

The Pleasant Grove City General Plan calls for various commercial and residential land uses on the identified properties, which are all considered key to the Gateway Area development plan. It is the understanding of staff that the identified properties do not fall within American Fork City's annexation policy plan. The only properties which have previously been identified as potentially annexing into American Fork were those which have recently been annexed into Pleasant Grove, namely the 42 acres being planned as the Mayfield (Trophy Homes) mixed use development.

Supervisor Young explained that the City Engineers for both Pleasant Grove and American Fork (John Schiess and Howard Denning) have recently performed an analysis of the existing and proposed eventual boundaries between Pleasant Grove City and American Fork City, and have prepared a recommendation as to where the eventual boundary line should fall between the two cities, and which City could best provide full utility services to un-annexed properties (see attached Boundary Analysis Map, exhibit A). The Engineer's recommended boundary shows all of the Smith Disconnect properties within the Pleasant Grove service area.

Additionally, John Schiess has provided a letter regarding utility service to the Smith Family Disconnect properties. In reviewing water, sewer, and storm drainage, Mr. Schiess demonstrates that Pleasant Grove is in a much better position to service these properties than American Fork.

In evaluating the disconnect petition, the Utah County's Surveyor's Office has identified two problem areas, which should cause the petition to be rejected:

1. A peninsula would be created by the disconnect; which is prohibited by State Code.
2. The plat submitted was not prepared by a licensed surveyor, as required by State Code.

A third concern regarding the inclusion of the Baker property which was in process of being annexed / recorded when the petition was filed with the County has since been resolved.

The City has received letters of protest from the owners of some properties included in the petition area. Among those are properties owned by Trophy Homes (Mayfield), Kriser Homes (Belle Monet), Amsource, Capital Community Bank, Deseret Federal Credit Union, Dennis Baker, Wayne Beesley and Pleasant Grove City (see attached letters of protest).

The City has planned for the eventual construction of the 2000 West corridor for several years, with development on both sides planned as part of the commercial areas in the Gateway Zone. The removal of these properties from Pleasant Grove City has a very negative potential in the ability of the area to develop as planned, and for the corridor to be completed. The connection of 2000 West, between Pleasant Grove Boulevard and State Street has been recognized by regional and state agencies as an important regional

transportation connector. The City has several current efforts underway to accomplish the construction of this corridor. He added that the plat was not prepared by a licensed surveyor, as required by State Code.

He concluded by explaining that Staff recommends that the City Council deny the Smith Family Disconnect Petition for 139.26 acres, located in an area near 2000 West, between State Street and 700 South.

Attorney Petersen then came forward and added that she had provided the Council with two ordinances (this evening) for their consideration: one that grants the disconnection petition and one that denies the petition. The ordinance granting the disconnection makes findings that are based upon the petitioner's arguments at the hearing regarding fairness and equity they should be allowed to disconnect. The ordinance denying the petition includes findings based upon the evidence presented at the public hearing. She then recapped the evidence presented that night regarding the flaws in the petition, including that the petition would create an illegal island or peninsula in contravention of state law.

Next, she noted that attached to the ordinance were exhibits A, B and C, which were some of the information provided at the public hearing, including the letter from the City Engineer stating that Pleasant Grove City could provide utility service to the area; a copy of all the protest letters from affected landowner; and the letter from Utah County opposing the disconnection petition.

Additionally, she suggested that if the Council chose to approve the ordinance denying the petition that they include in the motion a statement incorporating the Staff report (exhibit B) as part of the findings.

Council Member Jensen asked about the requirement of the licensed surveyor preparing the plat. Attorney Petersen explained that the statute requires that the plat be submitted by a licensed land surveyor. She also noted that subsequent to the County's letter, the applicant had submitted a corrected plat by a licensed surveyor so that particular error had been corrected.

Mayor Pro Tem McDade asked if there were any comments or questions from the Council. There were none. He then asked for a motion.

ACTION: Council Member Atwood moved to deny Stanley B. Smith's request, on behalf of several landowners, to disconnect from Pleasant Grove City based on information provided by Utah County Attorney's office and the findings in the Staff Report (exhibit B) regarding this issue that was prepared by Community Development for March 27, 2007. Additionally, with the following findings; 1. The identified disconnect properties have been planned by Pleasant Grove City to be an important part of the development of the Grove area and the connection of the 2000 West corridor. 2. The properties proposed to be disconnected have not been identified on American Fork City's annexation policy as land that American Fork anticipates annexing. 3. Some of the owners of property in the area, including Pleasant Grove City, have expressed a desire to

not be a part of this petition. 4. The City Engineers for the two cities of Pleasant Grove and American Fork have recommended that the identified disconnect properties are best serviced by Pleasant Grove City. 5. The Utah County Surveyor's Office has identified two problems with the proposed plat: 1) The proposal creates a peninsula, and 2) the proposal was not submitted on a plat prepared by a licensed surveyor. Said property is located near 2000 West, between State Street and 700 South, Pleasant Grove City. Council Member Call seconded and the motion passed unanimously with voice votes by Council Members Call, Boyd, McDade, Jensen and Atwood voting, "Aye."

3. Department Report (Fire Department)

Fire Chief Marc Sanderson came forward. He said he would first like to introduce the newest full-time fireman, Captain Dave Thomas. He said Captain Thomas has been a fireman for 28 years and brings a wealth of experience with him. Additionally, he brought Firefighters Sam Levin, Brian Patton and Richard Willis.

Chief Sanderson told the Council he had given each of them a handout regarding the department. He first read the Mission Statement of the Fire Department, which is that the department is committed to provide excellence in emergency services including Fire Suppression, Emergency Medical Care and Fire Prevention.

Next, Chief Sanderson listed the objectives of the fire department. These included several points, including the accomplishment of their mission through strong leadership, safe practices, training, dedication and professionalism. Additionally, he said the department staff wants to provide rapid and efficient response to emergencies in order to safeguard the life and property of the citizens. Two more important objectives, he said, are planning for programs for the future development of the community and the fire department.

The values of the department start with earning the public's trust as well as providing a work environment that promotes harmony and respect. He said achieving a team concept to effectively achieve their mission and meet the goals of the fire department.

He next indicated that that the department has received several grants. He noted they had received a DHS Assistance to Firefighter grant for \$123,000. This is a 10% match grant and will pay for new 800 MHz radios and a new breathing air-fill station. Additionally, Chief Sanderson said they have applied for other grants.

In February, all of the Captains completed training at the Captain's Academy. He said this was most helpful as it united all of the department's Captains thought processes and made a common approach to many of the different challenges that the Captains are in charge of.

He went on to announce that all of the business fire inspections were completed in Lindon and Pleasant Grove. He said that this is the first time they have been completed this early.

As far as the existing vehicles that the department maintenance, Chief Sanderson said they now keep logs as to when maintenance was done on the vehicles. He said this helps them to keep ahead of potential problems with the vehicles.

Captain Steve Brande has been assigned to head up the new Fire Prevention Branch. He noted that Captain Brande has established a focused approach to fire prevention that will

enhance the department's ability to increase safety through fire code enforcement.

Chief Sanderson next observed that the firefighters will statistically stay safer if a physical fitness plan is in place. He has adopted the same fitness standards that the police have used for testing. He said he has plans to institute a medical surveillance program within the next budget year.

He next suggested that customer service is the essence of the business the fire department is in. He said he doesn't perceive the department's responsibility as being restricted to emergencies. He noted that he believes that the department should be of service to the citizens anytime there is a need. He said this would include helping someone with a stalled vehicle, etc.

He then explained a letter he had included in his presentation. The anonymous person expressed their love of being involved as a volunteer firefighter. They said they enjoy the comradery in the department and the feeling they are serving the community.

Chief Sanderson, in closing, expressed his department's appreciation to the Council for their support. He said he would like to present each of them with a firefighter's shirt to make them feel a part. He also showed the Council a sample of the new badges the department staff will be wearing.

4. Discussion of items for the upcoming April 3, 2007 City Council meeting

- a. **Presentation to Mildred Sutch for her years of service as the Historical Preservation Commission Chair.**

Mayor Pro Tem McDade read this item.

- b. **To Proclaim April 28, 2007, as Arbor Day.**

Administrator Mills noted that Director Giles will give this presentation.

- c. **Public Hearing regarding the request of David Bragonje, the sole proprietor of Bragonje, LLC, to disconnect from Pleasant Grove City. Said property is located at approx. 816 West 4000 North Pleasant Grove City (county address: 3964 West 9600 North). Within 45 calendar days of the Hearing, the municipal body shall meet to determine whether to grant the request for disconnection. At the Public Hearing, any person may speak and submit documents regarding the disconnection proposal**

Supervisor Young noted that currently, Mr. Bragonje's home is in Pleasant Grove City. He also said his home is in the area where Pleasant Grove and Cedar Hills are in discussions regarding a possible Interlocal Agreement.

- d. **Public Hearing to consider Dalaco, LLC's request to vacate lot 5 of the Sumner Acres Subdivision, Plat "A," and to create a 23-lot subdivision known as Sun Ridge Estates, Plat "A," located at approx.**

500 East 1100 North, in the R1-10 (Single Family Residential, 10,000 sq. ft. lot area) zone. BIG SPRINGS NEIGHBORHOOD

The Council recently approved a zone change for this subdivision, Supervisor Young noted.

- e. **Public Hearing to consider an Ordinance regarding Damon Edwards' request to rezone a 1.5 acre tract of land from RR (Rural Residential, 21,780 sq. ft. lot area) zone to R1-20 (Single Family Residential, 20,000 sq. ft. lot area) zone for property located at approx. 681 West 2600 North. NORTH FIELDS NEIGHBORHOOD**

Supervisor Young indicated that Mr. Edward's property is adjacent to properties that are currently zoned R1-20.

- f. **Public Hearing to consider an Ordinance regarding BP Developers' request to rezone a 4.88 acre tract of land from RR (Rural Residential, 21,780 sq. ft. lot area) zone to R1-20 (Single Family Residential, 20,000 sq. ft. lot area) zone, for property located at approx. 1300 West 2210 North. NORTH FIELDS NEIGHBORHOOD**

This property, Supervisor Young noted, is also adjacent to developments that are zoned R1-20.

- g. **Public Hearing to consider the adoption of a Resolution regarding Richard Warburton's request to amend the General Plan Land Use Map from Low Density Residential to Medium Density Residential for property located at approx. 1003 East 100 North. MONKEY TOWN NEIGHBORHOOD**

Supervisor Young said that Items G and H are related. He said this item, G, will start the process of changing the density of the property by amending the General Plan.

- h. **Public Hearing to consider an Ordinance regarding Richard Warburton's request to rezone a 1.3 acre tract of land from R1-20 (single Family Residential, 20,000 sq. ft. lot area) zone to R1-9 (Single Family Residential, 9,000 sq. ft. lot area) zone, for property located at approx. 1003 East 100 North. MONKEY TOWN NEIGHBORHOOD**

In this second step, Supervisor Young said that this is the proposed rezoning of Mr. Warburton's property.

- i. **Public Hearing to consider an Ordinance regarding Kriser Homes' request to amend Title 10-9-B-15 to allow a Planned Residential**

Development (PRD) Ordinance, in the R1 Single Family Residential zones. CITY WIDE IMPACT

After Mayor Pro Tem McDade read this item, Supervisor Young said he was aware that the Council had repealed the one-time ordinance that once allowed PUD developments in the city. However, he explained that Mr. Kriser came in with a request to form a PRD development in the City. He said PRD's have different characteristics from the PUD's.

Council Member Atwood stated that he felt it was inappropriate for the Council to have to have this issue come before them when it involved an applicant. He said it should be discussed in a work session in a hypothetical situation. Supervisor Young said the applicant, Mr. Matt Kriser, was anxious to bring the issue forward. He also said the issue had gone before the Planning Commission, and they recommended approval.

j. Public Hearing to consider an Ordinance regarding Lone Peak Development's request to amend Section 11-3-4(B), "Cul-De-Sacs," by increasing the maximum length of the cul-de-sac. CITY WIDE IMPACT

Supervisor Young noted to the Council that this request is reacting to an applicant's request. He said the applicant's request to allow a longer cul-de-sac is born from his need to have access to the back part of his property. With this additional access, he would be able to create more lots on the property.

Council Member Atwood said he wished this issue could be discussed in a work session, and not regarding a specific applicant. Supervisor Young said that once the applicant pays their fees, it is his department's obligation to react to their application by forwarding their request. Council Member Boyd said she was concerned that the applicant had to pay a fee prior to knowing whether their request was granted or not.

(Council Member Atwood left at 7:50 p.m.)

Council Member Boyd felt the Council was being "broad-sided" by such issues. She went on to say that she was not arguing with the process, but she would like to see more communication from the Community Development department before it comes before the Council.

Supervisor Young noted that the request goes through a great deal of review prior to coming to the Council. He said the engineers, planner, staff and the Planning Commission have to first look at the issue.

Mayor Pro Tem McDade said the applicant is actually gambling that the Council will agree with their request. Supervisor Young said that was correct. He went on to say that if the request is granted, the application fee would be a drop in the bucket compared to what he would stand to make on developing more of his property.

Administrator Mills indicated that he realized that when such issues come before the Council, they have to make the best decision. He said he also realizes that the applicant is usually ready to get going on their development. He said he wondered if Staff wouldn't be better off talking to the applicant and looking at continuing so there was time to review the issues. He said that no matter how the Council looks at it, when such requests come in this way, the Council is pressed to make a decision strictly because of the developer. However, he noted that if these two issues came before the Council without names on them, the discussion would be different and not look like a knee-jerk request. Attorney Petersen said the Council can make a motion to continue at the City Council meeting the next week, if they want to.

- k. **Public Hearing to consider an Ordinance in regards to amending Section 11-7 by adding Subsection (7), "Site Plan Requirements for Permitted and Conditional Uses." CITY WIDE IMPACT**

Mayor Pro Tem McDade read this item.

- l. **Public Hearing to consider an Ordinance amending Sections 10-11 A-16(G), 10-11C-15 (H), 10-11D-15 (H), 10-11E-15(H), 10-11F-15-(H), 10-12A-9(L) and 10-12B-14(D), "Restrictions on Issuance of Building Permit," by adding infrastructure requirements. CITY WIDE IMPACT**

Mayor Pro Tem McDade read this item.

- m. **To consider an Ordinance in regards to amending the "Conditional Uses" Section for the following zones: A-1/Agricultural (10-8-2/G), RR/Rural Residential (10-9A-2/G), and R1/Single-Family Residential (10-9B-2/F), to allow for animal husbandry of unique & exotic animals as a new use classification #8229. The request is to add land use code #8229 to the conditional uses list under the zones given above, and modify it to read, "Other Animal Husbandry services (Exotic), excluding animals which pose a threat to human life under normal circumstances, limited to one animal of one species as a pet, and a business shall be subject to Section 10-21-4 of this title. All animal husbandry in this category shall be subject to recognized national standards and best management practices, where they exist, or similar to standards as modeled by the National Reptile**

Improvement Plan (NRIP)/Best Management Practices for Reptile Trade and Hobby”. Also adding text to Tile 5-1C-13-A/ Number of Animals stating that “Any other animals, defined as exotic, and their number allowed shall be determined by the Planning Commission through the conditional use permit process.” CITY WIDE IMPACT (Continued from March 20, 2007 City Council Meeting.

Attorney Petersen indicated that the City had received yet more information from the National Humane Society regarding reptiles. She said they again said the City’s proposed ordinance was too broad and open-ended. They also had concerns with specific reptiles being allowed. Additionally, she said a concerned citizen that had attended the prior Council meeting had spoken with experts in the field, and had asked if she could give a brief statement at the upcoming meeting. Also, she noted that due to just receiving this information, she would have to have a little time to prepare an ordinance, but would have it in the Council’s boxes by the upcoming Friday.

- n. **To consider Stan Boyer’s request for final plat approval of a 4-lot subdivision with lots 2 and 3 being flag lots, known as Pleasant Orchard Subdivision, Plat “A,” located at approx. 729 Orchard Drive, in the R1-8 (Single Family residential, 8,000 sq. ft. lot area) zone. SCRATCH GRAVEL NEIGHBORHOOD**

Mayor Pro Tem McDade read this item. Supervisor Young said his department has determined that the best way for Mr. Boyer to develop this property is by the use of flag lots.

- o. **To consider Brian Fruit’s request to amend lot 3 of the Timpanogos Cyclery, Plat “A,” Subdivision and to create a 3-lot subdivision known as Timpanogos Cyclery, Plat “B,” Subdivision, located at approx. 663 West State Road, in the CG (General Commercial) zone. SAM WHITE’S LANE NEIGHBORHOOD**

Supervisor Young said that this is a standard plat amendment.

- p. **To consider adoption of a Resolution amending planning and development fees charged by the Community Development Department.**

In conducting comparative cost analysis with other communities, Supervisor Young said it has been determined that fees be increased.

- q. **To consider adoption of a Resolution establishing a policy for building permit fees charged by the Community Development Department.**

Supervisor Young said the building permit fees need to be increased, also.

- r. **To consider adoption of a Resolution adopting an amended Business License Application Form, including previously adopted business license fees; and setting some new fees.**

Attorney Petersen said that Business License Clerk Carol Emery is proposing adopting minor changes to the City's business license form.

- s. **To consider adoption of a Resolution amending the Pleasant Grove Cemetery Statement of Policy.**

Administrator Mills said that this resolution is from the information that Director Giles had given the Council at a recent Council meeting.

- t. **To consider awarding bid for the Manila Tank Park Landscaping Project.**

Mayor Pro Tem McDade read this item.

- u. **To consider awarding bid for the Pressure Irrigation System - Schedule 6 Project.**

Mayor Pro Tem McDade read this item. Administrator Mills said this bid had been checked and approved by the City Engineer.

- v. **To consider awarding bid for the City Hall and Police Station Parking Lot Expansion Project.**

Mayor Pro Tem McDade read this item.

- w. **To consider awarding bid for the 1100 North - 100 East to Murdock Canal (Special Improvement District 2006-1) – Roadway Project.**

Administrator Mills said the bid for this item, as well as item X, were accepted by the City Engineer. However, he said that he recommends the Council not award them at this time due to a lack of monies for the project.

- x. **To consider awarding bid for the 1100 North SID Utilities Project.**

Mayor Pro Tem McDade read this item.

4. Mayor, City Council and Staff business

- NAB Chair Flegal said she had a question for the Council regarding the previous discussion about items coming before them. She said that she attends the Planning Commission meetings and has observed the Commission carefully weighing items before they are sent to the Council. Mayor Pro Tem McDade said that is correct. He went on to say that the Council does rely heavily on the recommendation of both the Staff and the Planning Commission.
- Attorney Petersen said she would like to update the Council on her recent meeting with American Fork and Lehi City's attorneys regarding Fox Hollow Golf Course. She said the recommendations that all three attorneys agreed to be unanimous on all areas of contention. Regarding any capital improvements, she said their recommendation is that two of the three cities agree. However, any expenditure of monies from the bonds has to be unanimous between the three cities. She said an ordinance will be drawn up and presented to the three cities in a Council meeting by April 10, 2007. She also told the Council that language for the boundary agreement between American Fork and Pleasant Grove had been agreed upon by the attorneys. She said American Fork Council was taking action at a meeting this same evening.
- Administrator Mills said he was concerned with the outcome of a meeting the preceding week with Mountainland Association of Governments (MAG). He noted that it was a critical meeting that was to discuss funding for the 2000 West corridor. He said those that did attend seemed to have "sticker shock" in relation to the cost of completing the road. He said he could only hope for the best in receiving funds that had been promised from MAG.

Next, Administrator Mills explained that as the Directors meet and go over the budget, he would like to thank Director Clay and Treasurer Bezzant for their great job in organizing the budget process. He also hinted that the Council would be seeing certain funds freed up soon; which would help with the budgeting process.

- Council Member Jensen invited everyone to the pizza party at Fox Hollow on the upcoming Friday, March 30, 2007. Additionally, there will be a bid opening for the irrigation system that morning at the golf course's clubhouse.
- Mayor Pro Tem McDade said that the Recreation Staff had met with the new recreation center's architect, Mr. Mark Wilson. He said Mr. Wilson asked about specific needs for the new center—and asked the staff to brainstorm with him. Attorney Petersen asked if the new center would have wrestling and dance rooms. She said she was to meet with the PTA board the next day and they had expressed concern that the district had promised the new rooms, and that those rooms would instead be in the recreation center.

Administrator Mills said that discussions had not taken place between the City and the district as to a wrestling or dance room in the new recreation center. He

said, however, that the district had commented that they would be converting one of their gyms into a wrestling and dancing area.

Mayor Pro Tem McDade next said he didn't know for sure if he would be in attendance at the next Council meeting, the following Tuesday. He said his wife was to have surgery, and he thought he might need to stay with her that evening.

Mayor Pro Tem McDade asked if there was any other business. There was none, so he asked for a motion to adjourn.

6. Adjourn.

ACTION: At 8:23 p.m. Council Member Boyd moved to adjourn the work session. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and McDade voting, "Aye."

This certifies that the Work Session Minutes for March 27, 2007 are true, full and correct copy as approved by The City Council on April 3, 2007.

Signed _____
Mary Burgin, Deputy Recorder