

**Pleasant Grove City Council Work Session Minutes  
March 10, 2009  
7 p.m.**

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Excused:

Frank Mills, City Administrator

Marc Sanderson, Fire Chief

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Tom Paul, Police Chief

Degen Lewis, City Engineer

Sean Allen, City Planner

Karen Bezzant, Treasurer

Libby Flegal, NAB Chair

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

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**1. Call to Order**

Mayor Daniels called roll for the Council and noted that Council Members Atwood, Boyd, Call, Jensen and Wilson were present.

**2. Opening Remarks**

Opening Remarks were given by Council Member Call.

**3. Public Hearing to consider approval and adoption of the proposed Roadway Capital Facilities Plan and Impact Fees for the City-wide Service Area in Pleasant Grove City (CITY WIDE IMPACT)**

Mayor Daniels turned the time over to Elise Lechtenberg of Lewis, Young, Robertson and

Burningham, Inc., financial consultants to the City to present an overview/analysis of the City-wide service area impact fees. Ms. Lechtenberg handed out a packet with this overview, see Exhibit "A", stating that these impact fees are for the entire City with the exception of the 2000 West service area. Ms. Lechtenberg went on to explain that an impact fee is a one time fee charged on new development, it is a way for the City to recoup the cost of putting in the infrastructure that is required for new development. Ms. Lechtenberg encouraged the Council to keep in mind that they do have the option to adopt a fee lower than this recommendation, however the difference between the fee presented here versus a lower fee means that the City will have to find other means of making up the difference. Ms. Lechtenberg stated that the Master Plan and the Capital Facilities Plan have some revisions to the plans that were completed back in the year 2000, and is now working with Horrocks Engineers to update the information in conjunction with the 2000 West service area to make sure there is no over lapping of impact fees and also to make sure the City is collecting what they can in impact fees to insure the ability to construct the projects as they come along. Ms. Lechtenberg briefly reviewed the information (Exhibit "A") which includes an outline of the service area, the Capital Improvements Plan, the Calculation of the Impact Fees and the Impact Fee by Land Use Type. Ms. Lechtenberg stated that the City has almost two hundred million dollars worth of projects coming up over the next twenty years, noting that the cost will probably increase over time so an inflation factor has been added into the plan and recommends that the City go back to revise the fees every three to five years. Ms. Lechtenberg stated that there is an error on the Impact Fee by Land Use table; the column titled Peak Hour Trips should be titled Average Daily Trips. Mayor Daniels pointed out that the dollar amounts for the Impact Fee by Land Use in the handout was not matching the information from the amounts in section six of the proposed ordinance. Ms. Lechtenberg checked and stated that the numbers used in the ordinance were not the correct figures. Mayor Daniels stated that we need to make sure that the correct table is in the proposed ordinance and asked Attorney Petersen what is the procedure on correcting this. Attorney Petersen stated that the ordinance can be amended by adopting the chart with the correct figures from the Impact Fee Analysis. Due to the amount of questions that arose from the different set of figures as well as the need to include a correct service area map, the Mayor put any discussion of this proposed ordinance on hold until further research can be done. The Mayor then asked for a motion to continue a public hearing on this item.

**ACTION:** Council Member Jensen motioned to continue a public hearing to consider approval and adoption of the proposed Roadway Capital Facilities Plan and Impact Fees for the City-wide Service Area in Pleasant Grove City. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye".

**4. To consider a Resolution authorizing the Mayor to sign an easement in favor of American Fork City to construct a pressurized irrigation transmission line and filter station on Fox Hollow Golf Course property**

Mayor Daniels stated that a meeting was held with the Engineer for American Fork City and included in this Resolution there is a map outlining the area of easement where they desire to construct the secondary waterline on the north eastern corner of the golf course. The Mayor mentioned the different types of pipe they plan on using, i.e. flexible and segmented and stated that if you were familiar with this golf course this area is the par three that is slightly elevated. The Mayor then said that another item discussed was the possibility of putting a trail system through that area and stated that it was suggested that this was not a very good idea being that trails and golf courses are not a good mix. The Mayor stated that Lehi City and the golf course have signed off on this plan as is. The Mayor then asked Director Clay if he had any issues regarding this. Director Clay stated none as far as the easement is concerned. The Mayor mentioned that the dollar amount to be filled in

on the easement document would be ten dollars. Attorney Petersen stated that ten dollars is the usual, customary amount.

Mayor Daniels then asked if there were any questions. Council Member Jensen stated that he did not understand on the map the section behind the seventh green the land to the north asking if that was golf course property. The Mayor explained that that was golf course property but owned by American Fork City. Director Clay pointed out that it was not owned by the three cities, it's owned exclusively by American Fork City. In that there were no other questions or comments, Mayor Daniels then asked for a motion.

**ACTION:** Council Member Atwood motioned to approve Resolution 2009-03, to consider a Resolution authorizing the Mayor to sign an easement in favor of American Fork City to construct a pressurized irrigation transmission line and filter station on Fox Hollow Golf Course property. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye".

## **5. Department Report (Community Development)**

Mayor Daniels turned the time over to Ken Young, Community Development Director for the Community Development Department report. Director Young handed out copies of the Community Development Annual Report for the year 2008, see Exhibit "B". Director Young stated that the intention of this report was for it to have been reviewed in January but the opportunity hadn't presented itself until now, he noted that this information represents the year 2008. Director Young began a brief overview of the report covering the City's population, stating that last year there was only a zero point seven percent increase. Director Young mentioned that the numbers are based on the building permit information and he stated that in the commercial permit area we are only down three percent from the year before and the valuation rose by five percent, the residential construction permits valuation dropped to seventy three percent with an overall permit valuation drop of forty eight percent from the year 2007.

Director Young briefly reviewed the development applications, ordinance amendments, boundary adjustments and projects completed and underway. Director Young then asked if there were any questions. Mayor Daniels stated that this information is pretty revealing on the commercial and residential activity. The Mayor then asked when looking at the valuation versus the quantity, is there a difference in the permit fee for commercial versus residential. Director Young stated yes. The Mayor went on to clarify that what he is getting at is in terms of the fees that are charged for each project, the commercial fees would be higher than the other building permit fees. Director Young explained that the commercial permits were approximately the same in number but the valuation is up by fifteen percent, while the residential number and valuation of permits is down significantly by seventy three and seventy five percent. Mayor Daniels thanked Director Young for the presentation and asked if there were any questions. There were none.

## **6. Discussion of items for the upcoming March 17, 2009 City Council Meeting**

The Mayor then read the items of business from the agenda.

- a. **Review and consider persons proposed for the new Downtown Advisory Board. These persons would ultimately be responsible for providing a recommendation on certain design criteria and on new developments within the historic downtown of Pleasant**

**Grove, as outlined in the Downtown 2020 Action Plan (OLD FORT NEIGHBORHOOD)**

The Mayor explained that the re-establishment of the Downtown Advisory Board has a very different make-up for the membership, appointment and responsibility of the Board. The Mayor stated that Chairperson Dale Washburn has reviewed the manual prepared by Director Young and he is totally excited and ready to go forward on this.

Director Young explained the make-up of the plan which will include four committees, nine voting Board members and seven advisory, non-voting members. Director Bradford pointed out that on the names of the potential committee members they were only suggested names for nomination being that they did not have the authority to make the appointments. Mayor Daniels stated that this looks like a good group of individuals forming the leadership.

**b. Continued Public Hearing to consider an Ordinance amending Title 10, Chapter 9B, Section 7-F-3 “Yard Requirements” in the Pleasant Grove City Municipal Code to allow for a Conditional Use Permit review for accessory buildings that exceed 10% of the minimum area for the zone, but still meet all other zoning requirements (Continued from the March 3, 2009 meeting) (CITY WIDE IMPACT)**

Director Young pointed out that there are current situations that they are aware of where there is the capability if provided for in the code where an accessory building could exceed ten percent of the minimum area. Director Young stated that there is an applicant requesting to have the ability through a conditional use permit to have an accessory structure that might exceed the ten percent minimum area of the zone. Director Young then stated that they felt that this was a reasonable request in this situation because of the substantial size of the lot. Council Member Atwood asked what would be allowed, is there a limit? Director Young stated yes, the accessory building is to be of lesser size than the main building.

**c. Continued Item – To consider the request of Trophy Homes, and the Church of Jesus Christ of Latter-Day Saints, to amend the Mayfield Development Site Plan known as Trophy Commercial, by removing two formerly planned office buildings in favor of a new LDS Church meeting house, and also a proposal to remove a third formerly planned office building in favor of two (2) 12-plex Condominium structures, which require Conditional Use Permit approval; located at approximately 450 South 2500 West, in the Grove (Mixed Use Sub-district) Zone (Continued from the March 3, 2009 meeting) (STRING TOWN NEIGHBORHOOD)**

Director Young explained that by discussing this information tonight and answering your questions there can be a better understanding of this request, he will have City Planner, Sean Allen go through the details. City Planner Allen started by reviewing the details of the project stating that the biggest issue would be the impact of losing three to four office buildings causing a substantial hit to the commercial element in the project. Council Member Boyd stated that this would increase the multi-family buildings. City Planner Allen stated that the applicant assured the City that they will not go above the original maximum three hundred units and by including a modification of the conditional use permit it will ensure that this does not occur. Council Member Call stated that back when this began it was agreed to count the church as commercial space. Council Member Atwood added his concern about more changes to this project stating that it has already been modified enough and thought that the current agreement was good.

Mayor Daniels then asked City Planner Allen to review the overall plan and if there was a discussion with Trophy Homes on why they are requesting to remove an office building and install more residential space. City Planner Allen stated that it's basically money. City Engineer Lewis added that in his discussions with them it was brought up that right now the units in the Cambria are selling, there appears to be a market for the twelve-plex style building and no interest in the townhomes. Mayor Daniels then asked what kind of multifamily dwellings are in the rest of this development. City Planner Allen stated on Phases two and three there is a mix some with three unit buildings and some with six. The Mayor stated that it is truly high density use. City Planner Allen then stated that also included is information on the water right issues with a recommendation from Horrocks Engineers. City Attorney Petersen stated that there is one hundred twenty five ac-ft of water rights that were agreed upon in the original approved plan. City Planner Allen stated that Trophy Homes is requesting to use these water rights that they have already dedicated to the City to meet the water right requirements for the other areas of the project. City Engineer Lewis stated that Horrocks is recommending that we increase the water requirement of future phases and take cash in lieu of more water rights. Council Member Boyd asked Attorney Petersen if she had looked over this water right information and Mayor Daniels asked what the recommendation is. Attorney Petersen stated that we originally agreed to accept the one hundred twenty five ac-ft of water rights because they were a part of the package for the whole development agreement, now because they have amended their plat not once but now trying to amend again, they have changed the use and the water usage has been recalculated. Attorney Petersen stated that we do not want to dedicate more water rights in the subsequent phases; we would prefer that they pay cash. City Engineer Lewis added that the one hundred twenty five ac-ft of water rights covered all of the property that Trophy Homes brought to the table with the exception of the south west corner and a portion purchased from Dennis Baker, Trophy Homes took a decrease in the sale price and took on the obligation to provide the water shares for these areas, now Trophy Homes says that they do not have money to go buy water shares and that they are not using the shares that they have provided and have not asked to get out of that water requirement, they are asking to use the one hundred twenty five ac-ft shares in lieu of additional water requirements. Mayor Daniels remarked that we have a number of issues to work through stating that when this project began the market for commercial and residential sites were different, we compromised quite a bit to come up with a plan that we ultimately approved and doesn't feel comfortable with this current request adding that at minimum we will hear what they have to say.

- d. **Public Hearing to consider the request of Cabinland LLC, to ask the City Council to reconsider an Ordinance amending Title 10, Chapter 12B, Section 2 "Permitted, Conditional and Accessory Uses" in the Pleasant Grove City Municipal Code for the purpose of adding Land Use Code #6397 "Automobile, truck and trailer rentals" as a conditional use in the MD (manufacturing Distribution) Zone (CITY WIDE IMPACT)**

City Planner Allen stated that the requestor wants to be present to hear an explanation of why this request was denied.

- e. **Public Hearing to consider an Ordinance of Pleasant Grove, Utah County, Utah amending Section 10-11E-10 "Building Height" to limit a waiver to height requirements based on special architectural and mechanical features (OLD FORT NEIGHBORHOOD)**

Mayor Daniels read this item and asked if Council had anything to discuss. Council did not at this time.

- f. **Continued Public Hearing to consider a Resolution amending the Pleasant Grove Cemetery Statement of Policy providing for the regulations regarding placement of permanent markers and headstones; providing for notice that title to burial plots unused for 60 years or more are subject to acquisition by the City (Continued from the March 3, 2009 meeting)**
- g. **Continued Public Hearing to consider an Ordinance amending Title 7, Chapter 3, Section 7-3-13 “Markers and Vaults”, Section 19 “Unlawful Acts.” Creating a new Section, Section 5 “Unused Lots: City Rights”, Section 6 “Alternate Council Procedures for Notice: Termination of Rights” and Section 7 “Unused Lots: Purchase by City Sexton/Maintenance Supervisor.” Establishing a method for City acquisition of burial plots unused for 60 years or more and establishing regulations for placement of permanent markers and headstones and provide for an effective date (Continued from the March 3, 2009 meeting)**

Deon Giles, Leisure Services Director explained the need for changes in the marker and headstone policy, there has been quite a bit of vandalism and accidental chipping of the markers by the vault trucks, etc. and the City ends up paying for the repair. Limiting to one marker per grave site will leave ample room for the staff to maneuver the equipment without causing damage to markers. Council Member Atwood questioned the acquisition process of plots unused for sixty years. Director Giles stated that what this Ordinance will do is get us “up to speed” with what is already in the state code, these new sections in this ordinance will after the sixty years that a plot is unused and after the noticing period, there still is no notice of claim or interest the owners rights are terminated or if the owner wants to sell, the City may purchase the plot at one-half the current rate. Attorney Petersen stated that what this is doing in allowing us to institute a process so that we can identify if there are any current owners and if we cannot identify current owners then we have a process of getting that property back to the cemetery to be utilized instead of being left empty and unused forever. Council Member Boyd expressed concerned about how we are assisting the families now in regards to who has ownership of the plots. Director Giles stated that we have records on ownership and a process of transferring by going to all of the living heirs. Mayor Daniels stated that we need to make sure that we are sensitive to how we implement this and make sure the families are given an opportunity to come forward and not lose their plots. Council Member Boyd asked if there would be a timing issue. Attorney Petersen stated that if adopted, there is a timely procedure for notification.

- h. **To consider a resolution of the Governing Body of Pleasant Grove City Authorizing the Mayor to sign an Engineering Services Agreement with Horrocks Engineers, Inc. for the purpose of retaining their professional services for the 2009 Transportation Master Plan update, Capital Facilities Plan, Traffic Impact Fee Analysis, Access Management Standards, Future Street Maps and other related services (Continued from the March 3, 2009 meeting)**

Attorney Petersen stated that Administrator Mills has the contract.

- i. **To consider a Resolution of the City Council of Pleasant Grove City establishing a policy for Council review and approval of Salary Adjustments, Travel Allowances,**

## **Compensation Packages and Employment Benefits for Elected, Statutory and Appointed Officers and Employees of Pleasant Grove City**

Attorney Petersen stated that this is the Resolution that comes after the draft and asked if they need to change anything from the draft to let her know.

### **j. Executive Session to hold a strategy session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d))**

#### **7. Mayor, City Council and Staff Business**

- Engineer Lewis stated that he requested UDOT to review the Center Street and 1<sup>st</sup> East left turn lights and they agreed that we need them for east bound to north bound as well as the south bound.
- City Planner Allen stated that the Alpine Valley Care Center got their variance approved for the sidewalk.
- Director Bradford mentioned that this Friday, March 13<sup>th</sup> there will be a good speaker at the Down Town Business Alliance at the Grove. The speaker will be Dr. Kelly Matthews from Wells Fargo Bank.
- Director Walker stated that the City Clean Up dates are scheduled for April 18 -26 and the Utah County Burn Window is scheduled for March 14 – April 12.
- Council Member Jensen said he wanted to point out that at the meeting with the Fox Hollow Golf Course they held an executive session to discuss their concerns about an employee being let go.
- Council Member Call stated that he felt good about the trip to Washington D.C., that they were well received but that the Senators and Congressmen are really not in a position to make promises so no one knows for sure what will happen.
- Council Member Jensen also stated that he felt positive about the Washington D.C. trip and has hope that we will have advocates.

#### **8. Signing of Plats**

The Mayor and Council Members signed the DMB Subdivision #1 plat.

**ACTION:** At 8:37 p.m. Council Member Call moved to go into executive session, strategy session to discuss the purchase, exchange, or lease of real property (UCA 54-4-205(1)(d)). Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

**PRESENT:**

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Bruce Call

Jeffrey D. Wilson

Others:

Tina Petersen, City Attorney

Lynn Walker, Public Works Director

Colleen A. Mulvey, Deputy Recorder

**ACTION:** At 8:46 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Jensen seconded the vote and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

**ACTION:** At 8:46 p.m. Council Member Boyd moved to authorize the purchase agreement on the land for the secondary water tank. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye".

**ACTION:** At 8:47 p.m. Council Member Boyd moved to adjourn the meeting. Council Member Jensen seconded the vote and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

**ADJOURN**

Meeting adjourned at 8:48 p.m.

This certifies that the Work Session Minutes of March 10, 2009 are a true, full and correct copy as approved by the City Council on April 7, 2009.

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Colleen A Mulvey, Deputy Recorder