

**Pleasant Grove City Council Minutes**  
**January 22, 2008**  
**7:00 p.m.**

**PRESENT:**

**Mayor:**

Mike W. Daniels

**City Council Members:**

Cindy Boyd

Jeffrey D. Wilson

Bruce Call

Mark K. Atwood

Lee G. Jensen

**Deputy Recorder:**

Mary Burgin

**Others:**

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Deon Giles, Leisure Services Director

Lynn Walker, Public Works Director

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

Ken Young, Comm. Dev. Director

Degen Lewis, City Engineer

Richard Bradford, Economic Development Director

Karen Bezzant, City Treasurer

Libby Flegal, Neighborhood Chair

The City Council and staff met at the City Council Chambers (south entrance), 86 East 100 South, Pleasant Grove, Utah.

Mayor Daniels called the meeting to order at 7 p.m. and welcomed everyone to the meeting.

**1. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Director Deon Giles.

**2. OPENING REMARKS**

The Opening Remarks were given by Chief Sanderson.

**3. APPROVAL OF MEETING'S AGENDA**

Mayor Daniels said there were a couple of changes to the agenda. He said the proposed new Manila Neighborhood Chair, Ginger Wade, would not be able to serve. Also, the Mayor said an Executive Session to discuss Pending or reasonably imminent litigation would be held at the end of the meeting. Mayor Daniels then asked for a motion.

**ACTION:** Council Member Call moved to approve the meeting's agenda, with the removal of Ms. Ginger Wade's name as the Neighborhood Chair for Manila, and to add an Executive

Session at the end of the meeting to discuss pending or reasonably imminent litigation (UCA 54-4-205 (1)(c). Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Wilson, Call, Atwood and Jensen voting, "Aye."

4. **CONSENT AGENDA** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

**MINUTE REVIEW AND APPROVAL:**

1. City Council Minutes for January 8, 2008
2. Work Session Minutes for January 15, 2008
3. To consider appointment of new Neighborhood Advisory Board Officers: Mozart Fontanetti, Battle Creek Chair; Erin Daniel, Big Springs Chair; Jim Danklef, Little Denmark Chair; Ginger Wade, Manila Chair; and Richard Ables, Sam White's Lane Chair; and Eric Jensen, Little Denmark Secretary.
4. To consider re-appointment of Bill Spence to serve as the North Fields Neighborhood Chair.
5. To consider approval of paid vouchers (Jan. 10, 2008)

Mayor Daniels read the Consent Agenda. He welcomed those that were on the agenda that had agreed to their appointments to the various City boards, and were in attendance at the meeting.

**ACTION:** Council Member Atwood moved to approve the consent items, with the removal of Ginger Wade as the proposed Manila Neighborhood Chair. Council Member Wilson seconded and the motion passed unanimously with Council Member Boyd, Wilson, Call, Atwood and Jensen voting, "Aye."

5. **OPEN SESSION**

Mayor Daniels asked if there was anyone who wanted to come forward in an open session format. He asked if they would state their name and address and noted that they needed to limit their comments to two minutes or less. No one came forward.

6. **NEIGHBORHOOD ADVISORY BOARD REPORT**

Chair Libby Flegal indicated that she appreciated the support of the Mayor and Council by approving all of the new Neighborhood Chairs.

7. **LIBRARY BOARD REPORT**

Librarian April Harrison came forward and said she appreciated the fact that the Library Board was in attendance and supporting her. She said the Board puts in countless hours towards the improvement of the library. She then said she would again address the meeting when the item came up about the reciprocal borrowing agreement.

8. **BUSINESS**

**A. APPROVAL OF APPOINTED POSITIONS: CITY ADMINISTRATOR, CITY RECORDER, DEPUTY RECORDER, CITY TREASURER, DEPARTMENT**

**DIRECTORS, CITY ATTORNEY, FIRE CHIEF, POLICE CHIEF, BUDGET/FINANCIAL OFFICER, CITY ENGINEER AND BUILDING OFFICIAL.**

Mayor Daniels said the appointed positions included City Administrator, Frank Mills; City Recorder, Amanda R. Fraughton; Deputy Recorder, Mary Burgin; City Treasurer, Karen Bezzant; City Attorney, Christine Petersen; Fire Chief, Marc Sanderson; Police Chief, Tom Paul; Budget/Finance Officer, Gary Clay; City Engineer, Degen Lewis; Building Official, Dave Houston; Leisure Services Director, Deon Giles; Public Works Director, Lynn Walker; Community Development Director, Ken Young and Economic Development Director, Richard Bradford.

**ACTION:** Council Member Jensen moved to approve the appointed positions as follows; City Administrator, Frank Mills; City Recorder, Amanda R. Fraughton; Deputy Recorder, Mary Burgin; City Treasurer, Karen Bezzant; City Attorney, Christine Petersen; Fire Chief, Marc Sanderson; Police Chief, Tom Paul; Budget/Finance Officer, Gary Clay; City Engineer, Degen Lewis; Building Official, Dave Houston; Leisure Services Director, Deon Giles; Public Works Director, Lynn Walker; Community Development Director, Ken Young and Economic Development Director, Richard Bradford. Council Member Call seconded and the motion passed unanimously with Council Member Boyd, Wilson, Call, Atwood and Jensen voting, “Aye.”

**B. APPROVAL OF RE-APPOINTMENT OF JUSTICE COURT JUDGE.**

Attorney Petersen indicated that Judge Bullock would have to be sworn in later. Judge Bullock said that he had received information that he actually needed to be sworn in by a court clerk. He said he would see that he was sworn in. Mayor Daniels thanked the Judge. He said the City’s Court was run very efficiently, and he appreciated the Judge and his staff for the great job they do for the City.

Mayor Daniels then asked for a motion.

**ACTION:** Council Member Jensen moved to approve the re-appointment of Justice Court Judge Brent Bullock. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Call, Atwood, Jensen and Wilson voting, “Aye.”

**C. TO APPOINT MAYOR PRO TEMPORE**

Mayor Daniels read this item. He asked if there was any discussion. There was none. Mayor Daniels then asked for a motion.

**ACTION:** Council Member Boyd moved to appoint Council Member Jensen at the Mayor Pro Tempore. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Call, Atwood, Jensen and Wilson voting, “Aye.”

**D. PUBLIC HEARING TO CONSIDER LONE PEAK DEVELOPMENT’S REQUEST TO VACATE LOT 6 OF THE NORTHFIELD ESTATES SUBDIVISION, PLAT “A,” AND TO CREATE A 14-LOT SUBDIVISION KNOWN AS SUNBROOK SUBDIVISION, PLAT “A,” LOCATED AT APPROX. 1150 WEST 1800 NORTH IN THE R1-20 (SINGLE**

**FAMILY RESIDENTIAL, 20,000 SQ. FT. LOT AREA) ZONE. NORTH FIELDS NEIGHBORHOOD**

Director Young explained that this item was the result of a culmination of a long period of the applicant working with the City in preparing a proposal for a subdivision in the area of 1800 North. He said that Lone Peak Development was working with the City staff in requesting approval of the vacation of Lot 6 of The Northfield Estates subdivision, Plat A. This would create a 14 lot subdivision known as Sunbrook subdivision, Plat A, located at approximately 1150 West 1800 North. The subdivision is in the R1-20 zone, which Director Young said was recently rezoned from RR. There are 9.31 acres in the proposed subdivision. Also, the subdivision will include a small neighborhood park.

This specific development process began in early 2006, with the applicant requesting a rezone from R-R to R1-20 for the purpose of creating a new subdivision. On March 23, 2006 the Planning Commission forwarded a positive recommendation to the City Council for the approval of the rezone request. The Council approved the request thereafter. In addition to the Rezone, the applicant sought to amend the ordinance to allow a cul-de-sac to extend beyond the maximum allowed 400 feet.

On April 3, 2007 the proposed ordinance, which was to increase the maximum allowed cul-de-sac length, went before City Council and was denied. Since that time, the applicant has successfully obtained property to the east, which allows for a road to connect through, which is the preferred configuration by staff.

On January 10, 2008 the Planning Commission approved the subdivision proposal; including the required vacation of Lot #6 of the adjacent Northfield Estates Subdivision.

The subdivision has been designed to install a new City standard roadway, proposed as 1150 West, just east of the Martinez property. This is to run directly north, connecting to a new east to west roadway to be called 1960 North. 1960 North is to end in a cul-de-sac to the west, and connect to the existing 1060 West roadway, which is to the east.

The subject property falls within the Very Low Density Residential Zoning District. The proposal complies with the intended land use of single-family residential, and allows for a development to have a density up to two lots per acre. The density of the proposal comes to 1.89 lots per acre, which is measured off a net lot area.

Due to the majority of the surrounding property already having been developed, or already with existing homes, the applicant had few options. Hallbros Subdivision is directly north and Northfield Estates is directly east. There are existing homes to the west and south. The applicant has obtained property with homes on the south and the east to make this proposal comply with the City ordinance, and exercise proper planning.

The proposal complies with all the R1-20 zoning regulations. Lots 12, 13, and 14 are going to retain their existing structures. All are in compliance with current setback guidelines. The existing structures that fall within lot #1 are to be removed. Final Engineering has been satisfied.

He noted that the City prefers the connection of 1960 North to 1060 West, because it allows for two access points for emergency services. Director Young said that staff respects and understands the feelings and concerns of the existing residents. He added that Staff has requested the applicant to include a neighborhood park to help mitigate these concerns. The applicant has complied with this request with the park being represented as Parcel 1, on the north side of 1960 North, where it connects to 1060 West. This area is shown as 7,324 square feet, and is to be fully landscaped by the developer with sod, trees, shrubs, and any other living plant material, and dedicated to the City. The City will provide maintenance to the park thereafter. Director Young noted to the Council that he had passed out copies of letters from neighbors in that area to the City regarding their concerns with the project.

Council Member Call asked about the provisions that were being made for Lot 4. Director Young said that Lot #4 is an odd-shaped lot due to the newly proposed road. He said that on the eastern end of the lot, it narrows down. He said that a home would need to have right angles. Council Member Call asked what the right angles will be to. Director Young said they will be to the road.

Council Member Jensen asked the park's dimensions. Director Young said it is about 75 ft x 100 ft. Council Member Jensen asked if the park would be fenced to the north and west. Director Young said that currently, the applicant was not considering fencing the park. Lone Peak Developer Scott Bishop said that if the neighbors wanted a fence, they would put one up. Council Member Jensen asked if that would be the responsibility of property owner. He said that would be a condition of approval. Director Young said that could be a condition of approval, if the Council wanted to do that.

Council Member Jensen then asked if when the City took the park over, if it not being fenced would be a problem for staff. Director Young said no, it wouldn't. Director Giles noted that the city has several of these small, neighborhood parks that are just open.

Council Member Call said he didn't think that footing the bill for such a fence should be the responsibility of the developer in this case.

Mayor Daniels then reminded those present that this was a public hearing. He invited the public to come forward and express an opinion regarding the proposed plat approval.

Mr. John Beal at 1032 West 1930 North said he resides just across from the proposed subdivision. He said that as a concerned neighbor, he has enjoyed his neighborhood just being a 3-block street. He noted that his neighborhood has a high number of young children, and would be very concerned if new roads were created and 14 new lots on that street. He also noted that there are several special needs children in the area, and there was concern amongst the neighbors for those children's safety if there was now an increase in traffic.

Mrs. Jennifer Pack next came forward. She said her home is just north of the proposed park. She explained that there is a common area between her home and her neighbor's lot. She said she doesn't see a need for a park in that area, and would not like to have her lot being spilled over into from the public park. She said she would, however, like to see a fence between her property and the park.

Mr. Scott Bishop said his company would be happy to split the cost of a fence, or whatever the Council told him would need to be done. He added that Lone Peak just wanted to put a road in, with the intention of making things in the neighborhood as good as they can for everyone; but also adhering to City code.

After further discussion, Mayor Daniels asked Mr. Bishop what the purpose of the park was. Mr. Scott Bishop said it was to give something to the neighborhood.

Director Giles said the recommendation from the Council for several years was to develop more small, neighborhood parks. Council Member Atwood said his only concern is that there is additional burden on personnel and City resources.

Council Member Jensen said that his main concern is that development coming into an area should not cause financial burden on those that are already in the area. He said if a fence was put in, a 50-50 agreement should be the least the City could do.

Ms. Tanya Paxton at 998 West 1830 North next came forward. She said she is also concerned about the safety of the large group of children in the neighborhood. She added that it was a surprise that a newer home could be taken out and a new road put in. This, she said, would ruin the integrity of the neighborhood by adding more traffic.

Council Member Boyd said that the City told the developer that he would need to figure out another way to develop, as the cul-de-sac he proposed was longer than the allowable limit by City code.

Mr. Paul Talbot at 1935 North 1060 West then addressed the Council. He explained that he is a real estate appraiser. He said that he figured that the Council understood that the purchase of a home is an investment. When he purchased his home, he had researched the area and found that his lot was in the middle of the development. He explained that a home's value goes up as it moves away from a corner lot. With the proposed configuration of this development, he said his home would now be a corner lot. He added that he knew that eventually homes would be built behind him; but he didn't think a road would have to be created right next to him to accomplish that development. He told the Council that in meetings with the applicant, they have been very kind and cordial with him, which he has appreciated. However, he said he is still concerned about his lot now being a corner lot.

Mr. Pete Wilson from 29 South and 2000 West then came forward. He said that those in attendance might need to realize that the Planning Commission, which he sits on, had recommended the approval of this development because the Council had denied the last request of the developer because of the length of the proposed cul-de-sac. He indicated that he was wondering if perhaps the Council should reconsider the prior proposal of the longer cul-de-sac.

Attorney Petersen explained that the length of the cul-de-sac was set by City Ordinance.

Mayor Daniels then asked that Fire Chief Sanderson please explain the reason that Pleasant Grove City doesn't allow for longer cul-de-sacs than 400 feet. Chief Sanderson explained that they have learned that if the waterline on such a street is longer than 400 feet and not in a looped system, then the water in the fire hydrant system becomes stale and unclean with debris. This

plugs up the hoses and equipment, he noted. Additionally, he said it is code that fire hydrants need to be placed every 200 to 250 feet.

Mayor Daniels explained that the longer length of the cul-de-sac, then, is a health and safety issue.

Mr. Beal mentioned that perhaps the road could come off of 1300 West instead of 1050 West. He said if the landowners (the Fentons) would sell, this could be another configuration. Mr. Scott Bishop said that he had met with the Fentons, and they were not able to come to, "a good agreement." Also, he said there is not enough room to put the road in and have the required setbacks.

After a brief discussion, the Mayor closed the public hearing and brought the discussion up to the Council.

Administrator Mills suggested that if the plat was approved, that there needs to be a note on the plat that there is a high water table in that area. Director Young said he appreciated Administrator Mills letting him know that.

Council Member Call said he does sympathize with the neighborhood with the change that has been proposed. He said the neighbor that has presented the most compelling concern is Mr. Talbot, in that his lot will become a corner lot with the approval of the project. However, Council Member Call explained that the developer had come back to the Council with a reconfiguration, just as he was asked to do.

Mayor Daniels then commented that he was pleased that the neighbors had sited safety from possible increased traffic as their concern. He said that often people come in and complain about a new development because the empty lot behind them will no longer be empty and pristine.

He then asked if a park was really needed on that corner. Attorney Petersen said it was added as an amenity for the neighborhood. The Mayor asked if there would be that much public attraction to such a park. Council Member Call asked if there was anyone that actually objected to the park. No one raised their hand. Council Member Call said it was a general amenity that it looked like everyone wanted.

Mayor Daniels asked how the corner situation with Mr. Talbot could possibly be mitigated. Mr. Talbot answered that he felt there is always a way to mitigate such a concern as he had. However, short of not having the road there, he wasn't sure how it could be mitigated. Council Member Call said he appreciated Mr. Talbot's answer.

Council Member Atwood asked if there were any ideas as to help Mr. Talbot. Mr. Jared Bishop said he was more than willing to work with the neighbors in anyway they can.

Council Member Call said that he would like to also see a resolution for the neighbor on the north, which is Mrs. Packer. Mr. Jared Bishop said he would be willing to bear the cost of a fence between her property and the park, if needed.

Mayor Daniels then asked for a motion.

**ACTION:** Council Member Call moved to approve Lone Peak Development's request to vacate lot 6 of the Northfield Estates Subdivision, Plat "A," and to create a 14-lot subdivision known as Sunbrook Subdivision, Plat "A," located at approximately 1150 West 1800 North in the R1-20 (Single Family Residential, 20,000 sq ft. lot area) zone; with the conditions that; 1. The developer is to install all improvements for the park, including all landscaping, as recommended by the Parks & Recreation Department. This is to be noted on the Plat, including the words that the City shall maintain the park once installation is complete; 2. That the required setbacks, for the future home on lot #4, are measured at a right angle from the corner of the home nearest to the property line; 3. That the applicant is to obtain a demolition permit for all buildings to be removed; 4. All final Engineering, Planning and Fire Department requirements are met, and completed prior to recording the Final Plat; 5. That the high water table be noted on the plat. Also, with the following findings; 1. A Vicinity Plan has been provided that supports the City's preferred layout; 2. The City shall obtain a neighborhood park, which will be a great addition to the area; 3. The proposal has been recommended for approval by the City Engineer. Additionally, with the developer bearing the cost of a fence to the north side of the 7,000 sq. ft. neighborhood park; and the high water table to be referred to on the plat. A public hearing was held. Council Member Atwood seconded and the motion passed with Council Members Boyd, Call, Atwood, and Jensen voting, "Aye," and Council Member Wilson voting, "Nay."

**E. TO CONSIDER JERI BINGHAM'S REQUEST FOR A SIX-MONTH EXTENSION TO COMPLETE THE IMPROVEMENTS FOR PARLEY'S PLACE, PLAT "A," FOR PROPERTY LOCATED AT APPROXIMATELY 1100 NORTH 1400 WEST IN THE R1-10 (SINGLE FAMILY RESIDENTIAL, 10,000 SQ. FT. LOT AREA) ZONE.**

Director Young said that this was a request from applicant Jeri Bingham for a six-month extension to complete the improvements for Parley's Place, Plat "A" subdivision at 1100 North 1400 West in the R1-10 (Single Family Residential) area. The acreage is 4.36 acres.

Next, Director Young explained to the Council that the original developers of the Parley's Place, Plat "A", a 12-lot subdivision, were both Jason Gilbert and Jeri Bingham. Jason took the subdivision through the approval process (approved by City Council on 4/18/2006) and started construction, leaving several improvements uncompleted before disappearing. A pre-construction meeting was held on August 28, 2006, and they had 12 months after that date to complete the improvements. Mr. Gilbert is no longer her partner. She would like to see that all is completed within a revised schedule; which is to be completed by the end of June of this year (2008).

According to City Code, a developer is required to finish a project within a twelve month period. If this does not occur, a declaration of default can be made by Community Development and the City would complete the construction of improvements using the posted bond monies. In order to avoid such a declaration of default, Ms. Bingham has requested a six month extension of time to complete the project.

The request for a six month extension to complete the improvements has been reviewed by City Engineer Degen Lewis and is deemed reasonable. Stepping in to accomplish improvements for a developer is not a preferred method, but can sometimes be necessary. Allowing additional time

may prove successful in accomplishing the end goal. If not, the City may still pursue completing the project using the bond monies.

Director Young asked there were any questions. Council Member Jensen asked if the six months would be in February or in June. After further discussion, it was decided that the six month period would end by June 30, 2008.

Mayor Daniels asked if there were anymore questions or comments. There were none. He then asked for a motion.

**ACTION:** Council Member Atwood moved to approve Jeri Bingham’s request for a six-month extension to complete the improvements for Parley’s Place, Plat “A,” for property located at approximately 1100 North 1400 West in the R1-10 (Single Family Residential, 10,000 sq. ft. lot area) zone. Also, with the following findings; 1. The request represents a reasonable approach and time frame for completing the improvements; 2. The completion of the improvements is the responsibility of the developer; 3. The developer has submitted a detailed construction schedule for all items necessary to complete the Parley’s Place subdivision to the City Engineer. Council Member Atwood seconded and the motion passed with Council Members Boyd, Wilson, Call, Atwood, and Jensen voting, “Aye.”

**F. TO CONSIDER THE ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL COOPERATIVE AGREEMENT WITH AMERICAN FORK CITY, LEHI CITY AND EAGLE MOUNTAIN CITY TO PROVIDE FOR RECIPROCAL BORROWING OF MATERIALS BETWEEN MEMBERS’ LIBRARIES.**

At this point, Librarian Harrison came up and explained to the Council that after several failed efforts to put together a county-wide library system, the idea for a regional system between American Fork, Lehi, Eagle Mountain and Pleasant Grove came forward. After planning came together between the cities, she said a plan was in place for a reciprocal borrowing of materials between the member libraries. She also noted that software had to be found that all of the cities could use.

She indicated that there were many “what ifs” that came up during initial meetings. She said they all knew that this would be a pilot program that other communities would be watching to see if it worked. She told the Council that she and the Library Board would appreciate their support in adopting the resolution to go forward with the Interlocal Cooperative Agreement.

Mayor Daniels then asked if Administrator Mills had been able to get his questions answered that he had brought up at the previous week’s work session. Administrator Mills said yes, that Director Giles had explained which libraries would be considered the home libraries for the various communities.

Council Member Jensen asked how the check out would work. Librarian Harrison explained that patrons of the various communities involved would bring their library card from their city and use it at one of the other libraries—once the software was installed. She said the whole concept is exciting to the other librarians she has been working with.

Council Member Call said he could see no downside to this proposed program. He said he is baffled an agreement like this hasn't been worked out before. He asked if it was a turf question for certain communities. Librarian Harrison said that she thought it was that some libraries have more money and really don't want to be bothered with cooperating with smaller libraries. Council Member Call said he thought this was a great program for Pleasant Grove Library to be able to participate in.

Council Member Jensen asked if the various City Councils would be the governing bodies that would be making budgetary decisions. Librarian Harrison said that the various cities will need to address their respective Councils regarding budgetary issues. She said, for instance, she will be requesting monies from the Council for the software soon so it could be purchased and installed by March 1, 2008.

**ACTION:** Council Member Call moved to approve Resolution No. 2008-02, authorizing the Mayor to sign an Interlocal Cooperative Agreement with American Fork City, Lehi City and Eagle Mountain City to provide for reciprocal borrowing of materials between members' libraries. Council Member Jensen seconded and the motion passed by voice vote with Council Members Boyd, Wilson, Call, Atwood, and Jensen voting, "Aye."

Mayor Daniels thanked Librarian Harrison for her, "great work!" Council Member Call said he would like to make sure the Council is given regular reports as to how the system is working. Council Member Boyd asked that information about the new system please make its way into the newspaper so the community is aware of what is being done.

**G. TO CONSIDER THE ADOPTION OF A RESOLUTION OF THE PLEASANT GROVE CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT RELATING TO THE PLEASANT GROVE CITY MANILA CREEK PARK RECREATION FACILITY PROJECT, BETWEEN ALPINE SCHOOL DISTRICT AND THE CITY OF PLEASANT GROVE FOR A TERM ENDING JUNE 30, 2010.**

Administrator Mills explained that Pleasant Grove City and The Alpine School District (ASD) had, after careful analysis, desired to enter into an Interlocal Agreement relating to the anticipated development of the Manila Creek Park pressurized irrigation storage, urban fishery and recreational facility project. This would be regarding the transfer of certain real property interests in connection with the project. He said the ASD had already approved the Interlocal Agreement at their recent Board meeting.

Mayor Daniels said he noticed the agreement will go until June 30, 2010. Administrator Mills said that is correct. He said that this agreement will cover Phase One. He said that by that date, Phases three and four will have begun. He said all of the easements are in Phase One.

Council Member Jensen asked who would constitute the governing boards. Administrator Mills said that the ASD board the Pleasant Grove City Council would comprise the governing board.

Mayor Daniels asked if there were any other questions. There were none. He asked for a motion.

**ACTION:** Council Member Atwood moved to approve Resolution No. 2008-03, of the Pleasant Grove City Council approving an Interlocal Agreement relating to the Pleasant Grove City Manila Creek Park Recreation Facility Project, between Alpine School District and the City of Pleasant Grove for a term ending June 30, 2010. Council Member Wilson seconded and the motion passed by voice vote with Council Members Boyd, Wilson, Call, Atwood, and Jensen voting, “Aye.”

#### **H. TO CONSIDER APPROVAL OF PLEASANT GROVE CITY’S FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2006-2007**

Director Clay addressed the Mayor and Council and said that he had handed copies to them a week before and wondered if they had any questions or comments on the Financial Audit Report for Fiscal Year 2006-2007. He added that the report stated (on page 54) that the State Auditors gave the report an “unqualified approval....with no reportable conditions.” He said that this means that the report was very good.

Council Member Call said he would like to compliment Director Clay for his excellent work. Mayor Daniels said that the report showed fewer comments than even last year. Director Clay said there are always minor issues related in the report. Mayor Daniels said this kind of excellent level of a report regarding the audit continues to give the City an excellent bond rating each year—which saves the Citizenry thousands of dollars in interest.

Director Clay noted to the Council that Treasurer Bezzant is an integral part of the hard work that goes into the preparation of the financial audit each year. He said a lot of thanks needs to go her and her diligent research.

Council Member Jensen said he didn’t feel he completely understood the report and asked Director Clay if they could meet for a short time. Director Clay said he would be happy to meet with him anytime. Council Member Jensen then asked about the varying funds that carried over from year to year. Director Clay explained that the City is careful to have several different funds, but that the City is limited to 18% of the next year’s budget. He said the City carries this maximum amount as a, “rainy day fund.”

**ACTION:** Council Member Boyd moved to approve Pleasant Grove City’s Financial Audit Report for Fiscal Year 2006-2007. Council Member Jensen seconded and the motion passed with Council Members Boyd, Wilson, Call, Atwood, and Jensen voting, “Aye.”

Administrator Mills said he would like to add that many years ago, the City did not carry over the “rainy day fund,” and it wasn’t a pleasant experience for the City. However, he said that 3 years ago when the City had to create the “500 North channel,” they were told that there would be funds that would cover the cost of that emergency project. He said, however, that funds did not come through, and the City was obliged to pay the entire bill. Those funds, he explained, were covered through the “rainy day fund” that Director Clay had explained.

#### **I. TO CONSIDER ADOPTION OF A RESOLUTION AMENDING THE CITY’S ARTICLES OF INCORPORATION FOR THE OCTOBER 16, 2007 E. JOHNSON DISCONNECTION/ANNEXATION FOR PROPERTY LOCATED AT THE INTERSECTION OF 4000 WEST AND CEDAR HILLS DRIVE ON THE EAST SIDE OF**

**4000 WEST AND THE SOUTH SIDE OF CEDAR HILLS DRIVE, INCLUDING THE PORTION OF 4000 WEST FRONTING THE SUBJECT PROPERTY. PROPERTY OWNERS, ERIC TODD AND NOREEN JOHNSON.**

Attorney Petersen explained that this was a housekeeping matter whereby the State requires a municipality to amend their Articles of Incorporation whenever there is a boundary change, as there is in the case of Mr. and Mrs. Johnson. She said that once the paperwork is signed, it will be sent to the Lt. Governor's office to be recorded. She asked if there were any questions. There were none.

Mayor Daniels then asked for a motion.

**ACTION:** Council Member Call moved to approve Resolution No. 2008-04, amending the City's Articles of Incorporation for the October 16, 2007 E. Johnson Disconnection/Annexation for property located at the intersection of 4000 West and Cedar Hills Drive on the east side of 4000 West and the south side of Cedar Hills Drive, including the portion of 4000 West fronting the subject property. Property owners, Eric Todd and Noreen Johnson. Council Member Wilson seconded and the motion passed with Council Members Boyd, Wilson, Call, Atwood, and Jensen voting, "Aye."

**9. STAFF BUSINESS**

- Treasurer Bezzant expressed her appreciation for working with Director Clay on the audit.
- Director Young reminded those present of the Planning Commission that would be held at the Jr. High auditorium on the upcoming Thursday, January 24, 2008. Two weeks after that, on Wednesday, February 6, 2008, the City Council was scheduled to hear the plan for the overlay, etc, in the Central Business District. He added that the actual time for the Planning Commission meeting was to start at 6:30 p.m, but the issue of the Downtown zoning was scheduled at around 8 p.m.
- Director Bradford noted to the Mayor and Council that he had earlier handed each of them a packet. He said in the right side of the packet, it had brochures, regarding current and upcoming projects coming into the City. On the left side of the packet, he indicated that office space, etc, that was available in the City was noted. Additionally, he said that downstairs by his office was a large display of all of the projects that are going forward, as well as projects that nearing and have reached completion. All of this will provide new jobs and business for the community. He thanked the Council and Mayor for their support in what he characterized as currently the most exciting area in the State. Council Member Call complimented Director Bradford on what he termed a "wonderful tool" of beautiful quality
- Chief Paul reminded everyone to come by his department to see the winners of the photos of the year submitted by personnel.

- Attorney Petersen indicated that most of what she would be presenting to the Council would be in the executive session. She did note, however, that she had handed some information out to the Mayor and Council regarding proposed legislation with the State Legislature this year regarding Justice Courts in the State. She said they are proposing the State take over the courts. She asked the Council to please go over the talking points and then contact their State Legislators to express their concerns over the proposal.

## **10. MAYOR AND COUNCIL BUSINESS**

- Council Member Boyd said she had been approached by the Children's Theatre group, and asked if they can come and make a brief presentation of the play they will be performing, The Wizard of Oz, to the Council at the April 1, 2008 Council meeting. She said they will need about 5 minutes.
- Mayor Daniels said he had met with Administrator Mills, Lindon's Mayor Dain and City administrator Dameron and Mr. Jason Burningham to review the interlocal agreement with the common taxing district between the two cities. He explained that the meeting was very favorable as both cities wanted to see the current agreement further strengthened. He said it was suggested that the two Councils perhaps again meet to discuss ideas, etc, concerning the agreement now that some time has passed. He added that the foundation agreement was considered solid, but now needed some modifications.

The Mayor remarked that as mentioned, the upcoming executive session was regarding litigation. He explained that the Council and himself cannot respond with any opinions regarding current litigation. Additionally, he said that when there are issues before the Council, including certain issues that have been coming from Community Development, it is inappropriate for members of the Council to join with any of the "lobbying" groups that are involved with these projects. He said Council Members must remain independent by not involving themselves in what he termed "pre-discussions" of these issues. He also noted that he has known people involved, and has indicated to them that he would prefer not to be involved.

## **11. SIGNING OF PLATS**

There were no plats to be signed.

## **12. REVIEW CALENDAR**

- Mayor Daniels noted that there would be a Council "Visioning" session from 9 a.m. to noon on Saturday, February 2, 2008 in the downstairs conference room at the Police Department for collective brainstorming on a list of objectives. He said the list will be pared down with input also coming in from staff. He said those ideas and objectives will then come forward at an upcoming Council Work Session. It was asked if the meeting would be open to the public. Attorney Petersen said the meeting is posted, so the public is invited; however, it is not a public hearing.

### **13. APPROVE PURCHASE ORDERS**

There were no purchase orders.

### **13. EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (UCA 54-4-205(1)(c)).**

**ACTION:** At 8:49 p.m, Council Member Jensen moved to go into executive session to discuss pending or reasonably imminent litigation (UCA 54-4-5(1)(c)). Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Call, Boyd, Jensen and Atwood voting, "Aye."

#### **ATTENDING:**

##### **Mayor:**

Mike Daniels

##### **Council Members:**

Cindy Boyd

Mark K. Atwood

Lee G. Jensen

Bruce Call

Jeff Wilson

##### **Others:**

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Deon Giles, Leisure Services Director

Lynn Walker, Public Works Director

Mary Burgin, Deputy Recorder

**ACTION:** At 9:12 p.m, Council Member Wilson moved to go back into regular session. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Wilson, Jensen and Atwood voting, "Aye."

**14. ADJOURN:** At 9:13 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Boyd, Atwood, Jensen, Call and Wilson voting, "Aye."

This certifies that the City Council  
Minutes of January 22, 2008 are  
a true, full and correct copy as approved  
by the City Council on February 6, 2008.

Signed \_\_\_\_\_  
Mary Burgin, Deputy Recorder