Council Member Wilson was excused.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Boy Scout Nathan Young.

**3. OPENING REMARKS**

Opening Remarks were given by Administrator Darrington.

**4. APPROVAL OF MEETING'S AGENDA**

**ACTION:** Council Member Boyd moved to approve the agenda. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson 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:**

- a. To consider approval of paid vouchers (April 8, 2010)

**ACTION:** Council Member Robinson moved to approve the consent agenda items. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

**6. OPEN SESSION**

Mayor Call explained to those present that if an item was not a public hearing or not on the agenda, they were welcome to come forward and address the Council. In that no one came forward the Mayor closed the meeting to the public.

**7. NEIGHBORHOOD ADVISORY BOARD REPORT**

Chairperson Libby Flegal stated that there was nothing to report at this time.

**8. BUSINESS**

**A. PUBLIC HEARING TO CONSIDER THE REQUEST OF JACOB FORSYTH ON BEHALF OF WILLOW TREE RECOVERY LLC, FOR APPROVAL OF A ROAD DEDICATION PLAT TO BE CALLED WILLOW TREE SUBDIVISION, LOCATED AT 145 SOUTH PROCTOR LANE (1300 WEST) IN THE GROVE (COMMERCIAL SALES SUB-DISTRICT) ZONE (SAM WHITE’S LANE NEIGHBORHOOD)**

City Planner Allen explained that in reviewing the applicant’s proposed development we have determined that it would be appropriate to record a plat illustrating the public road dedication and required utility easements with the property.

Mayor Call asked the Council that because items “A” and “B” are conjoined, and if we are likely to receive public comment tonight it will be more on item “B”, can we consider and discuss both items first, then welcome public comment and then vote on each. The Council indicated that that was acceptable to them.

Planner Allen stated to clarify that these are two separate land use applications. The Mayor remarked that that is understood.

Planner Allen then explained the contents of item “B” stating that it is a site plan and conditional use permit proposal in the Grove Commercial Sales zone, this proposal is considered to be compatible with the zone, however it requires conditional approval. Planner Allen pointed out that there were several meetings held and starting with that first public meeting back in January they have received several sets of concerns from the residents and at that time we began to catalog the different concerns and how to address them. In the staff report we have listed the applicant’s responses to those concerns, these are outlined on page five. Planner Allen stated that he is here to help answer any questions and that staff recommends that the Council adhere to the standards outlined in Section 10-2-4 for approving or denying the Conditional Use Permit request, and whether the health, safety and welfare has been effected in each one of these areas.

Council Member Jensen asked to review the staff recommendations in the staff report. Planner Allen stated that he listed five and then read what there were: **1) A minimum six foot tall pre-cast concrete wall is to be installed along the north and south property lines from the front of the new building to the rear property line, for lack of enough landscape buffering to the adjacent residential uses.** Council Member Danklef asked what is being proposed from the front of the building out to the street. Planner Allen stated that that is left up to the applicant because there is no real requirement there; they have mentioned doing a three foot tall continuation of that same wall. Council Member Boyd pointed out that there are landscaping guidelines for that zone that we should be implementing. Planner Allen said that there are and that the applicant has met those requirements. **2) The same six foot tall pre-cast concrete wall for the north and south property lines is to be installed along the entire east property line, due to the existence of horses on the adjacent property.** Council Member Jensen asked if the objective for the pre-cast concrete six foot wall was more for activities that may take place in the back of the property as opposed to being for security reasons. Planner Allen said that at this point it does not require the wall for security unless we determine that as a need, it is just meeting the requirements of the zone. **3) That the proposed north tree line be moved back (south) to where the proposed sidewalk is. The adjacent property owner (Mr. Goodwin) has specifically made this request;** **4) The applicant finds curative measures for any evidence of health, safety and welfare issues associated with the proposed site, which meet the standards found in Section 10-2-4;** **5) That all other Community Development, Fire or Police Department requirements are met prior to occupancy.**

Planner Allen stated that this is what was presented to the Planning Commission and they added the following four more conditions: **a) Individuals with a history of psychosis and/ or acute suicidal tendencies and/or a history of violent behavior, and persons perpetrating crimes against another individual particularly sexual in nature are to not be admitted;** **b) Facility is to be maintained as a residential treatment center for substance abuse only;** **c) Staff to patient ratio is to be one to four, except between the hours of 11:00 p.m. to 7:00 a.m. during which time the facility is to maintain the required Stated ratio of one to eight;** **d) No court mandated individuals are to be permitted.**

Planner Allen stated that staff does recommend that the Council grant approval for this site plan and conditional use permit, including all of the conditions that we have just gone over.

Mayor Call asked if there were any other questions for staff, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment.

Bruce Goodwin, 107 South 1300 West came forward and stated that his concern is that he will no longer feel safe to live here and feels that the residents have expressed this and have gathered petitions but that it seems like it is not affecting you at all. Mayor Call interjected to remark that this is the first time this item has appeared before the Council so to say what's affected the Council is a little bit premature. Mr. Goodwin then said that he is really concerned because he lives so close to it, that his kitchen door is within eighteen feet of their north door and stated that he will be practically living in the facility itself and that there is no protection for him. He said that he has lived in his home for forty eight years and now somebody wants to put something in there that harms his safety and that he can't understand why they can't move the building and put the roadway on the north side. Mayor Call asked that when he speaks about his safety, does it mean that the concern is that when somebody comes there for treatment they will harm him physically. Mr. Goodwin said "yes" and that there are also children and school buses going up and down the road. Mr. Goodwin said that Duane Day (NAB Chairperson) was supposed to have a meeting and that they went ahead and approved this without the neighbors even knowing about it. Mayor Call stated that there is no approval authority with the Neighborhood Advisory Board and that he understands what he is saying and his concerns but to just be aware that sometimes we perceive something that isn't really the way things work. Council Member Boyd asked Mr. Goodwin if he felt that any of his concerns such as adjusting the fence, etc. have been addressed through this process. Mr. Goodwin said that they have but that he is still concerned because of all of the information that he has heard about the way this facility is going to be run. Council Member Robinson remarked that she thinks that his neighbors have accomplished great things in the fact that no court mandated individuals will be permitted, that she has worked in many of these types of facilities in smaller neighborhoods and they were allowed to admit court ordered individuals. Council Member Robinson added that your safety, welfare and health is key to the City of Pleasant Grove whether this is approved or not and that the applicant has tried to address these concerns. Mr. Goodwin said that he feels the zoning for this facility is not proper. Mayor Call asked Planner Allen to address the zoning procedure. Planner Allen explained that what the City Council does is adopt land uses throughout the whole city and for this particular area (the Grove) they adopted a Commercial Sales Zone also in the Grove area there is a Mixed-Use Zone that allows the residential element and there is an Interchange Zone which is out closer to the freeway. When the Council adopted these land uses they established these zones and each zone has a list of uses and they are either permitted uses or conditional, permitted uses just require a business license but conditional uses have a process and come before a public hearing.

Mayor Call explained to the audience that for those who are here because this is the first time you are involved in an issue, sometimes it is all so new and seems like this is a surprise or last minute information, those of us who have been to a lot of City Council meetings recognize that you feel that way, but please understand that we see this a lot. People come forward thinking that something is being done underhanded or behind closed doors and that is what this public hearing is for, it is giving you the chance to make your opinions, anxieties or your complements known.

Erma Winters came forward and stated that she owns property on Pleasant Grove Boulevard and wanted to make some comments, she said that she has a grandson with drug problems and that he has been in rehab for fifteen years and for us to never be fooled that this facility is going to be a safe place. Ms. Winters said that these people have friends that come to visit and leave drugs out for them and that this happens all of the time; these facilities are never drug free. Ms. Winters stated that when they come to visit they will be “drugged up” and will kill the kids on the side of the road and feels that this facility needs to be out where it is away from everybody because it is dangerous and that the people that are in rehab whether it is court appointed or not are only there because they have to be there not because they want to be.

Joy Proctor, 90 South Proctor Lane came forward and said that their residence is right across the street from the facility that is coming in. She said that she has three families that live on this street and that it is the most over taxed street, they have to beg people to let them out of their driveway and people turn in their driveway because the street is so narrow and this is a safety concern. She stated that they have already had the death of a grandchild and is not ready to see another, there are so many children in this area and it is not a place for this. Ms. Proctor acknowledged that the Federal government and the State said that we have to have these facilities but it does not have to be in that spot; there is no reason to have it right in the middle of those homes. Ms. Proctor said that with all of the development in this area and the Boulevard putting a tax on us, it has changed our way of life and now you are asking us to take on one more thing and questions when is this going to end. Ms. Proctor stated that she is asking the Council not to do this, to put this farther away; we are over taxed and the road can't take any more. Ms. Proctor expressed her concern about her safety as an older person and that she has been looking into buying a shotgun and asks that when something happens who is going to be responsible for that, is it the City or the people making money off of these people, who is going to be responsible when they break in to our homes or when somebody gets hurt because of it?

Leonard Carter, 91 North 500 East came forward and spoke of a drug related incident where he and his son were working in their yard and a person drove straight into his fence and knocked it down and beat his son, he called the Police and they arrested the individual. Mr. Carter said that he asked the Police to test him for drugs but they would not because they said that they couldn't without cause. Mr. Carter said that he knew that that individual was on drugs and don't think that these people in this facility will not be and that the fence is just a distraction because they can go in and out of that rehab center at will.

Skylar Wilson came forward and asked Council Member Robinson about her comment on working in these types of facilities and what was her experience. Council Member Robinson stated that she was the infirmary nurse at the State prison for a number of years and that she has worked in several treatment centers and her experience is that they were well documented. Mr. Wilson said that in his old neighborhood in Payson, they lived in a nicer neighborhood, next to a church and then a company bought out one of homes and made it a drug rehab house and it was there for three months. Within that three months there were attempts of break-ins to their house and there were cases where people brought in drugs into the community and they also used the church as a dealing ground at night. Mr. Wilson said that he has worked as a nurse in American Fork and they are not mandated to come to the hospital, the Police bring them in because they

are a hazard to other people. At the hospital there is a one to one ratio and they are the biggest “pain in the butt” patients that we have, the side effects are remarkable. Mr. Wilson asked at what stage will the client be coming to this rehab facility, will it be when they are freshly off the drugs or trying to get off and going through withdrawals. Council Member Robinson stated that they are supposed to be detoxed prior to this treatment and that is why she said that they will be well documented before their admission. Council Member Robinson added that she would hope that if this is approved that the neighbors would come over to the facility and see how the admissions are done to put them at peace and that the applicant in these types of facilities carry a big burden as far as documenting before admission to the facility. Mr. Wilson then expressed his concern with this facility being in this neighborhood because of the elderly people and the number of children and that we are putting in a group of individuals who will “wreak havoc” on to the community. Mr. Wilson said that he understands that these individuals need treatment but that the Wasatch front is heavily populated and they should be put out by the jail or the west desert somewhere, where they can’t communicate and get drugs. Mr. Wilson stated that this is devaluing our property, our trust and everything else that we have here in Pleasant Grove.

Kelly Johnson, 1009 North 1300 West came forward next and stated that she agrees that there are drug problems everywhere and that we live amongst many people who have them but that her largest concern is with the proximity. Ms. Johnson said that we have a lot of children and elderly people, this area is too heavily populated to bring in something like this, people on drugs have problems, they also have friends bringing in drugs and they are sneaky and thinks that we are kidding ourselves if we don’t think that that will happen. Ms. Johnson said that if we bring this facility into Pleasant Grove it needs to be in an area that isn’t as heavily residential, perhaps a more commercial area.

Elavie Yuzon, 210 South Proctor Lane came forward and stated that she is here tonight to advocate for the children’s rights and passed out some information with statistics and considerations for the children in the Grove Commercial Sub-District Zone (exhibit A). Ms. Yuzon stated that the children have rights that are often overlooked in city planning, ordinances or changes within their community or neighborhood. Children have the fundamental right to grow up in safe, healthy environments which their needs and best interest are represented, included in all decision making and acted on for their welfare and well being which they may be effected by. Children unlike adults must rely on others to voice their needs. Young children especially lack the ability to recognize harm or consequences, or possess the ability to act independently to involve the intervention or help of Government, Federal, State or City to protect and ensure they live, learn, recreate and walk in safe environments, especially in their own neighborhoods for their well being. We as a community have a responsibility and must recognize the rights of children and their importance of care in our community. Ms. Yuzon stated that we have put the highest density number of children in this neighborhood, there are nine hundred children in which three hundred and eighty seven are ages three and under, there are three bus stops one is right on the property of this applicant, there is a large church within five hundred feet of the proposed facility. Ms. Yuzon pointed out that there is an inherent risk when there is a liquor store in close proximity because it is an attraction and the clients of this facility are going to commute past it, there are two convenience stores that are within walking distance in which alcohol can be purchased, there is also a gun store and when you put that combination of clients

that are seeking sobriety and recovery where they have such enticement so close and accessible it becomes a risk. Ms. Yuzon stated that this is a combination that is just lethal and wants the Council to be sensitive to this and to do their own investigation of the appropriateness of that combination and to think about those children that they have already accommodated in that area with the high density housing. The children's lives will be altered by the location of this facility, it is not a lock down facility and if the clients chose to leave they may leave and even though the best effort may be provided by Willow Tree to accommodate transportation they will still get into the neighborhoods where children are playing. Ms. Yuzon stated that we want a successful treatment center, and that we as parents ask the City Council to really take the time to investigate and to understand the applicants, their qualifications, expertise and how they are going to monitor and police so that they do adhere to the guidelines and conditional uses and we ask you to consider a more suitable location that does not put so many combustible, inherent risks and conflicts in the same proximity. The interest and the community investment in the rights of children must be foremost in your decision making and be equal in the discussion of dialogue regarding individuals' rights. Ms. Yuzon then said that she is asking now how can we as a neighborhood, in agreement with the help of the City, the community, and Willow Tree strike a balance between our ethical responsibility and our obligation to protect our children, our children's health, safety and welfare, and protect the rights of our children to live and grow up in safe and happy neighborhoods? Ms. Yuzon said that she wanted to again comment that one child; her niece has already lost her life because of an impaired behavior. Ms. Yuzon stated that she appreciates that the Council has taken time to listen and prays that they will really discuss, table and investigate on what is in the best interest for the City, the community, the clients that they represent and especially for our children.

Craig Yuzon, 210 South Proctor Lane came forward next and stated that he appreciates the opportunity to be here and to learn the process of government; he then asked to clarify if this combined item A and B public hearing will be the only time to hear this. Mayor Call stated that the Council will vote on them separately but there will not be another public hearing option on these items. Mr. Yuzon then questioned the noticing process for this meeting. City Recorder Kresser said that it was noticed in the Daily Herald, the City and State websites and posted in three public buildings as a public hearing and that it was in the paper ten days to meet the public hearing requirement. Mr. Yuzon asked about the three hundred foot notice. Planning Technician Mary Burgin stated that the three hundred foot notice is not mandated other than for the Planning Commission and that all the letters were sent out on time before the Planning Commission met on this item. Mr. Yuzon next pointed out that there were several people in the hall and questioned why we couldn't have more seats put in this meeting. Fire Chief Sanderson stated the Council Chambers has an eighty five person maximum which is per the State Fire Code. Mr. Yuzon said that there are not eight five people in the room. Mayor Call pointed out some open seats and then asked Mr. Yuzon if he was asking questions to point out that there is a problem with the process. Mr. Yuzon stated that he is learning about the process and to make sure that we as citizens and leaders do things correctly. Mayor Call said that he understands but that because this is not a court of law, it is a little bit off putting to make a point about potential flaws in the process rather than the substance and nature of what you are concerned about. Planner Allen added that every aspect of the process has been followed. Mr. Yuzon next asked if disclosures were given at the beginning of this meeting. Mayor Call stated that he did not point out to

anyone that he had met with Mr. Yuzon at his request. Council Member Jensen added that he has also not told anyone that at Mr. Yuzon's request that they had met. Mr. Yuzon stated that that is a matter of protocol in government. Mayor Call stated that this whole process so far has been perfectly legal and that he doesn't believe that he is going to find that there is a basis now to throw out a decision of the Council through some method of appeal because of a lack of legality. Mr. Yuzon then asked if there will be a presentation by Willow Tree. Mayor Call said that there is no presentation by Willow Tree; it is not a required thing. Mr. Yuzon then went on to describe his experience in prior Planning Commission meetings on this item, stating that he and his wife were interrupted several times and that all of their questions were not addressed. Mr. Yuzon said that what he is getting at with all of his questions such as the square footage of the building, etc., is what is best for the entire neighborhood and will this change the fundamental character of the neighborhood. Mayor Call asked Mr. Yuzon that if this were a church building with this large square footage going in, would you be bringing up that fact because it's so large compared to the residential buildings and it changes the nature of the neighborhood. Mr. Yuzon said that he probably would and then said that the question about the head gate in front of the facility was also not answered. Mayor Call said that that was the Planning Commission and that the City Council does not have an answer for the Planning Commission's actions. Mr. Yuzon next brought up the concern about what would happen to any rehab client that was uncooperative and wanted to leave and was violent, the answer they were given was that the Police would be called. Mr. Yuzon said that that actual question was misinterpreted; the intent was to ask if it was ethical to release them into the community if they had not graduated from the program. Council Member Jensen asked if he is suggesting that if someone doesn't complete the treatment then he has to be kicked out of Pleasant Grove, because all of these clients are all going to be released back into the communities that they come from. Mr. Yuzon said that he is asking if there was some protocol of how this is done. Council Member Jensen said that he assumes that it is done on an individual basis, based on the history and issues of the individual and that that is what the intake process is about and why it is so thorough. Mr. Yuzon then said that when you deal with the unknown there are risks and in this industry what is the table to standardize it so that it doesn't just become an individual basis thing, but more of a standard so that we as neighbors as well as the people running the program can have success for their clients. If every time the risks are different how does the person paying for the treatment have confidence that their return on investment is going to come out with a successful individual. Council Member Jensen asked why he would raise that issue, what concern of it is his whether or not there is a return on investment. Mr. Yuzon said that the concern is if the individual either absconds, escapes or leaves without authority of the facility and relapses and needs an avenue to get money to get drugs or alcohol, it would be my concern to know how is the program performed safely, I will be living here with my family and I would like to know what these answers are because what I am getting are promises that this or that will happen. Council Member Jensen asked why he would use the word "promise" because this facility as well as others in the medical industry are not making promises, they are doing the best they can to deal with whatever particular issues are brought before them, there is no promise involved so why is he asking for a promise. Council Member Robinson pointed out what was said earlier about the facility that closed down in Payson and lasted only three months, for return on investment that is not good and in the responses to your questions, Willow Tree has answered that and they have emphasized continued care and return on investment is based on that. Council Member Robinson said that the generation of admissions



and referrals are going to be based on the outcome of their clients. Mr. Yuzon said that what he is trying to get at is mitigating risks and asked if there will be more than an administrator on site. Council Member Jensen said that his understanding is that there will be an administrator, a director, a clinical director, a staff of therapists, a psychologist, a psychiatrist and line staff. Mr. Yuzon asked if that is all done by the State to make sure that they have that complete list. Council Member Jensen said that they have applied for licensure to meet whatever the State requirements are for this kind of facility, not only the license of the facility but all of the other licenses required to work in that kind of facility. Mr. Yuzon asked if it is the job of the City Council to know this information. Mayor Call stated that we will not allow anything to be in this city that does not meet the State code, if it is regulated by the State. Mr. Yuzon then asked about the application process for the clients, if there would be self disclosures or third party disclosures or information from the court system, or on any criminal activity. Council Member Jensen said that the application form will have disclosures and there will be questions regarding what type of treatment is being sought after and beyond that application it's the due diligence of the treatment center to go get the additional information that they are going to need.

Mayor Call asked Mr. Yuzon how much more time he needs because he may or may not be doing his cause any good, that sometimes it is better to state what your core concerns are rather than to nibble away at some perceived problems with the procedure. Mayor Call said that he will allow him some more time because he does not want to seem like what he said happened at the Planning Commission who apparently cut him short, but to understand to keep with the core concerns. Mr. Yuzon said that he understands and then asked if there will be on site smoking allowed at the facility. The applicant, Jacob Forsyth said that it will be a tobacco free facility. Mr. Yuzon said that his concern is with how this whole thing was presented and it seems like the answers are not coming from the applicant but from other people answering for the applicant. Mayor Call interjected to say that for those things that we can answer, we do answer. Mr. Yuzon then asked that when you apply for State licensure, how it is handled when someone in that licensing factor has a drug or alcohol problem. Mayor Call stated that we cannot answer that, we are not experts on State licensure for substance rehabilitation centers. The Mayor reiterated that the City will not allow any enterprise here that is regulated by the State that does not meet those State requirements. Mr. Yuzon said that the City Council could pass this tonight and give them the conditional use permit based on the conditions and then what happens if anything comes to light that is contradictory. Mayor Call said that if they do not meet those conditions then they do not get an occupancy permit. Mr. Yuzon said that then they could start building but that that is at their own risk. Mayor Call stated that that was correct.

Jason Proctor came forward next and stated that he lives across the street from the proposed facility and that his five year old catches the bus right in front of it. Mr. Proctor said that nobody knew about the meeting held in January nor were they notified when these plans started. He said that he agrees with his sister that there is a better place to put this facility and we wanted to get that across to Mr. Forsyth before he sunk money into this location. Mr. Proctor said that every time they go to a meeting that something is different and it seems that each time the facility has changed from one thing to another and that is where the neighborhood concern is, it's that we've come and tried to be honest and up front with our concerns and we have suggested a better place,

a better option, cheaper where there is better public transportation on a not such a narrow road and not as heavily populated.

Ray Proctor, 90 South Proctor Lane came forward and stated that he was born in and has been in this neighborhood for seventy five years and that he never thought that there would ever be a time when there would be something like this coming in across the road from him. Mr. Proctor said that they had a boy with drug problems and they had to watch him twenty four hours a day because he would break into people's property and set his cattle loose. Mr. Proctor then said that he has a hard time with the zoning because his property got changed to commercial without his knowledge and it should have been left as agricultural because he is with the Federal agricultural protection and feels that the owner should have the right to the zoning that he wants for his property. Mr. Proctor added that his farm has been in his family since 1844 and questioned what can be done to protect their heritage.

Edward Proctor came forward next and said that he is concerned because there is an alcohol store and a gun store just around the corner and nine hundred kids in the immediate area as well as elderly people and questions what we are doing here. Mr. Proctor said that putting a wall up doesn't do anything; it won't keep them from going to the alcohol store and asked if we are providing one stop shopping. Mr. Proctor said that there are better places where we can put this facility where it is not in this high density area where there are children, alcohol and guns.

Steve Goodwin came forward and asked what happened to the name Phoenix House and are they trying to go on somebody's coattails, also were did the name Willow Tree come from. Mayor Call asked what the concern was for asking this. Mr. Goodwin said that his concern is that they are trying to get a reputation of a house that is not them. Mayor Call asked Mr. Forsyth if they are involved with the national Phoenix House organization. Mr. Jacob Forsyth stated that they have no affiliation with them and that shortly after they had chosen that name they learned that there was a trademark issue so they immediately changed the name. Mr. Goodwin asked if they knew that there was also a Willow Tree center on the east coast. Mr. Forsyth said "no" that he is not aware of that.

Vera Goodwin, 107 South 1300 West came forward and said that she is scared of these people. Mayor Call asked if it is the patients that she is referring to. Ms. Goodwin said "yes" that she feels sorry for them; it is their choice but that she doesn't want them near her. She said that her sister's son over dosed and also has a boy who is going to prison because he steals to get money for his "dope." Ms. Goodwin said that she has lived here for forty five years and she does not want the facility here, she does feel sorry for them but that she is scared of them and doesn't want them here.

Mayor Call asked if anyone else wished to come forward and comment at this time, no one else came forward. The Mayor then asked if the applicant wanted to respond or to say anything at this time.

Jacob Forsyth, the applicant came forward and thanked the Mayor, Council and staff for allowing him to have a few moments to speak tonight. He said that Willow Tree's intention as a

facility is to have a faith based, abstinent based treatment facility that provides service to those that want treatment and that it is an at-will facility. Mr. Forsyth stated that they have tried to be transparent in their dialogue with the City and the neighbors in terms of the name change issue which is nothing else than a trademark issue that they were unaware of when they secured the name with the State Department of Commerce. Their intentions are not to capture the reputation of someone else and they feel that they can develop their own reputation. Mr. Forsyth stated that he can understand some of the fears and concerns brought up tonight but thinks the real concern is for those that aren't seeking treatment. Mr. Forsyth said that they intend to treat those that are serious and have a commitment to recovery. They do have professionals that have credentials and that they intend to operate a very professional treatment center and intend on incorporating very strict guidelines in terms of the intake process and background screening to include clinical physiological and psychiatric evaluations to determine what the individual needs treatment for. Mr. Forsyth stated that if there is an underlying issue that is greater than substance abuse then that individual will be referred to another facility. He said that they see themselves as an asset to the community and look at themselves as part of the solution and not part of the problem. Mr. Forsyth said that their intentions have been forthright and that they feel like they have been fairly transparent and that some of the questions that have arisen during this process have been good questions and that they have tried to respond to them as professionally and ethically as they can. Mr. Forsyth added that all of their staffing issues will be addressed in concert with the application process with the State and that they certainly intend on meeting all of their criteria. Mr. Forsyth then said that if there are any further questions that the contractor and some of the staff are present tonight to help address them.

Mayor Call asked if there are any questions for the applicant.

Council Member Danklef said to Mr. Forsyth that he knows that his family's background is in banking so that he knows that they understand that location is important, and asked what brought them to select this particular piece of property. Mr. Jacob Forsyth said that in looking at the availability for treatment centers in Utah County, in particular northern Utah County, there are not any options currently for this type of treatment and there are no like facilities in the immediate surrounding cities, so based on the addicted population in the County we felt like Pleasant Grove was a good spot to provide this asset to the community. Mr. Forsyth said that in terms of this particular location, we looked at numerous other parcels, the size was important and proximity and distance plays into that and this piece met our criteria and recognizing that this was a conditional use and was already zoned commercial we felt that initially there would be less of an impact to adjacent land owners and perhaps that was misunderstood, but those were our intentions.

Council Member Jensen stated that he wanted to comment on what was said earlier about the addicted population. Council Member Jensen said that it would be foolish for anyone, including himself to assume that Pleasant Grove doesn't have individuals throughout our community that are addicts in one form or another and it is his understanding that with this kind of treatment center, with a limitation of sixteen beds, that the client base is likely to be persons from northern Utah County, closer to their support base. Mr. Jacob Forsyth said that they can make no guarantees of the makeup of their clients, but they would like to provide this service more on a

local or regional basis. He said that their idea is to develop over time a reputation of being a professionally run organization, both on an administrative level and clinical level and that they would like to give back to the local community. Council Member Jensen said that in order to get a clearer picture of this addictive population, what is the incidence of addiction within a population, are there numbers, because what he is trying to get at here is that there is a great need for treatment within our own community. Mr. Forsyth said that in terms of the population and his ensuing that there exists a problem here, substance abuse is rampant in the community. Mr. Forsyth said that he doesn't have exact numbers but that Utah County represents one of the highest addictive populations than any of the other counties in the country and that is a well documented fact. Council Member Jensen said that his understanding is that these types of treatment centers are expensive, for instance Sundance's facility is close to thirty thousand dollars per month for treatment, so it is a different kind of clientele and then asked Mr. Forsyth what the cost is for someone to come into their facility for ninety days of treatment. Mr. Forsyth said that in terms of their fee schedule and cost for treatment, that they have not defined the exact cost yet, but that they will be very competitive with the other like facilities along the Wasatch front. Council Member Jensen said that the reason he asked is because it goes back to the commitment on the part of the individual coming in for treatment, if the financial commitment is around ten thousand dollars or more a month and they invest over thirty thousand dollars over the course of ninety days, that in and of itself seems to address some of the concerns that have been raised here about these individuals looking to steal things to pick up an extra few bucks here or there. Mr. Forsyth stated that in their minds the financial commitment certainly represents additional commitment to recovery on the client's part; these will be people that have the resources to pay our rates. Mr. Forsyth then said to give a broad range; the treatment will probably be in the range of ten to fifteen thousand dollars per month.

Mr. Craig Forsyth, applicant came forward and said that in response to the question about the addicted population, statistically about ten percent of the population is addicted to drugs and/or alcohol, that is a national average. If you use that figure as a starting point, you can come up with a figure of around one hundred and six thousand addicted population in both Salt Lake and Utah Counties and in Utah County we have less than three hundred and fifty beds to treat that population. Mr. Forsyth said that you can see that the demand far exceeds those that need treatment and not everyone is going to seek treatment. It would be counterproductive to us to entertain anybody that wasn't serious about seeking treatment. Council Member Danklef said that with the sixteen beds that makes a maximum of sixteen inpatients, but are they also treating outpatients and if so, how. Mr. Craig Forsyth said that one of the elements that goes a long way to the success of long term sobriety is the ability to provide a strong support group and to facilitate their needs after and one of those very well may be an outpatient process where they can come in and spend a few hours a week with a clinician to reinforce that type of structure. Council Member Danklef asked if that would be one on one sessions. Mr. Forsyth said that it would primarily be one on one and possible group situations. Council Member Danklef said that the reason he is asking is because of the floor plan of the facility, if they have sixteen inpatients and they bring in say ten outpatients, it doesn't look like the facility is adequate for that. Mr. Forsyth said that the square footage requirements are regulated by the State and that they have every intention of conforming to the State standards.

Council Member Robinson asked if they will do some kind of screening or random testing for the outpatient clients. Mr. Jacob Forsyth said that there will certainly be systems of accountability that will be in place and the criteria to be in treatment will be consistent regardless of whether a client is considered inpatient, outpatient or in treatment. Mr. Forsyth also wanted to point out that they feel that there is an ethical responsibility to treat people and that as administrators that they will not be deciding what type of treatment best fits the client, that will be a product of the professionals that will make that determination. Council Member Robinson then asked if there will be a screening process for visitors. Mr. Forsyth said that just as they will screen clients, there will also be systems of accountability and protocol in all that will need to be followed.

Mayor Call asked if they have seen the additional conditions that the Planning Commission recommended and do they have any issues with them. Mr. Jacob Forsyth stated that he doesn't believe that they have issues with anything that has been recommended.

Council Member Robinson asked if Mr. Green was still a professional consultant with them. Mr. Jacob Forsyth said that Mr. Green still provides consulting services to them.

Mayor Call asked if there were any other questions.

Mr. Carter asked what does the City get out of this facility, do they pay taxes. Mayor Call said that they pay taxes like any other of the businesses in the City. Administrator Darrington added that they pay the City for a business license and property tax.

Council Member Jensen asked in regards to Mr. Goodwin's concern about the entrance being on the south side rather than the north side and is there some reason why that can't be changed. Mr. Jacob Forsyth stated that in his mind, they are meeting the standard that the City is requiring. Council Member Jensen said that it does add a little bit of buffer for Mr. Goodwin. Mr. Forsyth said that there are residential uses on both sides so they might have a similar argument for the other side. Mr. Forsyth added that the setback requirements are met within this project and an extra consideration was given to set this facility back off the road, we like anonymity, we plan on no signage and we don't intend to advertise what we do on the building or our vehicles.

Mr. Goodwin stated that he can't understand why they can't flip the plan around, he would feel better if it was on the north side, the property owner on the south side has got more distance between their property and this facility.

Mayor Call asked Planner Allen about the site plan lay out, is that part of what is decided tonight, or is that down the road. Planner Allen said that it's right now, tonight and stated that if this is changed then Mr. Goodwin will lose the trees. Mr. Goodwin said that he doesn't care about the trees, he just wants some privacy, stating that he will only be twenty feet from their north door. Planner Allen said that he thinks that Mr. Goodwin will get more screening if it is kept the way that it is and that we strategically put those trees where it increases the screening with the wall.

Mayor Call asked if there were any more questions, there were none. The Mayor then stated that the public hearing is now closed and asked the Council if they had any further comments or discussion.

Council Member Boyd said that the concern that she has with this project in general is not so much that she doesn't think that they are going to meet all of the standards or State requirements, because they have to. With the facility itself, the applicants have tried to go the extra mile in trying to meet some of the questions and concerns of the neighbors and some of the concerns of the neighbors are concerns that we all have in the City no matter where we live, there are accidents, there is too much traffic on the roads because we are a city that is growing by leaps and bounds. Council Member Boyd said that for her what it boils down to is, is this the best place in our City for this facility to go? It is in a residential area, but it is a multi-family residential area and that she is battling with this versus it in a full commercial area or in a single-family area where it may not be affecting quite the number of residents. Council Member Boyd said that she thinks that this facility will benefit our community and other nearby communities, but feels that our responsibility as the Council is putting this in the place that is the best place for the full community.

Council Member Danklef said that there was a lot of discussion about how narrow this street is and asked about the plans for this street in the future. Engineer Lewis said that part of the Master Plan is that it is a collector road and ultimately it should be widened to three lanes, improvements are desired there and it is simply an allocation of resources that is for every road in the City where we have improvement needed. Council Member Boyd added that the improvements will happen upon development, so the road will widen as development happens.

Council Member Robinson stated that she is still trying to understand all of the zoning and how it works, but once an area is zoned there are laws that dictate that zone. Council Member Robinson said that the State is part of this approval, mandating that we have to take care of these individuals and provide a place for them to be treated, and that she does not ignore the rich history of Proctor Lane and it's families, but it is like a snowball, one big piece of property changed the landscape and picked up momentum over the years. Council Member Robinson said that she has watched this process from the first public hearing and she wants to be sensitive to everything, and one child is a concern of hers, let alone nine hundred children. Council Member Robinson pointed out that in striking a balance, a lot of things have been addressed that were concerns early on and changes have been made and with the number of drug addicted individuals in our community, we are blind to the fact that we don't even recognize that we have neighbors around us that are in worse shape than some of these patients will be. We can't throw those individuals away, we have got to look at our community and do what we can for them.

Mayor Call asked if there was any other discussion, there was none. The Mayor asked for a motion.

**ACTION:** Council Member Jensen moved to approve the request of Jacob Forsyth, on behalf of Willow Tree Recovery LLC., approving a road dedication plat to be called Willow Tree Subdivision, located at 145 South Proctor Lane (1300 West) in the Grove (Commercial Sales

Sub-District) zone. A public hearing was held. Council Member Robinson seconded and the motion was tied with Council Members Jensen, and Robinson voting “Aye” and Council Members Boyd and Danklef voting “No.” Mayor Call stated that when there is the case of a tie, the Mayor votes. Mayor Call voted “Aye,” and the motion passed with a three to two vote.

**B. PUBLIC HEARING TO CONSIDER THE REQUEST OF JACOB FORSYTH ON BEHALF OF WILLOW TREE RECOVERY LLC, FOR A SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL TO CONSTRUCT A NEW REHABILITATION FACILITY FOR PERSONS WITH A DISABILITY. THE FACILITY IS TO BE CALLED WILLOW TREE RECOVERY CENTER AND IS PROPOSED TO BE A 24 HOUR, SIXTEEN (16) BED ADULT SUBSTANCE ABUSE REHABILITATION FACILITY FOR BOTH MEN AND WOMEN, LOCATED AT 145 SOUTH PROCTOR LANE (1300 WEST) IN THE GROVE (COMMERCIAL SALES SUB-DISTRICT) ZONE (SAM WHITE’S LANE NEIGHBORHOOD**

Mayor call asked for a motion on item “B”.

**ACTION:** Council Member Jensen moved to approve the request of Jacob Forsyth on behalf of Willow Tree Recovery LLC, approving the site plan and conditional use permit to construct a new rehabilitation facility for persons with a disability. The facility will be called Willow Tree Recovery Center, a 24 hour, sixteen bed adult substance abuse rehabilitation facility for both men and women, located at 145 South Proctor Lane (1300 West) in the Grove (Commercial Sales Sub-District) zone and also adopting the conditions, exhibits and findings of the staff as contained in the staff report, including the recommendations of the Planning Commission. A public hearing was held. Council Member Robinson seconded and the motion passed three to one with Council Members Danklef Jensen, and Robinson voting “Aye” and Council Member Boyd voting “No.”

Mayor Call thanked everyone for participating and stated that we are often disappointed with the results of the democratic process but we do absolutely appreciate the efforts that all of our citizens take to be involved and encouraged everyone to be just as involved in other issues as well.

**C. TO CONSIDER THE REQUEST OF PLEASANT GROVE CITY FOR APPROVAL OF A TWO LOT SUBDIVISION PROPOSAL CALLED GEPHARDT HOLLOW SUBDIVISION, LOCATED AT 1060 WEST 2600 NORTH IN THE RR (RURAL RESIDENTIAL) ZONE (MANILA NEIGHBORHOOD)**

City Planner Allen said that the purpose here is to subdivide into two separate lots, one to accommodate the existing home of Mr. Gephardt for continual single family use and the second lot would be for the construction of a regional detention basin.

Council Member Jensen asked if there was to be any fencing or would it be left open. Planner Allen said that there was a variance granted on the west side of the property of lot one and Mr.

Gephardt will be installing that. Planner Allen stated that it is his understanding that Director Giles wants to keep our area open so that we can have proper visibility into the basin.

Engineer Lewis stated that in the agreement it states that when the pond is constructed that the City will landscape the area with trees and shrubs to help mitigate the impact of street traffic on the developer's residence. Planner Allen said that we can work out all of the details as this project develops; the issue tonight is subdividing the property.

Council Member Jensen expressed his concern with the development agreement and how it is going to be interpreted. Mayor Call said that there is a development agreement that is binding, it is vague but all that we are trying to do right now is subdivide the property.

Council Member Danklef what was our intent for our piece of this property. Planner Allen said that we have to do some beautification and at this point the pond hasn't been designed yet.

Mayor Call asked if there were any other questions there were none. The Mayor then asked for a motion.

**ACTION:** Council Member Jensen moved to approve Pleasant Grove City's request for a two lot subdivision call Gephardt Hollow Subdivision, located at 1600 West 2600 North in the RR (Rural Residential) zone. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting, "Aye."

**D. TO CONSIDER THE REQUEST OF PG VILLAS LLC, TO AMEND CONDOMINIUM PLATS I, K, L, M, Q, R AND S OF THE VILLAS AT MAPLEWOOD GROVE, LOCATED AT 865 WEST 260 SOUTH IN THE GROVE (MIXED USE SUB-DISTRICT) ZONE, TO ALLOW FOR A SLIGHT INCREASE IN THE BUILDING FOOTPRINT OF THE PREVIOUSLY RECORDED PLATS (SAM WHITE'S LANE NEIGHBORHOOD)**

City Planner Allen explained that the intent here is to slightly increase the footprint of the buildings to increase the garage area for each unit, instead of jogs in the footprint, the frontline will be square.

Mayor Call said that the reason behind squaring it off is not to have perfectly rectangular buildings, the mistake was made earlier by binding this to a specific shape of footprint. Planner Allen stated that that was correct and that also the CC&R's need to be amended to reflect this so we will need to include that as a condition in the motion.

Council Member Jensen asked if the architectural design of the changes being made going to make those seven areas look different than those that are already there. Planner Allen said that the Planning Commission made it a recommendation that there will be no significant architectural differences. Council Member Jensen said that then the architectural integrity of the area is going to remain. Planner Allen said that that was correct.



Mayor Call asked if there were any other comments or discussion, there were none. The Mayor then asked for a motion and to include the condition on the CC&R.

**ACTION:** Council Member Boyd moved to approve the request of PG Villas LLC, amending condominium plats I, K, M, Q, R and S of the Villas at Maplewood Grove, located at 865 West 260 South in the Grove (Mixed Use Sub-District) zone, allowing for a slight increase in the building footprint of the previously recorded plats and the applicant is to amend the CC & R to align with this plat adjustment and also adopt the conditions, exhibits and findings of the staff as contained in the staff report. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

**E. TO CONSIDER A RESOLUTION (2010-019) TO AUTHORIZE THE MAYOR TO DECLARE A KSG, TWO INCH SEWER PUMP AND A BARNES, FOUR INCH SEWER PUMP AS SURPLUS TO BE SOLD (CITY WIDE IMPACT)**

Administrator Darrington said that these are a couple of items that we need to have declared as surplus so that we can sell them.

**ACTION:** Council Member Jensen moved to approve Resolution 2010-019, authorizing the Mayor to declare a KSG, two inch sewer pump and a Barnes, four inch sewer pump as surplus to be sold. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting, “Aye.”

**9. STAFF BUSINESS**

- Engineer Lewis announced that as part of the State Street project, 200 South will be closed starting on the 26<sup>th</sup> for about three days while the Union Pacific crews install a second track crossing 200 South.
- Director Giles mentioned that baseball will open Saturday at 4:00 p.m. at Manila Park.

The Battle Creek Scout District service project, *Clean Up at Grove Creek Detention Basin* had a great turn out last Saturday. There were about two hundred and fifty kids and Commissioner Ellertson, their Chairperson was there and very impressed with the turnout and how much got accomplished.

Director Giles wanted to give a heads up that they are contemplating removing the metal fence at the cemetery along the north property line, it is rusting out and there are some safety and maintenance issues and that he will notify the staff and Council before it happens.

- Administrator Darrington mentioned that we are in the process of updating the City’s website to make it more user friendly and when it is ready to go we will bring in the website consultant and go over the changes at one of our work sessions.

The work session for May 11<sup>th</sup> will be set aside for the Budget work session and it may be a three hour meeting, the budget schedule will be sent to everyone via email.

Administrator Darrington said that he, Mayor Call, Attorney Petersen and Director Bradford will be going to Springfield, Missouri on the 18<sup>th</sup> – 19<sup>th</sup> to visit with Mr. Hammons, the goal is to do some contract talks.

Next week on Tuesday the 27<sup>th</sup> and Wednesday the 28<sup>th</sup>, we will be interviewing the clients for the Civic Center project; both meetings will start at 6:00 p.m.

- Deputy City Recorder Mulvey mentioned that the Utah Municipal Clerks Spring Conference last week was very informative and expressed her appreciation for the opportunity to attend.

#### **10. MAYOR AND COUNCIL BUSINESS**

- Council Member Jensen asked about the status on the totes for the recycling. Administrator Darrington said that Allied has already ordered them and they are working on where they need to drop them off, but they have not given us an exact date yet.
- Mayor Call mentioned that the ULCT has a Legislative Policy Committee on which our community can have three members and Administrator Darrington will be a member at large, and Attorney Petersen will be representing the Mayor so we need a Council member on this committee as well. The Mayor asked the Council if any of them were interested in being a member of this committee. Council Member Robinson said that she has been attending even though she was not appointed and said that she would like to continue to go for one full year.

#### **11. SIGNING OF PLATS**

No plats were signed at this time.

#### **12. REVIEW CALENDAR**

Nothing was reviewed on the calendar at this time.

#### **13. APPROVE PURCHASE ORDERS**

Mayor Call asked if the Council had reviewed the purchase orders and in that there was no discussion, the Mayor asked for a motion.

**ACTION:** Council Member Boyd moved to approve the purchase orders for April 20, 2010. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting “Aye.”

Administrator Darrington stated that we will need to hold an executive session to discuss the purchase, exchange, or lease of real property (UCA 52-4-205(1)(d)).

#### **14. EXECUTIVE SESSION**

**ACTION:** At 9:13 p.m. Council Member Jensen moved to go into executive session, to hold a strategy session to discuss the purchase, exchange, or lease of real property (UCA 52-4-205(1)(d)). Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting, "Aye."

**PRESENT:**

Mayor:

Bruce W. Call

City Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Others:

Scott Darrington, City Administrator

Degan Lewis, City Engineer

Colleen A. Mulvey, Deputy City Recorder

**ACTION:** At 9:30 p.m. Council Member Jensen moved to close the executive session and return to regular session. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

#### **15. ADJOURN**

**ACTION:** At 9:30 p.m. Council Member Robinson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen and Robinson voting "Aye."

This certifies that the City Council Minutes of April 20, 2010 are a true, full and correct copy as approved by the City Council on May 4, 2010

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Colleen A. Mulvey, Deputy City Recorder