

Pleasant Grove City Council Work Session Minutes
April 28, 2009
7 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

City Recorder:

Colleen A. Mulvey, Deputy Recorder

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Deon Giles, Leis. Services Director

Tom Paul, Police Chief

Degen Lewis, City Engineer

Sean Allen, City Planner

Libby Flegal, NAB Chair

Excused:

Council Member Atwood

Marc Sanderson, Fire Chief

Richard Bradford, Economic Dev. Director

Lynn Walker, Public Works Director

Kathy T. Kresser, City Recorder

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.

1. Call to Order

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

2. Opening Remarks

Opening Remarks were given by Libby Flegal.

3. A Resolution 2009-09 of the Governing Body of Pleasant Grove City authorizing the Mayor to sign a purchase agreement with Robert and Martha Craghead for a parcel of property, 0.76 acres in size, located at approximately 929 East 100 North, Pleasant Grove, Utah County, Utah for use as a secondary water tank site

Attorney Petersen stated that the purchase price for this property was arrived at through fair market appraisal, done by an independent appraiser and the Craghead's are in favor of the action. As part of this transaction there will be some additional Quit Claim Deeds and Boundary Line Agreements that will be brought to Council at the May 5th City Council meeting.

ACTION: Council Member Boyd motioned to approve Resolution 2009-09 of the Governing Body of Pleasant Grove City authorizing the Mayor to sign a purchase agreement with Robert and Martha Craghead for a parcel of property, 0.76 acres in size, located at approximately 929 East 100 North, Pleasant Grove, Utah Count, Utah for use as a secondary water tank site. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting “Aye”.

4. To consider awarding the bid for the 300 East Storm Drain Project 2009 to Mark Whiting Construction. Project price not to exceed \$30,000.00

City Administrator Mills explained that this is part of the Storm Drain Master Plan and recommends that we go ahead and approve this bid stating that Mark Whiting Construction has met all of the requirements and that their bid did come in at thirty one percent under the Opinion of Construction Cost.

Attorney Petersen added that they are trying to expedite this because of the need to get the storm drain work done prior to the overlay work that is scheduled in the near future.

ACTION: Council Member Wilson motioned to approve the bid for the 300 East Storm Drain 2009 to Mark Whiting Construction. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting “Aye”.

5. Department Report (Leisure Services)

Mayor Daniels turned the time over to Leisure Services Director Deon Giles for the Leisure Services Department report. Director Giles began with a review of current projects; he also thanked everyone who participated in the Arbor Day event this past Saturday. He said that they planted fifty four trees in Manila Creek Park in about an hour and that the Eagle Scout had over seventy five people sign up as volunteers and Wal-Mart was also a big supporter with many volunteers showing up to help.

Director Giles stated that at the Manila Creek Park location the restrooms have been finished and we have passed on the required permit. They will be getting the concrete work done by next week and then the asphalt, the parking lot and path will be completed. Following that project they will then work on the irrigation, final grade and hydro seed. Director Giles said that the department is working on getting the aerators up and running and then will be working on the fencing and the restriction of parking on 3300 North, which is a part of the conditions on the permit. They are also working on the proper signage making sure that they are all the same style.

Council Member Call asked what kind of signage he was referring to. Director Giles replied that it was the regulations and park rules, stating that the sign project would probably be completed by future Eagle Scout projects.

Council Member Boyd asked if the signage would be going in where the gate used to be and also wanted to know what was happening with the gate because it has been deteriorating. Director Giles stated that the signage will go down by the driveway and that they are aware of the condition of the gate and it is planned to get some work done to improve it.

Director Giles mentioned that the weather this spring has hindered the projects at Shannon Field.

The department is working with Mountainland Head Start to upgrade to a wrought iron fence and also incorporate a new, bigger playground. The new building should have power this week, and then Head Start will move in this weekend. The old building will be demolished next week and it is intended that in about three weeks it should be ready for night ballgames. Director Giles added that the baseball and softball games are going full swing now.

Director Giles said that on the pool repairs they should be in compliance with the new law regarding the pool drain system. The improvements to the pool include a new heater, drain system and a new chlorine tank.

Director Giles stated that the Veteran's Park playground project has been completed which included the assistance of three Eagle Scout projects. The retaining wall that was requested by our insurance company has been installed at the Manila Park West playground.

Director Giles explained that he is in the process of getting the information together for the Utah County Recreation Tax Grant, this grant money is typically used to purchase a pavilion or build a playground. This budget year we do not have the funds to match the grant so the items purchased will be more along the lines of benches, garbage receptacles, swing sets it will be used for smaller items. He said that Kiwanis Park is also looking into getting grant money for improvements.

Preparations for Memorial Day are in process at the Cemetery. Director Giles stated that the committee has decided for this year to include all of the Veterans (approximately 60) who were buried in the Cemetery since the Memorial Wall was installed back in 2005.

The final walk through was done on Phase 1 of the 2000 West landscaping and there are only a few minor items to be done to complete this project.

Director Giles remarked that they are open to any ideas for service projects in that he does get about ten calls a week. He said that the request for projects can range from Scout groups to individual students or class projects. Currently there are three Eagle Scout projects in the works and tomorrow night there is a huge group of approximately three hundred children coming out to Manila Creek Park to do a whole variety of tasks.

Director Giles mentioned that on May 9th, the Battle Creek Boy Scout District is going to hold a district event at Kiwanis Park and will be pulling yellowstar thistle.

Director Giles then asked if there were any questions. Mayor Daniels stated that things are going well and that his department is doing a great job.

6. Community Development to discuss animal rights

City Planner Sean Allen stated that most of the changes to this Ordinance for the RR Zone are housekeeping items and they are bringing this to Councils attention so that they can review the new language and concept proposed. City Planner Allen handed out copies of the Ordinance with the proposed changes along with the definitions from the City Code book regarding animals. He stated

that they have added the word “domestic” into the language on the description of the type of allowed animals as well as adding in domestic animal kennels as a conditional permitted use in this zone.

City Planner Allen pointed out the new concepts being proposed; one being a change in how the number of animals allowed on a property is calculated and the possibility of having chickens on property that is less than half of an acre. He explained that a point system is being proposed in an attempt to make it easier for residents to calculate the number of animals allowed by using a point value based on the size of the animal and the amount of acreage of the property. The current system involves calculations of the footprint of the home and the area of the lot as well. City Planner Allen stated that the difference between what is being proposed and what exists now is whether or not you care how big the house on the property is, if that doesn't matter then he feels the point system is the easier, simpler way to go.

City Planner Allen explained that the reason the point value on pigs is higher is because their impact is greater than all other animal types allowed, he said that goats and roosters were also determined as being high impact animals.

There currently are several properties that do not meet the half acre requirement but do have farm animal rights grandfathered in. City Planner Allen said that he does get a lot of calls from residents that want to raise chickens so the language here introduces a concept that will allow a certain number of chickens on lots that do not meet the half acre requirement if they meet the criteria set forth in this Ordinance. He stated that that is the most radical of any changes from the proposed changes on this Ordinance.

Council Member Boyd asked if the reason for the changes have been because of issues with this Ordinance or is it not sufficient as it stands now. City Planner Allen replied that as far as the housekeeping items the definitions are not consistent with our use in the zone so at the very least that needs to be changed. He stated that he did research various ordinances in other Utah Cities and this point system is very comparable to what they use.

Council Member Jensen commented on that fact that a pig would require more value points than a horse or cow. City Planner Allen stated that he did speak with the Department of Agriculture and they told him that pigs because of the smell are rated the worst and that there are some Cities that flat out do not even allow pigs.

Mayor Daniels stated that the changes to this Ordinance are not on the agenda, so this is giving us the opportunity to review this information.

Council Member Boyd remarked that any animal issues are important to the City and asked if most of the animal issues are dealt with by nuisance calls and are they finding any abuse issues. Attorney Petersen stated that in her experience as a Prosecutor she has seen a few cases of cruelty and destructive behavior but mostly the animal cases involve noise.

Administrator Mills stated that he understands that some of these changes are for housekeeping, but how much of the changes are been proposed because of actual complaints. City Planner Allen replied none for the RR Zone, there is just the request to add chickens. Administrator Mills pointed out some concerns with changing to a point system that would involve grandfathering also when a property is

sold and the new owner wants to change the type animals allowed. Administrator Mills asked if these issues are addressed and if so, how they will be handled in this Ordinance.

Director Young stated that what he is hearing is that we are introducing a new opportunity for residents to come in and do something different, that is not the situation here it is really just taking one system of calculating animals and translating into a different system. Administrator Mills stated that he feels that this needs to be looked into further.

Council Member Call remarked that the Ordinances' wording is confusing they way it is written now.

Mayor Daniels thanked City Planner Allen for this discussion and stated that this information deserves more time to settle and we will take the opportunity to review it.

7. Discussion of items for the upcoming May 5, 2009 City Council Meeting

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

- a. **A Resolution (2009-010) authorizing the Mayor to sign a Technical Service Support Contract between Pleasant Grove City and Medtronic Physio-Control for LifePac Defibrillator/Monitor Equipment Maintenance for the Pleasant Grove City Ambulance Department**

Attorney Petersen stated that this is a company that we have been contracting with since 1999 but in the past the authorizing Resolution step has not been implemented so we are doing that now. This is not a new vendor and Fire Chief Sanderson said that he is very satisfied with the work that they do and is comfortable with their pricing.

- b. **A Resolution (2009-011) authorizing the Mayor to sign Boundary Line Agreements with John N. Uberti, Jr. the June C. Monson Marital and Family Trust and Robert and Martha Craghead for property generally located at East 900 and 170 North, 921 East and 100 North and 929 East 100 North, Pleasant Grove, Utah County, Utah. Said Agreement is necessary to correct certain property descriptions in the area. All property owners are in agreement with the said boundary line descriptions**

Attorney Petersen stated that when Dave Thurgood and Director Walker began working on the acquisition for the secondary water tank, they discovered that among these four property owners there were overlaps and disputed boundaries. So as part of the agreement for entering into the purchase contract we agreed to help them clean the boundary lines up, they have executed boundary line agreements among themselves but the ones that we are looking at are the ones between the City and the individual property owners. The three property owners that front on 100 North will be signing Quit Claim Deeds to the City because currently their property descriptions go all the way out into the street so they will Quit Claim the street portion to us so it is clear that the City owns it.

8. Mayor, City Council and Staff Business

- Director Young mentioned that there will be a retirement open house for Merrill Finlayson on Thursday, May 14th from 3:30 to 5:30. Director Young said that they have interviewed and hired his replacement, Jeff Rich the current Planning Intern.

The Transportation Master Plan is well under way and there is an open house scheduled for Wednesday, May 13th at 6:30 p.m. in this building and as a follow up to this, Director Young stated that there will be a presentation to City Council at the May 26th meeting.

- Police Chief Paul mentioned that the Special Olympics Law Enforcement Torch Run will be on May 28th and he invited all of the staff to participate.
- Engineer Lewis stated that as the work progresses at the Rodeo grounds for the UDOT project, the contractor will need to close 220 South completely for half a day to finish installing an upgrade of the waterline across State Street to make sure that it does not leak.
- Council Member Jensen passed along copies of the latest budget information from Fox Hollow Golf Course to Administrator Mills and Finance Director Clay.

ACTION: At 7:37 p.m. Council Member Jensen moved to go into executive session, a strategy session to discuss the purchase, exchange, or lease of real property (UCA 54-4-205(1)(d)). Member Call seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting, “Aye.”

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Excused:

Council Member Atwood

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Colleen A. Mulvey, Deputy Recorder

ACTION: At 8:07 p.m. Council Member Boyd 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 Boyd, Call, Jensen and Wilson voting, “Aye.”

ACTION: At 8:08 p.m. Council Member Jensen moved to authorize the staff to pursue the purchase of the point nine one acres of property on Pleasant Grove Blvd near Proctor Lane. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting “Aye”.

ACTION: At 8:09 p.m. Council Member Jensen moved to authorize the staff to prepare a letter of intent not to exceed the amount of one hundred eighty five thousand dollars for the purchase of the Church property on Locust Avenue. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting “Aye”.

ACTION: At 8:10 p.m. Council Member Boyd moved to direct the staff to continue negotiations on acquiring the property on 2600 North 1150 West. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting “Aye”.

Mayor Daniels mentioned that tomorrow, April 29th at 3:00 p.m., Pleasant Grove High School will be opening their new building and invited the Council Members to attend.

Mayor Daniels then opened the discussion on the topic of being a landlord and maintaining the house on the acquired property. The Mayor asked Director Clay to explain the City’s concern on this.

Director Clay said that the cost of being a landlord is a huge inconvenience not only on staff but the City goes into the hole monetarily especially because of the amount of time spent. Director Clay stated that this isn’t the business the City should be in and feels that the house should be torn down and then plant grass and let it be a little neighborhood park until the time comes to expand the Recreation Center. Mayor Daniels stated that he did tour the site with Director Giles and there is a real concern on the condition of the house. Director Clay stated that it has deteriorated to the point now where it would cost hundreds of thousands of dollars to bring it back up to code.

Council Member Boyd asked if this house was on the historical register. Director Clay stated that at this point in the process we could take the house down and that all we would have to do is give them the opportunity to come in and take pictures for the historical records.

Mayor Daniels asked if there was any other business to discuss, there was none. The Mayor then asked for a motion to adjourn.

ACTION: At 8:13 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded the vote and the motion passed unanimously with Council Members Boyd, Call, Jensen and Wilson voting, “Aye.”

ADJOURN

The meeting adjourned at 8:13 p.m.

This certifies that the Work Session Minutes of April 28, 2009 are a true, full and correct copy as approved by the City Council on May 19, 2009.

Colleen A Mulvey, Deputy Recorder