

Pleasant Grove City Council Work Session Minutes
November 27, 2007
7 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Cindy Boyd

Lee G. Jensen

Bruce Call

Jay Meacham

Mark Atwood

Deputy Recorder:

Mary Burgin

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Tom Paul, Police Chief

Deon Giles, Leisure Services Director

Lynn Walker, Pub. Works Director

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Sean Allen, Planner

Marc Sanderson, Fire Chief

Degan Lewis, City Engineer

Libby Flegal, Neighborhood Chair

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

Mayor Daniels welcomed everyone to the meeting. The Mayor explained that following the Opening Remarks, the Council would go into Executive Session to discuss possible litigation.

1. Opening Remarks

The Opening Remarks were given by Council Member Jensen.

2. Executive Session to discuss pending or reasonably imminent litigation (UCA 52-4-5(1)(a)(iii)).

3. EXECUTIVE SESSION TO HOLD A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (UCA 52-4-5(1)(a)(iii)).

ACTION: At 7:03 p.m, Council Member Jensen moved to go into executive session to hold a strategy session to discuss pending or reasonably imminent litigation (UCA 52-4-5(1)(a)(iii)). Council Member Meacham seconded and the motion passed unanimously with Council Members Meacham, Call, Boyd, Jensen and Atwood voting, "Aye."

ATTENDING:

Mayor:

Mike Daniels

Council Members:

Cindy Boyd

Mark K. Atwood

Lee G. Jensen

Bruce Call

Jay F. Meacham

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Lynn Walker, Pub. Works Director

Deon Giles, Leisure Services Director

Richard Bradford, Econ. Dev. Director

Tom Paul, Police Chief

Ken Young, Comm. Dev. Director

Sean Allen, City Planner

Degen Lewis, City Engineer

Mary Burgin, Deputy Recorder

ACTION: At 7:21 p.m, Council Member Boyd moved to go back into regular session and to not delay the project for the City Park and Recreation facility project located in the Manila Neighborhood at 3300 North. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Jensen, Meacham and Atwood voting, "Aye."

3. To discuss and take possible action on the City Park and Recreation facility project located in the Manila Neighborhood at 3300 North regarding possible delay of project due to opposition expressed by a landowner in that area. (MANILA NEIGHBORHOOD AND CITY-WIDE IMPACT)

Mayor Daniels explained that the Executive Session the Council had just come out of was concerning the City Park and Recreation Facility Project in the Manila Neighborhood at 3300 North. He said this was a public meeting, and not a public hearing. Initially, The Mayor said that JUB Engineer Marty Beaumont would explain the background of the project.

Mr. Beaumont then addressed those present and explained that the project would essentially be a joint use facility. The uses would include a pressurized irrigation pond as well as a park, ball diamonds, etc. He explained that it was essential that the City complete the secondary pond by April 2008, as it was needed to be used by over 2,500 residents for their secondary water.

The reservoir will be dug out of the ground to a depth of 13 feet. He said, however, the entire depth from the embankment on the south side to the floor of the reservoir will be 16 feet. A parking lot is planned for the north, east and south of the reservoir.

How the reservoir is slated to be used would be two fold. First, during peak times of usage (usually in the morning hours), the reservoir will be drawn down from 13 feet to 9 feet. He said it will then refill during the daytime. The reservoir will also be used as an urban fishery. Working with the

Division of Natural Resources, he said the City will work with the Division to see the reservoir is stocked with fish. The surrounding area around the reservoir will have berms and trees, he noted.

Mayor Daniels asked the location and number of households that will depend upon the reservoir for their secondary water. Mr. Beaumont said the area will be from 2100 North to State St, which is about 2500 connections.

Attorney Petersen asked what the plan would be for recirculation of the water in the reservoir so that there would not be problems with an odor. Mr. Beaumont indicated that a firm out of Iowa will be installing 14 aeration devices that will help to circulate the water as well as oxygenate the water for the fish. He said this plan would also cut down on moss in the reservoir.

JUB Engineer Dave Thurgood then explained that the water will constantly be recirculated. He said that during peak times, the water will draw down in the reservoir, then as the lower water begins to warm and rise, cooler water will be coming in from the Alpine Aqueduct and The Provo River.

Mayor Daniels then asked about the impact on the City's finances with the reservoir project. Mr. Beaumont said the City purchased the land for \$1.2 million eight years before, and had recently paid the land off. He added that the cost of the reservoir to construct will be \$2 million with the parking lot and outlet structures.

Director Giles asked that Mr. Beaumont also address the planned amenities with the project. Mr. Beaumont said that there would be side slopes on three sides that are slated to be landscaped. Also, there will be a long sandy beach that will similar to the Spanish Fork reservoir. This beach will be 300 feet across, with 2 feet of sand on top of a concrete barrier. He said that people can swim in the reservoir, even though the water will be cold.

Mr. Thurgood added that the reservoir will have a riprap lining, which will create a foundation for the reservoir and prevent erosion. Mr. Beaumont said the riprap lining had been designed by a geotechnical engineer for this particular reservoir. He also added that the reservoir is needed due to demand. He said this is the whole reason for a reservoir such as this one to be built.

Director Clay further explained that the City had bonded for the secondary system. If there was a delay in the reservoir being constructed, and the City was unable to receive the revenue from the 2,500 homes, it would cost the City over a half million dollars. Additionally, if that revenue didn't come into the City in the spring, the rates would have to be raised with the rest of the residents so the money could be paid on the bond.

Mayor Daniels then said that the discussion would now be opened to the public. The Mayor said he and the Council were very interested in the public's perspective toward the project. He explained that the Council could take action to delay or go forward in directing the contractor with the project.

Mr. Tim Aguilar from the Creek side at Aspen Grove HOA came forward. He asked if the City had a time frame for the varying phases of the project. He then asked if the reservoir would be the top priority if Mr. Robert Schow had not threatened the City with a lawsuit.

Mr. Beaumont answered that the project has been slated to be completed all along by April 16, 2008. He said the reservoir must be completed by that date in order to be online in that part of the City to service those residents with their secondary system.

Mr. Aguilar said that he understood that the pond (or reservoir) was the first phase, then. He asked what the second phase would be. Mr. Beaumont said the construction of the park would be the second phase. Director Giles said that there would be landscaping and restrooms as part of the first phase. He added that the City owns the property that phase one and two will be on, but phases three and four are on property that the Alpine School District owns, so he doesn't have a time table for those phases.

Mr. Ken Bradburn next spoke and said he lived in the adjoining area to the reservoir. He said he wondered if the City had funding to complete the landscaping. Director Giles indicated that funds had been applied for through grants. Mr. Beaumont explained that the grants had been applied for, and the City wouldn't know until January, 2008, if they would receive them. Mr. Bradburn said he was concerned that without the park being finished, the pond might be a big eyesore for the area. Attorney Petersen said that the funding was in place for the beach, landscaping around the pond and parking.

Mr. Aguilar asked where the parking would be. Mr. Beaumont said it would be to the north of the reservoir. Director Giles said the restroom facilities were planned on the west side of the reservoir. Mr. Beaumont explained that several things needed to be done once the reservoir was completed. He said this would be the landscaping as well as the stocking of the lake.

Next, Mr. Aguilar expressed concern that there would be no fences around the pond. Council Member Boyd said the City would also be concerned, and would like to complete the project, including the parking lot. Director Giles said that proper signage would be installed prior to the public being allowed to use the facility. He said the restroom facility would also need to be completed. Mr. Aguilar asked if there would be preventative measures to prevent a drowning. He asked if there was consideration on the part of the City for liability. Attorney Petersen noted that the City does have general liability insurance, and the carrier will make sure the proper signage, etc, is adhered to by the City.

Mr. Aguilar said he appreciated the design of the project. He observed that it was a beautiful addition to the area. He also said he appreciated the City helping his community with their gate. Director Giles said that he and his staff will continue to work with Mr. Aguilar's community.

Mr. Aguilar then said that he had one last issue to bring up to the Council. He said that since the pond and park would be going in, he was concerned about the creek to the west of the development. He explained that his community is gated, but since the creek is not fenced, it would be conceivable that people could walk through the creek, and right into resident's backyards. He said that the HOA would like to propose to the City that they fence the creek on the west side. He noted that other parks in the community are fenced. This would, he said, take care of all of the liability issues. He went on to suggest that if the City is willing, the HOA would purchase land, if needed, so they can take over the creek.

Mayor Daniels said the Council could not take action tonight, but maybe at a separate meeting. The Mayor said that Mr. Aguilar might be able to meet with Attorney Petersen and Director Giles regarding the matter.

Director Giles then explained that the City does not own the creek. He said that the irrigation company owns the easement on the creek. Attorney Petersen agreed and said it may not be possible

to fence the creek.

Mr. Don Wadley then said that the current creek wasn't a natural creek, but rather flows through a 3 ft. culvert. He said that there is a 25 ft. easement on the creek. He said that perhaps a fence could be constructed on the west side of the creek, but he didn't know if that was legal.

Mr. Aguilar said that his HOA has an easement for the City to come in and service whatever they need to come into their development for.

Mr. Scott Lawrence came forward and asked in looking at the map, he asked if all water will flow into the pond, or into existing piping in the area. Mr. Beaumont explained that the diversion head gate was adjustable. Initially, as people go from flood irrigation to pressurized, some of the water needs to get into the creek from flood irrigation. He said whenever the pond was full, it would spill to the creek automatically.

Additionally, Director Walker said that a certain amount needed to be available for stock under current water rights. Mayor Daniels asked if the control of the water in the creek was under the Water Board. Director Walker said yes, it was.

Mr. Lawrence then asked about how the fact that the creek was now in a cement culvert would affect the trees in the area. Mr. Don Wadley, a member of the Water Board, said there will always be water in the creek. He indicated that the creek was the main one that came into Pleasant Grove. He said the creek is able to restock all of the aquifers along its path to Utah Lake.

Mr. Aguilar asked if the creek would always continue to flow with a general amount of flow. Mr. Wadley said yes. He added that the water might not be as full as it is now due to people hooking into the secondary system, but there would always be water in the creek.

At this point Mayor Daniels asked if there were anymore comments. There were none. He asked if there was any reason, at this point, to take action. Attorney Petersen said that the only action that needed to be taken was if the Council wanted construction to stop on the project, which they had expressed, they wanted it to definitely continue.

Council Member Boyd thanked the residents of Creekside for their attendance. She said that this should be a positive, workable situation to benefit the Citizens of Pleasant Grove. Mr. Aguilar noted that the City had bent over backwards for the last two or three years in solving several problems in their development. He said the homeowners just wanted to be able to work with City Staff.

Mr. Wadley asked if when the ball diamond was completed, if the lights would be hard on the homeowners. Director Giles said no, that the new lights are very directional.

4. Department Report (Public Works)

Director Lynn Walker came forward and reported that during this time of year, there is usually a lot of plowing of the streets coordinated throughout the City. He also said that it was a very good year for water with residents. 1.5 million gallons of culinary water had gone out to residents, and secondary was up to one half million gallons. 3,500 residents hooked into the secondary system. He said the new pond in Manila would be started on immediately.

The department's next project, he explained is the Safe Sidewalks program. Three local schools have helped to apply for 100% grants for the program to put sidewalks in for students to use. He said they are anticipating the state participating.

The utility overlay program on 200 South and 100 East is currently waiting for funding. He said they should know if they will get the funding in January. He said that bonding for the project is also an alternative.

A new flatbed truck has been ordered and will be in use by his department in January, 2008. He said a new crack sealing machine will be ordered in the near future. He explained that it is necessary to keep up with the maintenance of the roads.

Work continues on the upsizing of the sewer on 700 South up to State St. He noted that 8,000 feet of old sewer has been relined and his department is about three to four years ahead of schedule on this project.

Director Walker said his department receives about 3,500 calls a year. These are mostly for work orders. He complimented his crews, and said they are always on the job, including that morning, when there was a water line break and the soaking wet crew, in sub-freezing weather, fixed the problem. He thanked them for their hard work.

5. Report from Staff and discussion by the City Council regarding possible amendment to Section 10-12B-2/Item E by adding Land Use Classification #4858 (Solid Waste Transfer Station) and #4859 (Other solid waste disposal, NEC) as a Conditional Use in the MD (Manufacturing Distribution) zone.

Following Mayor Daniels reading this item, Director Bradford came forward. He said he had participated with Administrator Mills and Directors Young and Clay in touring solid waste transfer stations in the Salt Lake area. He was then asked to come up with non-technical observations and his impressions of the possible effect of such a facility in Pleasant Grove.

Director Bradford noted that they were first informed that having a transfer station in the City would increase revenues. Additionally, there would be tonnage fees paid to the City, which would be equal to several hundred thousand dollars a year. These revenues would be a definite benefit for accommodating such a project, he observed.

In permitting such a project, he said they were told that the City could retain control over the hours of operation, as well as the routes of the trucks and the building heights. If the project went to a neighboring city, they would be able to maintain that control, and not Pleasant Grove.

Regarding possible issues with odors, he said the facilities they observed were catering to commercial customers, and they generate fewer odors than residential waste facilities. If the facility was permitted in Pleasant Grove, the City could regulate what kind of waste (by conditional use) they would handle. He said this would also be a plus of allowing it to be located in Pleasant Grove.

Conversely, one of the main concerns that he and the rest of the team observed was the noise level in the facility. He said this naturally comes from handling heavy equipment indoors. The noise,

however, was mitigated about 300 feet from the building. He said there were odors, but they observed that the bays outside of the building were regularly cleaned out. Their hours of operation were limited. He said they opened around 7:30 or 8 a.m. and closed between 6 and 6:30 p.m.

A negative aspect of the facilities was the large volume of truck traffic. He said they had about 100 trucks a day coming in and going out. He said concern was expressed as to what route in would be taken with the potential truck traffic. This traffic could have an impact on growth in the area of the possible facility.

In respect to the height and appearance of the building, there are already buildings that look very much like this kind of facility in the MD zone right now.

Director Bradford noted that the team was concerned with the public image the City would maintain if such a facility came in. He also said that they were concerned that if this kind of facility came in, that there might be pressure brought to the City to allow residential waste to start coming in as part of their contract.

Additional issues that were raised by the team was that the project would probably go into the Grove area and how long the City could maintain a contract with the operating entity as to how long the desired controls could be maintained before negotiations would again need to take place.

In terms of recommendations, he indicated that the team was not asked to make any. He said they were asked to make a field visit and bring back information to the Council.

Mayor Daniels then asked if there were any other reports from Council Members that had also visited any transfer stations in recent weeks.

Council Member Jensen said he had been able to also visit facilities in the Salt Lake area. He said that he learned that even through the hours of 6 a.m. to approximately 7 p.m. were maintained as to when the truck came and went, the facility ran 24 hours a day. He noted that sorting and bailing continue into the night. Additionally, he said that 100 trucks were coming into facilities that take in about 1200 tons of waste a day. In Pleasant Grove's MD zone, it would only be 400 tons a day. This would generate only 40 to 50 trucks hauling in waste per day. Council Member Meacham asked if they only processed 400 tons a day, if that would be cost effective. Council Member Jensen said yes, it would be.

Mayor Daniels then said there is a proposal on the table. Attorney Petersen explained that a land use is being proposed to be added. She said the question is whether or not to have this use in the MD zone.

Council Member Jensen reported that the North Point facility in Lindon does about 180 ton a day. He also explained that facilities accept different kinds of what is called clean murph or dirty murph. The dirty murph comes in as mixed solid waste, and the facility sorts through that waste. Clean murph, he said, has already been separated into recyclables. Additionally, those items are recycled and the rest is simply bailed and put into landfill. Council Member Jensen also said the Metro facility in Salt Lake is around 76,000 sq. ft in size. He said the one here in Pleasant Grove would only be about 45,000 to 50,000 sq. ft.

Attorney Petersen, at this point, reminded those present that the issue before the Council to just discuss at that time, was the application of adding a land use code. She explained that if this was approved, it might mean that one company would handle one kind of waste, and another have a facility specific to recycling. She said that the consensus is that the facility will end up somewhere in the northern part of the county.

Council Member Atwood said it had been mentioned that the City could maintain controls if it was here. Council Member Jensen noted that the clean murph would strictly be recycling. She said Pleasant Grove would have voluntary recycling. He further stated that a decision was made that recycling was not on the ballot this month because the Council said they needed more information. Attorney Petersen indicated that the central issue would be that the City would be able to retain the ability to have input regarding traffic patterns and hours of operation, etc.

Council Member Call then explained that it would be through the Conditional Use process that the Council would control hours of operation, the kind of waste coming in, etc.

After further discussion, Attorney Petersen explained that the current discussion had initially been requested by Administrator Mills. She said that he indicated that perhaps it would be good for the issues with a transfer station to be discussed prior to the issue coming before the Council as a legislative decision in making an amendment to the zoning ordinance.

Council Member Atwood then turned to Director Bradford and asked whether he had a good or bad recommendation for the Council. Director Bradford responded that he wished that he did have a clear opinion. On one hand, he came away feeling that it would be a good thing for Pleasant Grove to allow such facilities so they could maintain a certain level of control. Conversely, he said he was concerned that over 25 office buildings as well as a four-star hotel was coming into the Grove Area, and he wondered if having a large number of trucks coming through there would have a negative impact on the surrounding area. Council Member Jensen indicated that area already had trucks coming and going to the North Point facility. He said that activity will not be going away.

Planner Allen then explained that there is not information in the Council's packet in regard to a possible transfer station due to his department waiting for the report coming back from those that visited the facilities. Mayor Daniels asked if Planner Allen was aware if more than one company had expressed interest in bringing such a facility into the City. Planner Allen said he really didn't know.

Mr. John Davis from Rocky Mountain Welding said that more than one company had contacted them about bringing such facilities in. Mayor Daniels added that if one transfer station comes in, several companies will use that facility.

Mayor Daniels said that he has been made aware that three different companies have contacted the City regarding coming in. He said the question before the Council will be whether or not they want to add solid waste transfer usage located in the MD zone in Pleasant Grove.

Council Member Boyd said that at this point, she would be comfortable in making the change to allow such a facility into the MD zone. However, she said she would really like to see a draft of a amendment change.

Council Member Atwood asked at what point that the Council would be able to make sure their

requirements were in the amendment. Attorney Petersen responded that it would be through the conditional use process. She said that it would be critical as to what kind of garbage the Council would allow and whether or not recycling was being proposed to be included.

Council Member Meacham asked if in the amendment, other solid waste disposal would need to be included. Attorney Petersen said that land use code could be taken off, if the Council wanted it to be. Council Member Call recommended to the other members of the Council that they all look at the current classification and decide how narrow they want to define the use.

After further discussion, Mayor Daniels said he felt that there had been excellent feedback regarding this issue. He said the item, which is a continue public hearing item from the November 20, 2007 City Council Meeting, will be on the agenda for the December 4, 2007 Council meeting, in the same form as it had been advertised.

Mr. Marcel Davis from Rocky Mountain thanked the Council for their consideration of this item. He said it will be up to The Council as to whether or not the facility will be able to handle residential (or wet waste), or commercial waste.

6. Discussion of items for the upcoming December 4, 2007 City Council meeting

- a. Presentation by Habitat for Humanity Presentation.

Mayor Daniels read this item.

- b. Public Hearing to consider the request of Warburton's Inc to Vacate lot 5 of the Sam White Park Subdivision, Plat "B," to create Sam White Park Subdivision, Plat "C," an expandable condominium project for property located at approx. 829 South 490 West, in the MD (Manufacturing Distribution) zone. **SAM WHITE'S LANE NEIGHBORHOOD**

Planner Allen indicated that Mr. Warburton will be converting a building into commercial condominiums. He said there are still two crucial reports that are needed, which include a report on the condition of the property and the building inspector's report.

- c. Public Hearing to consider the request of Baker Management LLC to divide property that is to be called the Embassy Grove Subdivision, including the dedication of Embassy Grove Parkway, and other public streets located within the quadrant east of P.G. Blvd., south of 2000 West & west of Proctor Lane, to the I-15 corridor boundary; in the Interchange Sub-district (Grove) zone. **SAM WHITE'S LANE NEIGHBORHOOD**

Planner Allen noted that this is the expected proposal to subdivide the land the hotel and the convention center will go in on. He said this will start the process of road dedications.

- d. Public Hearing to consider an Ordinance amending Section 10-9B-7 (E,F,G,H,I, J and K) "Accessory Buildings," and 10-9B-9 "Building Height," of the R1/Single-

Family Residential Zones, of the Pleasant Grove City Municipal Code, regarding amending height and setback requirements. **CITY WIDE IMPACT**

This item has additional wording from Attorney Petersen. Council Member Call said that he had looked it over and felt it was very clear.

- e. Public Hearing to consider an Ordinance regarding Pleasant Grove City Staff's request to amend Section 10-9A-10 of the Pleasant Grove City Municipal Code to allow persons to request an increase in the maximum allowed height of a building through the approval of a Conditional Use Permit within the RR (Rural Residential, 21,780 sq. ft. lot area) zone. **MANILA NEIGHBORHOOD**

Planner Allen indicated that this is tied in with the Accessory Building height to a maximum of 25 feet. He said it is an effort to further clarify additional height of buildings.

- f. To consider the request of Jerry Grover for final plat approval of a 3-lot subdivision known as Piccione Properties, Plat "A," located at approx. 560 South 300 East, in the CS (Commercial Sales) zone. **STRING TOWN NEIGHBORHOOD**

This is a fairly simple plat approval, Planner Allen noted.

- g. To consider approval of 2008 Yearly Meeting Schedules.

Mayor Daniels asked if the Council was happy with the Tuesday, 7 p.m. schedule they have had this past year. The Council said they were fine with that schedule.

7. Mayor, City Council and Staff Business

Mayor Daniels asked the staff and Council if there was anything they would like to bring up. There was nothing. The Mayor then asked for a motion to adjourn the meeting.

7. Adjourn

ACTION: At 9:17 p.m, Council Member Jensen moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously by Council Members Atwood, Meacham, Jensen, Boyd and Call voting "Aye."

This certifies that the Work Session Minutes
For November 27, 2007 are a true, full and correct
copy as approved by the City Council on
December 4, 2007.

Mary Burgin, Deputy Recorder