

Pleasant Grove City Council Work Session Minutes
November 25, 2008
7 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood Excused: Cindy Boyd

Lee Jensen

Bruce Call

Jeffrey D. Wilson

City Recorder:

Amanda Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Gary Clay, Finance Director

Lynn Walker, Public Works Director

Deon Giles, Leis. Services Director

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

Degen Lewis, City Engineer

Ken Young, Director of Comm. Dev.

Libby Flegal, NAB Chair

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

1. Call to Order

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

Mayor Daniels then said that the agenda needed to be amended, as an Executive Session had been requested regarding litigation and personnel. He said it would be held at the end of the meeting, just prior to the adjournment.

2. Opening Remarks

Opening Remarks were given by Chief Sanderson.

3. Public Hearing to consider Bill West's request to vacate the City Side Condominiums and to create City Side Office Park Condominiums for property located at approx. 950 South 450 East, in the CS (Commercial Sales) zone. (STRING TOWN NEIGHBORHOOD)

Director Young came forward and noted that this was a basically a housekeeping issue, where the current recorded building footprints slightly do not match what has been constructed. In one case, in the northwest corner, the location of a building is off as well. He said that with the schedule for Council meetings here at the end of the year, it was decided that it was best that this item be heard at this work session meeting. He said this was to correct and approve the changes that had occurred to the site plan and plat.

The applicant, Mr. Bill West, is requesting the condominium plat vacation of the site plan amendment. The zoning is C-S/Commercial Sales zone, and is located at approximately 950 South and 450 East. The total acreage is 3.94 acres. He said the applicant is requesting the Council grant approval of the condominium plat vacation/site plan amendment in favor of a plat that more accurately shows building locations and footprints for the City Side Development.

The applicant would like to vacate the original condominium plat for City Side offices, and record a new plat that reflects the true building locations and footprints according to what has been constructed.

All site plan and landscape plan issues have been addressed with previous amendments. The most recent was June of 2007, where there were concerns with the height of the buildings and their impact on the east boundary shared with single-family residential homes. These screening issues were addressed and approved by City Council, and the applicant has followed through with those required changes. The subject property is designated Commercial Retail.

Planning does not have a concern. It would be a concern if the applicant was not following through with this proposal to accurately record the office locations and footprints. As stated, this is viewed as just a housekeeping item that is required to go through the vacation and site amendment process.

Mayor Daniels asked if these were the buildings behind the bank and tire shop. Mr. West said yes, all of the buildings were currently existing buildings. He said that one building had not yet been built in the complex.

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

ACTION: Council Member Call moved to approve Bill West's request to vacate the City Side Condominiums and to create City side Office park Condominiums for property located at approximately 950 South 450 East, in the CS (commercial sales) zone, with the condition that all final planning, fire, building and engineering department requirements are met prior to recording the final plat. Also, with the finding that the proposed new plat will provide an accurate recording of the existing offices. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Call, Jensen and Atwood voting, "Aye."

(Council Member Jensen arrived at 7:07 p.m.)

Mayor Daniels then asked Mr. West, as a builder with Knight/West Construction, if he had seen any recent change in the outlook for a possible upward trend of construction in the area. Mr. West said that people are starting to buy spec homes. He said his company currently has 100 lots in the Saratoga Springs area. He noted that in the last quarter, 84 homes had been sold—which is an upward trend. However, 240 homes in that area are still empty. He said the economic indicators currently predict that nationally, home prices will again start to rise in July of 2009. He also said that the employment rate seems to have stayed okay here in Utah. However, he observed that loans are hard to get at this time, and appraisals are down.

4. To consider declaring exercise, office, lawn care equipment and other various items; as well as miscellaneous vehicles, as surplus property. A list of individual items will be published and posted at City Hall, the Library, Community Development and on the City's website.

Following Mayor Daniels reading this item, Director Giles came forward and explained that the list of surplus items were from departments throughout the City. He said it was determined that one bidding process was more efficient. He said if the Council did approve the list at this meeting, the bids will be turned in at the parking lot at the Recreation Center. The bids would be opened that evening. It would be held as a silent bid.

Mayor Daniels asked if all of the departments had been able to contribute what they needed to the bid opening. Director Giles said yes, they had. Mayor Daniels asked there were any questions or comments from the Council. There were none. He then asked for a motion.

ACTION: Council Member Atwood moved to approve declaring exercise, office, lawn care equipment and other various items; as well as miscellaneous vehicles, as surplus property. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Call, Jensen and Atwood voting, “Aye.”

5. Timpanogos Special Service District (TSSD) Budget presentation.

Mayor Daniels next introduced Mr. John Adams, the new manager of the Timpanogos Special Service District (TSSD) plant in American Fork. Mr. Adams started his new position on May 1, 2008. He noted that Mr. Adams would be discussing the upcoming budget for the TSSD.

Mr. Adams then came forward and explained that he was happy at any point in his presentation to answer any questions the Council might have for him. He said he would be discussing the 2009 proposed budget. Also, he said there would be a public hearing held on December 18, 2008 at the plant. He then told the Council that he had previously given out a budget (which had been put in the Council's boxes in city hall), that had now been changed. However, he said the basic structure of the budget has remained the same.

Mayor Daniels said he understood that the budget was to be \$12.1 million dollars; and that \$3.1 million was to be added to the budget to make it balance. Mr. Adams said that changed, and was a carryover from existing years. He said he tried to change the budget structure to get a better handle on the overall budget process. However, he said after discussing this with the finance committee, the structure was revamped.

Mr. Adams then explained that the Operation and Maintenance was a little over \$500,000. In the capital expenditures area, he said the board was in the process of deciding what to fund for the upcoming year.

There is no increase in the number of employees. The solids press is slated to cost about \$200,000. He then indicated that they had lost a substantial amount of income with impact fees and interest income. He said the writing was on the wall that a belt tightening was coming for the facility.

Mayor Daniels asked about the non-operating capital facilities projects. Mr. Adams said those would need to be eliminated. He said the original financial commitment for 2009 was \$34 million dollars. He then said that that figure went up to \$37 million dollars. He indicated that the board will need to see the \$37 million dollar figure pared down.

Mayor Daniels then said that the Operations and Maintenance report says it is \$500,000 short. Mr. Adams explained that the board looked at the Capital Facilities plan. He also said that the financial advisor Mr. Jason Burningham of Lewis, Young and Burningham, was working with him in figuring out the capital projects and the amount of monies that would be needed.

The Mayor then thanked Mr. Adams for the detailed report that had been presented. Mr. Adams said he wanted to make sure that the report was easy to follow and read.

Mayor Daniels then asked why the boat harbor lift station was listed. Mr. Adams explained that the lift station is very old and is deteriorating. He also said that the line coming from Eagle Mountain and Saratoga Springs would need to be upsized to 60 inches. Mayor Daniels then said that he noticed that Lehi was also in need of a \$9 million dollar upgrade. With this, he said he understood that the purpose of the District was to take care of everyone in the district, even if an upgrade, etc, didn't immediately impact them. However, he said that Pleasant Grove looks to be reciprocated, when needing certain projects, etc, completed in their behalf. He asked if there was that kind of commitment on the board. Mr. Adams said the board will make tough decisions before the end of the year.

Administrator Mills then explained to the Council that this was Mr. Adams first time through the budget process for the TSSD. He said that he wanted to congratulate Mr. Adams, not only on his presentation at the current meeting, but in how he had headed up the budget meetings that were ongoing at the District. He then told the Council that Mr. Adams had been a councilman for three terms in Brigham City before coming down to the job at TSSD, so he understands both sides of the budgeting and management process. He said with his leadership, he felt the plant would be going in the right direction.

After further discussion, Mayor Daniels thanked Mr. Adams for his presentation. He said he and the Council were hoping that the plant would move forward on specific projects in the near future. He also added that he and the Council were hoping that the other communities would support Pleasant Grove in their needs as well. He also said that a letter would be going out to the other participating communities. He again thanked Mr. Adams for coming and making his presentation.

Mayor Daniels next reminded the Council that they should bring up any discussion on the following business items at this meeting. He said that in looking at the items, he could see there could be a

potential for a lot of discussion on a couple of items.

Attorney Petersen said that Item E would not be ready for the Council meeting.

6. Discussion of items for the upcoming December 2, 2008 City Council meeting

- a. Public Hearing to consider Mark Ryan's request to amend the Castle Pines Office Park PUD, Plat "A," for the primary purpose of expanding the building footprints of planned office structures to the west of the existing Castle Pines office building; located at approx. 580 West Center Street, in the C-G/General Commercial zone. **(OLD FORT NEIGHBORHOOD)**

Director Young explained that Mr. Ryan wanted to obtain Council approval of a Planned Unit Development Plat/Site Plan Amendment, showing slight expansions of the building footprint for units one through five. The development is located at approximately 580 West Center St. on 1 acre.

Mayor Daniels asked why Mr. Ryan wanted to expand the footprint of the buildings. Director Young said it was because Mr. Ryan was not originally involved in the design of the buildings, and felt it would be better to make the offices just a little bit bigger. Director Young said this was a very minor change.

Administrator Mills asked if the change would affect the number of parking spaces that is required. Director Young said no, the square footage of the buildings still fit with the required parking.

- b. Public Hearing to consider an Ordinance regarding Reed Swenson's request to rezone a 1.20 tract of land from MD (Manufacturing Distribution) to CG (General Commercial); located at approx. 100 South State Street. **(SAM WHITE'S LANE NEIGHBORHOOD)**

Director Young explained that Mr. Reed Swenson's company, All American Development, was requesting the Council to consider a rezone of a small, triangular area of a larger parcel that matches the requested zone. He said that this would help facilitate the new construction of a commercial/office development. He also said the location is approximately 100 South and 700 West. The property consists of 1.20 acres. The property is currently in the MD/Manufacturing Distribution zone. The request is for it to be the C-G/General Commercial zone. Director Young said this was an attempt to "clean-up" the zoning in the area.

Council Member Jensen asked if this property was land-locked. Director Young said the piece of property was a part that was up against State St.

- c. Public Hearing to consider an Ordinance amending Title 10/Chapter 9A-2, "Permitted, Conditional and Accessory Uses," for the purpose of listing certain recreational activities, such as tot lots, playgrounds, picnic areas, swimming beaches

and sport fishing as permitted uses and recreational programming; and giving further clarification to what is allowed conditionally in the R-R/Rural Residential zone. Requested by Pleasant Grove City Staff. **(MANILA, NORTH FIELD AND BIG SPRINGS NEIGHBORHOODS)**

Following Mayor Daniels reading of this item, Director Young indicated that Director Giles and City staff was the actual applicants for this proposed ordinance amendment. He next explained that this public hearing would discuss a proposed ordinance amendment for the adoption of certain recreational uses, as permitted uses, in section 10-9A-2 of the R-R zone.

Mayor Daniels observed that when the Manila Creek project had been started, there was public opinion expressed concerning the project. He said he wanted to make sure that staff had gone back and verified that this proposed amendment was correct in the kinds of uses it was proposing. Attorney Petersen said that this was the reasoning for this amendment.

Director Giles then observed that in working with the Division of Natural Resources, there needed to be non-motorized floating devices such as canoes. Also, he said a rope would be installed around the swimming area.

Attorney Petersen then said that in speaking with the Utah Local Government Trust (ULGT) attorney David Church, he suggested that the entire pond not be open for swimming, but to designate the sandy beach area only. Planner Allen had included a 250 ft. perimeter from the single family housing in the area to the swimming beach. She said this was so the residents would be less likely to be disturbed. It was also noted that the fishing would only be from the shore, not in a boat. She then said that the proposed amendments reflect the suggestions from the ULGT and the Division of Natural Resources (DNR).

Engineer Lewis then explained that the actual distance to homes around the pond has been measure at 274 ft.

Director Giles then said that the DNR requires that a fishing proclamation has to be posted prior to an event such as Huck Finn Days in June. Mayor Daniels then said that if residents did raise questions during the public hearing, he wanted to make sure that staff had followed up with the different agency reviews. Attorney Petersen then commented that one neighbor had been trying to argue that the swimming area would not pass health department standards for swimming pools. She said upon checking with the County Health Department concerning this issue, that the pond did not fit under the definitions of a swimming pool, and would not be regulated as such.

Mayor Daniels then asked if all recreational programming would need to be approved. Attorney Petersen said that in all city-sponsored recreation programming, would be included as a permitted used, and would not need separate individual approvals. Director Giles said this would include possible triathlons, etc. He also said that special needs fishing, etc, are all covered.

- d. Public Hearing to consider an Ordinance amending Title 10/Chapter 18-2, "Parking Design Standards," for the purpose of expanding the maximum allowed driveway width for residential and non-residential; including additional new text to regulate how close residential driveways shall be to a corner, to each other, and to a side property line and other minor changes. Requested by Pleasant Grove City Staff. **(CITY-WIDE IMPACT)**

This proposed amendment is coming before the Council, recommending those amendments to section 10-18-2/Parking Design Standards. It would increase the maximum width of both residential and non-residential driveways.

Director Young said that staff has been looking at the existing ordinance regarding parking standards and driveways. He said it was determined that there needed to be a little bit more leeway in regard to what was currently permitted in driveway accesses.

He said this amendment would increase the maximum width of the driveways. The maximum allowed width of driveways would be 40 ft. on a 100 ft. frontage. He also explained that staff had looked to UDOT minimum widths for commercial driveways.

- e. Public Hearing to consider an Ordinance amending Title 11 Chapter 7, "Plan and Plat Requirements," for the purpose of updating the municipal code, regarding the process of reviewing and approving subdivision plats; including the addition of plat exemptions, clarifications on plat vacations, lot line adjustments and plat amendments. Requested by Pleasant Grove City Staff. **(CITY-WIDE IMPACT)**

This item will be continued.

- f. To consider approval of 2009 Public Meeting Schedules.

Recorder Fraughton indicated that once this schedule is approved, she will both electronically and hard-copy post it for the public's information.

7. Mayor, City Council and Staff business

- Neighborhood Chair Libby Flegal said that interviews are being set up for the candidates for the Mudhole Neighborhood Chair position; which is currently vacant.
- Director Young said he and Director Bradford were working on a list of people to be representatives on the next Downtown Advisory Board. He noted that this board will be moving toward a new agenda, which would include economic development. He also said there will be a design committee. He said they are projecting to January to present the list to

the Council for their approval. Mayor Daniels suggested that actual business people should make up the list.

- Engineer Lewsi said that he had attended the pre-construction meeting with UDOT for 2000 West. He said that there might be a temporary berm in the road to limit access. Also, he noted that they are beginning by bringing a sewer pipe up from the south end. It is slated to take from six to eight weeks until the sewer line is completed. Also, even though the schedule for the project is not completed as yet, he said that Sunroc has a set date of July 17, 2009 for completion. He said he would also like to have the Council know that even though some projects have been put on hold throughout the state by UDOT, the railroad bridge project on State St. will be continuing on.
- Director Giles informed everyone that the fields down at Shannon fields (on State St.) were taking shape. He said the diamonds had been turfed, and looked really good. He then said that Santa would be coming to town on Monday, December 1, 2009 at 6 p.m. in the Downtown Park. He said the tree lighting would take place at that time. Mayor Daniels then mentioned that a girl's softball parent organization at the high school was concerned about the cooperation between the City and the high school when the season started up again in the spring. The Mayor said that he felt that this looked like a third party trying to hammer out an agreement. He suggested that Director Giles contact the softball coach at the high school.
- Chief Paul said that the annual Turkey Shoot that had been held the previous Friday had been a big success with participation.
- Director Clay said that in meeting with County Commissioner Larry Ellerton, discussion had taken place concerning 2000 West, and the reimbursement to be given to the City (by the county) for the work it had completed on that road. He said the reimbursement would be from five to six million dollars. He then observed that this reimbursement will greatly improve the City's cash flow. Mayor Daniels then told Director Clay that in looking at the current figures regarding the City's revenues and expenditures, he wanted to make sure that the Directors were very careful in their spending so the budget would stay in proper balance during the next year. He then said that he had highlighted six areas where he felt the departments were substantially over in expenditures. He indicated that these departments would really need to go back and look again at their budgets. Director Clay then said that all of the departments needed to continue to be conservative, but not panic in the process.
- Administrator Mills commented to the group that in a week, the Timpanogos Special Service District (TSSD) would be holding a work session at the plant on December 3, 2008. One of the agenda items would be the odor issues from the plant. He told the group that there was a need for as many of the Council Members from Pleasant Grove as possible to show up as support for the meeting, and that agenda item, in particular. He also noted that support would need to come from other cities and mayors, as well; in order for the Board to realize that the odor issue is being taken very seriously. He then went on to say that Council Member Call was organizing for the business owners to attend. Mayor Daniels indicated that he was also contacting the Utah County Commissioners for their support on the issue.

Mayor Daniels said one of the frustrating problems is that some of the cities are responding to the odor problem and the expenditure of monies on the problem with the statement that it doesn't affect them. He said they have said that they don't care about mitigating the problem. Administrator Mills agreed. He said that the staff at the plant was upset because Pleasant Grove is pushing for the odor problem to be taken care of. He added that staff wants the problem put off until there is a plant expansion. However, he said that this was not what was discussed two and a half years before. Mayor Daniels then said that the plant staff needs to cease and desist and immediately mitigate anything that is causing the offending odor. Council Member Atwood observed that he hoped that the plant staff can compost, as the effluent cannot stop flowing into the plant.

In further business, Administrator Mills said that in a recent meeting with Provo Water Users that Director Walker and Mayor Daniels had attended, options regarding the covering of the Murdock Canal were discussed. He said it looked as though if the canal was to be covered, the City would be involved in paying at least part of the cost.

Administrator Mills then reminded those present that the City Party would be coming up on December 9, 2008 at 6 p.m. at the UVU ballroom. On December 16, 2008, a party for Senior Staff and the City Council would be held at the Jacobs' Senior Center. On December 17, 2008, a retirement party for Recorder Fraughton would be held at the basement of the library from 3 to 5:30 p.m. He said invitations would be going out in the next week.

He next reported that the City had been sent the money by the State for the Safe Sidewalk project that had taken place on 100 East in front of the Heritage School. He also said that the railroad bridge was still going ahead. He indicated that the State should be sending the check for the property it had purchased from the City by Wil's Park (on highway 89) at anytime. He next said that other road projects that were to be started might be delayed at this time. These include 100 East. He reminded the Council that the 2000 West project would not be obstructed by state cut backs in road funding, as it was being funded by the County.

- Mayor Daniels asked Council Member Jensen if there were any updates with the Fox Hollow Golf Club. Council Member Jensen said not that he was aware of. He also said that there was still a meeting planned for December 11, 2008.

8. EXECUTIVE SESSION TO DISCUSS IMMINENT OR PENDING LITIGATION (UCA54-4-205(1)(C)) AND ALSO TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-5(1)(a)(i)).

ACTION: At 8:12 p.m, Council Member Jensen moved to go into executive session to hold a strategy session to discuss imminent or pending litigation (UCA54-4-205(1)(c)), and also to discuss the character, professional competence or physical or mental health of an individual (UCA 52-5(1)(a)(i)). Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Call, Jensen and Atwood voting, "Aye."

ATTENDING:

Mayor:

Mike W. Daniels

Council Members:

Lee Jensen Excused: Cindy Boyd

Mark K. Atwood

Bruce Call

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Gary Clay, Finance Director

Ken Young, Comm. Dev. Director

Mary Burgin, Deputy Recorder

ACTION: At 9:57 p.m, Council Member Wilson moved to go back into regular session. Council Member Atwood seconded and the motion passed unanimously with Council Members Call, Jensen, Wilson and Atwood voting, "Aye."

9. ADJOURN

ACTION: At 10:03 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Wilson, Call and Jensen voting, "Aye."

This certifies that the Work Session Minutes of November 25, 2008 are a true, full and correct copy as approved by the City Council on January 6, 2009.

Mary Burgin, Deputy Recorder