

Pleasant Grove City Council Minutes
March 17, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Excused:

Tom Paul, Police Chief

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Sean Allen, City Planner

Degen Lewis, City Engineer

Karen Bezzant, Treasurer

Libby Flegal, NAB Chair

The City Council and staff met at the City Council Chambers at 86 East 100 South, Pleasant Grove, and Utah

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Taylor Boch.

3. OPENING REMARKS

Opening Remarks were given by Director Young.

4. APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Wilson moved to approve the agenda. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

5. 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:

- a. City Council Minutes for February 17, 2009
- b. Work Session Minutes for February 10, 2009
- c. Work Session Minutes for February 24, 2009
- d. To consider approval of paid vouchers (February 24, 2009 and March 9, 2009)

The Mayor asked for a motion on the consent agenda.

ACTION: Council Member Boyd moved to approve the consent items. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

6. OPEN SESSION

Mayor Daniels explained to those present that if an item was not a public hearing or not on the agenda, they were welcome to come forward and address the Council. No one came forward.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Chairperson Libby Flegal stated that there is nothing to report at this time.

8. BUSINESS:

- A. REVIEW AND CONSIDER PERSONS PORPOSED FOR THE NEW DOWNTOWN ADVISORY BOARD. THESE PERSONS WOULD ULTIMATELY BE RESPONSIBLE FOR PROVIDING A RECOMMENDATION ON CERTAIN DESIGN CRITERIA AND ON NEW DEVELOPMENTS WITHIN THE HISTORIC DOWNTOWN OF PLEASANT GROVE, AS OUTLINED IN THE DOWNTOWN 2020 ACTION PLAN. OLD FORT NEIGHBORHOOD**

Community Development Director Young reviewed the information for the Downtown 2020 Action plan that was adopted by City Council last year and with consideration of the recommendations from the temporary downtown advisory board that was appointed; a new more permanent board has been established. Director Young stated that we are now ready to promote implementation of this new plan that includes four committees covering the areas of organization, design, economics and promotion. Director Young then explained the recommendation for the make-up of the newly established Downtown Advisory Board, there will be nine voting board members and seven advisory, non-voting members. The voting board members would consist of one Chairperson, two members each representing the Organization

Committee, the Design Committee, the Economics Committee and the Promotion Committee. The seven advisory, non-voting members would consist of one member each from these areas; the Community Development staff, the Economic Development staff, the Planning Commission, the Beautification Commission, the Library Board, the Arts Commission and the Historic Commission. Director Young stated that the individuals recommended for the voting board members have been contacted and have accepted the invitation to serve. Mayor Daniels asked if he would read their names and if the individuals were present to please stand when their name is read. Director Young went on to name the Chairperson, Dale Warburton, and also on the Organization Committee, Chris Brightenburg with Parts Unlimited, DeAnne Taylor with R/UDAT, on the Design Committee, Jay Meacham of Civil Science Engineering and Richard Huish of Northern Engineering (Architect), on the Economics Committee, Steve Allred of Ace Hardware and Ron Beeson of Keller Williams Realty on the Promotions Committee, Mike Chamberlain of Edward Jones and Joan Peterson of Showtime Utah. Mayor Daniels then asked if there were any questions for Director Young, there were none. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve and adopt the revised Downtown Advisory Board membership as currently proposed by Director Young including the individuals that have been recommended. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

Mayor Daniels then thanked the individuals who did accept these Board appointments for taking on this responsibility, the City views this as a long term strategic part of the growth of Pleasant Grove and encouraged them with continuing support from the City to make this plan successful.

Director Young added that they will be contacting Board members soon to arrange an initial meeting and will provide them with a list of individuals recommended as non-voting sub-committee members.

B. CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 10, CHAPTER 9B, SECTION 7-F-3 “YARD REQUIREMENTS” IN THE PLEASANT GROVE CITY MUNICIPAL CODE TO ALLOW FOR A CONDITIONAL USE PERMIT REVIEW FOR ACCESSORY BUILDINGS THAT EXCEED 10% OF THE MINIMUM AREA FOR THE ZONE, BUT STILL MEET ALL OTHER ZONING REQUIREMENTS. (CONTINUED FROM THE MARCH 3, 2009 MEETING) CITY WIDE IMPACT

City Planner Allen explained that there are a number of sizable lots within the City that would qualify for larger accessory buildings than what is currently allowed for in their zones. This proposal will allow for these individuals to request a conditional use permit for a larger accessory building that is still incidental or smaller than the main dwelling. City Planner Allen stated that the feeling is the conditional use permit process will mitigate any concerns that the neighbors or residents might have. Council Member Call clarified that what this is really saying is that the Planning Commission can take a look at these requests and see if makes sense. Mayor Daniels then asked if they were any other discussion or questions, there were none.

Mayor Daniels then opened up the meeting for public discussion. Nothing was brought up for discussion. The Mayor then closed the meeting to the public.

Council Member Atwood stated that he liked the fact that this would be a conditional use and that each would be reviewed on an individual basis. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve Ordinance 2009-05 amending Title 10, Chapter 9B, and Section 7-F-3 “Yard Requirements” in the Pleasant Grove City Municipal Code to allow for a Conditional Use Permit review for accessory buildings that exceed 10% of the minimum area for the zone, but still meet all other requirements. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

C. CONTINUED ITEM – TO CONSIDER THE REQUEST OF TROPHY HOMES, AND THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, TO AMEND THE MAYFIELD DEVELOPMENT SITE PLAN KNOWN AS *TROPHY COMMERCIAL*, BY REMOVING TWO FORMERLY PLANNED OFFICE BUILDINGS IN FAVOR OF A NEW LDS CHURCH MEETING HOUSE, AND ALSO A PROPOSAL TO REMOVE A THIRD FORMERLY PLANNED OFFICE BUILDING IN FAVOR OF TWO (2) 12-PLEX CONDOMINIUM STRUCTURES, WHICH REQUIRE CONDITIONAL USE PERMIT APPROVAL; LOCATED AT APPROXIMATELY 450 SOUTH 2500 WEST, IN THE GROVE (MIXED USE SUB-DISTRICT) ZONE. (CONTINUED FROM THE MARCH 3, 2009 MEETING) SAM WHITE’S LANE NEIGHBORHOOD

City Planner Allen reviewed the changes being proposed, pointing out the locations of each of these buildings on the original site and where they would be situated on the proposed site maps. City Planner Allen referred to the breakdown of the square footage comparing how much square footage of commercial available from the original plan and what it is comprised of and what it would amount to if approved, stating that it is all in the way you choose to look at the data. The beginning commercial square footage was sixty thousand and the current is one hundred and twenty thousand square feet, the amended commercial square footage would be seventy six thousand six hundred and fifty. City Planner Allen expressed his concern about how this will affect the property to the East and how the applicant will perform to get things done in today’s economy. He went on to state that conditions have been added to this motion that they feel will mitigate some of those concerns, stating that it doesn’t mitigate the concern that we are having a loss in office space.

Mayor Daniels asked if there were any questions for City Planner Allen. Council Member Jensen asked if this was all tied together in the proposal, can it be separated for instance, separate the Church’s request. City Attorney Petersen stated that they submitted a total application package, if you choose not to accept the way they proposed it; you are certainly entitled to give direction on what you would consider.

Mayor Daniels stated that this is a continued item; it’s not a public hearing. The Mayor then asked the applicant to come forward.

Jeff Southard came forward; he stated that he was formerly a partner with Trophy Homes but that he is no longer affiliated with them, last fall the three owners split up. He stated that he is the only one left who has the history on the Mayfield Development and is trying to keep this project together. He stated that Trophy Homes technically still owns it and the City does have a letter

stating that he can represent them. Mr. Southard expressed his concern that he wanted to help make sure that Mayfield doesn't fail and become a "dust bowl". He stated that Trophy Homes is probably not going to be able to build it out but there is a lot of offsite infrastructure that has to be completed. Mr. Southard said he has been working with the LDS church, the offsite contractor and each of the commercial developers to make sure that we can try to get them committed. Mr. Southard stated that the "wild card" up until recently has been the Royal Bank of Canada (RBC) who provided all of the residential funding for the project, they have filed a notice of default on the residential portion of the project, so within the next sixty to seventy five days they will end up going through the foreclosure process. Mr. Southard stated that he has explained to them that it is in their best interest to continue funding the offsite development, the original loan balance still includes money to do that. Mr. Southard said that he has also met with all of the commercial developers and each has committed to continue funding the offsite work that was their prorata share, if RBC will continue to fund their portion. RBC's portion is around two hundred twenty thousand dollars. RBC has said that they are willing to continue to fund, assuming that the City will allow the entitlements to stay in place and that they don't lose all the entitlements on the residential portion as well. Mr. Southard stated what seems to make sense for the City to entice the bank and the commercial developers is that we approve this request so that the twelve plexes can go in, with some type of stipulations. He stated that RBC is open to this so the entitlements can stay in place and that they also agree to fund according to the budgets we've reviewed with the City Planner. Mr. Southard commented that he believes there is a net gain of sixteen units here if we allow the two twelve plexes and recommends to drop the number of units approved in Phase 2 by sixteen so that it doesn't allow more residential units to the project, it is only shifting where they would go.

Mayor Daniels asked what his understanding was of entitlements on the parcel that we are considering. Mr. Southard said that right now what is entitled is just the four commercial buildings and those are recorded plats. The Mayor stated that if we continue with what the bank is entitled to now, there is no change. Mr. Southard said that the bank does not have the commercial property as collateral. Mayor Daniels then asked why we were discussing the bank. Mr. Southard stated that it's because one of the twelve plexes ends up being part of the collateral. The Mayor then stated that the twelve plexes are not entitled right now, there are two four plexes that are entitled. Mr. Southard added that the two four plexes are not recorded. Mayor Daniels explained that he sees the logic that there is a persuasive tone in sending back the message to RBC that tying the entitlements together would benefit us both but just to be clear, there is no entitlement to twelve plexes on this project. The Mayor then asked about the parties involved in this section, the ones who are currently interested and ready to develop. Mr. Southard stated that it is the LDS church and an investment group called Kings Dominion, who has asked him to represent them tonight. The Mayor asked who he was representing; Trophy Homes or Kings Dominion. Mr. Southard stated both, he said that it's Kings Dominion and the LDS church who are specifically asking for the change but that it does affect Trophy Homes' property because of losing the two four plexes. The Mayor then asked that under this proposed change and the two four plexes go away, the office building goes away and both are replaced with two twelve plexes, then who owns it? Mr. Southard stated that it will be owned partly by both Trophy Homes and Kings Dominion. The Mayor asked why is the request for the twelve plexes and the switch from four plexes and the elimination of an office building tied to the request of putting in an LDS church. Mr. Southard explained that it all basically happened all at the same time; it was all part of what was done to try to make that section commercial and viable and at the same time allow for the rest of the offsite developments to be done.

Council Member Boyd asked if this wasn't already a commercial site where the church is going in. Mr. Southard said yes. Council Member Boyd remarked that the church could have come in with just being on the commercial land. Mr. Southard stated that if the twelve plexes stayed a commercial building, then Kings Dominion who owns that has to front their portion of the offsite cost and they are unwilling to do that unless they can get it changed to this entitlement.

Mayor Daniels stated that it is a concern but it sounds more like leverage and what we are concerned about today is making sure that the improvements are completed in a timely manner and whatever is decided on here is started and finished so that the whole development can move forward.

James Knight a representative for the LDS church came forward and wanted to clarify why the church property is tied into the rest of this development. He stated that there are a certain amount of parking stalls and obviously the access roads that are shared with the Dayne Raff development, so whatever happens has to occur all at the same time. Mayor Daniels wanted to clarify that what he was talking about was working on a cross easement agreement with Dayne Raff for parking, but were they sharing anything with Kings Dominion. Mr. Knight said no, if that doesn't get built, they will still have enough parking stalls sharing with Dayne Raff. The Mayor then asked why wouldn't the LDS church be responsible for all of the improvements along the road, the whole front section they will occupy. Mr. Knight stated that the original agreement was that Trophy Homes would improve 2500 West and 450 South up to the property line and anything within the property line was the responsibility of the church development. Mr. Knight said that the church has made the purchase agreement so that if it doesn't get finished, they will have the funding to be able to finish it. Mayor Daniels then added that if the LDS church has an agreement with the various owners of this section to extend and do offsite improvements, when in any other case if the church were to approach the Council requesting to build a church building then normally the LDS church would front the cost of the entire property with their improvements.

Mr. Southard stated that that was not entirely accurate. The Mayor then asked Mr. Southard for an explanation. Mr. Southard stated that the amount of the money escrowed by the LDS church is not enough to cover the shortfalls. Mr. Southard said that the church entered into a contract with Trophy Homes with an agreement on the prorata shares and when the conditions in the market changed, Trophy Homes couldn't complete and satisfy their portion so what the LDS church had allocated to pay was their prorata share that was included in the escrow agreement.

Mayor Daniels stated that that sounds like a private contract agreement between Trophy Homes and the LDS church and it really doesn't involve the City. Mr. Southard commented that the way that it does involve the City is that if one of these parties chooses not to participate, then the City gets stuck with roads and improvements that aren't done. Mr. Southard remarked that he was hoping that if we have something that makes sense for the City so that the City can see that all of those roads get improved and a development that is viable, then people will come in and finish on the residential portion as well as the commercial side. Mr. Southard stated that right now if any one of them, RBC, the LDS church, etc. says no this does not work then the problem for the City becomes that they can try to call the bonds, etc. Mr. Southard went on to say that RBC believes that the bonds do not cover anything that has to do with the offsite improvements.

Mayor Daniels asked Engineer Lewis what party was holding the bond. Engineer Lewis stated that we have a one million dollar bond that RBC designated for the Mayfield development. The Mayor asked if it was a cash bond. Engineer Lewis responded that it was a one million dollar letter of credit and that we have a one hundred thousand dollar cash bond.

Mayor Daniels asked Mr. Knight if the LDS church was prepared to go forward on their own. Mr. Knight stated that with the purchase price in the agreement that he understands, they would be. The Mayor then asked would the LDS church be willing to put up the church building as well as the offsites. Mr. Knight replied only the offsites that front their property line.

Mayor Daniels then asked what is the guarantee that either the RBC or Trophy Homes or the individual property owners that are participating are going to have the resources to finish all of those improvements. Mr. Southard stated that that is what he is proposing to be a part of the City's approval, that an agreement is put together were they all show that they have the financial ability and that they are capable and willing to continue to fund everything they need to ensure that 2500 West and 450 South gets completed in its entirety. Mr. Southard stated that he would propose that there be an agreement upon which the approval would be conditional. Mr. Southard said that he is confident that the money is there based on the discussions he has had with these parties, but that everyone is waiting for everyone else to say "I'll do it, if you'll do it" and if one of them doesn't do it, they will all go away.

Mayor Daniels in reviewing the current site stated that there are already completed buildings located along several stretches of this entire section and right now the improvements are not in so what comfort level does the City have that in allowing something like this to go in results in the improvements being done. Mr. Southard stated that the Trophy Homes portion of the improvements that need to be shared have always been funded by the RBC. The Mayor replied, so you are saying that there is no guarantee. Mr. Southard stated that the guarantee is from the RBC not from Trophy Homes. Mayor Daniels remarked that there is no one here from the RBC and that it is Trophy Homes who entered into the agreement. Mr. Southard replied that that is true and that's what he is proposing if you approve it then we need to have an agreement that ties the RBC into funding what is left to do, make it conditional upon RBC putting up the money. Mr. Southard stated that this is what's beneficial to the City because Trophy Homes is no longer a viable entity. The Mayor then asked why in today's market would a bank out of Canada be concerned about the improvements along 2500 West in Pleasant Grove Utah. Mr. Southard stated it's because if they don't fund these improvements here then all of the entitlements will be lost. The Mayor stated that it's his understanding that it is already lost. Mr. Southard said that his understanding is that it's expired but it could be reinstated. It shows that no more than three hundred units can be put there. The Mayor then said it could be reinstated if there were a viable entity that was prepared to come in and develop that area, why would the Council consider extending this when there is no viable entity behind it. Mr. Southard stated that RBC is a viable entity. The Mayor stated that RBC is not in the development business. Mr. Southard stated that they aren't but they are in the business of protecting their assets. Mr. Southard stated that unless the City is willing to say "yes," we would extend those entitlements then it wouldn't make sense to put that money in. Mr. Southard went on to say that RBC will take such a cut on this asset if the improvements don't get finished and the entitlement is lost, that it is in the banks best interest to make sure these improvements get completed.

Council Member Atwood commented that he thinks it's in their best interest to do that anyway and that he is not in agreement with this argument.

Council Member Call raised the question about the amount of the bond. Engineer Lewis stated that we have a one million dollar letter of credit that expires in mid June, if the Council approves this change then one of the conditions he would like to see is that that letter be renewed or replaced by a certain date. Engineer Lewis also stated that we need to decide that the project is in default and we call the letter and finish what we can. Council Member Call said to call the letter and finish 2500 West. Mayor Daniels asked if the project was already in default today. Engineer Lewis said that we have not officially placed it in default, trying to not have a "dust bowl" and not to give everybody a reason to just walk away. Engineer Lewis stated that all of the various owners have continued to meet and are trying to find a solution.

Mayor Daniels stated that if we understand correctly, the proposal is, do not change the overall density for the residential area however, reduce the amount of land that's going into commercial, increase the amount of land that is going into residential which spreads out the density. Mr. Southard stated that the City is losing approximately an acre where the commercial pads were. The Mayor added that this is in exchange for completing the improvements and told Mr. Southard that his efforts were admirable. Mr. Southard stated that he has talked with the owners enough and believes that they are all sincere about pulling this together, funding it and moving forward. Mr. Southard also stated that he would make it a condition on the approval that the improvements have to be done by June, by whenever the letter of credit expires. Mayor Daniels expressed that the difficulty for him is the RBC's letter of credit being in dispute and that we have until June to figure this out before it expires plus there is no guarantee that there is money backing the improvements on 2500 West. Mr. Southard said that he thinks all of that work can be done before the letter of credit expires; the contractor (Massey) who has done most of the work is still out there working on it. Mr. Southard stated that they have reviewed all of the numbers on what's left to be completed and if everyone will put in the amounts that they say they will then it can be completed by June. Mayor Daniels stated that if the Council was to approve this with the stipulations that were discussed, we would need to hold off on issuing permits until we know that everybody was on board with putting their money in to finish the improvements. Mr. Southard stated that there are no residential permits that will be asked for and does not think that there are any commercial permits. It will be certificates of occupancy that they would be asking the City for.

Mayor Daniels then asked Attorney Petersen if there were any legal concerns here. Attorney Petersen stated that she cannot speak to the question on the bond unless she reviewed the documentation, but it is up to the Council if they choose to do this, there are conditions that can be placed on it that can protect the City. Attorney Petersen stated that there are conditions listed in the staff report that she strongly recommends that they decide to use and that she agrees with the conditions that Mr. Southard has talked about adding.

Mr. Knight commented that the LDS church needs to have a signed contract with a contractor by May in order to make use of the money they have set aside to build that building. He stated that the church planned ahead by holding out the money to be able to finish the areas that border their property, so if they are allowed to continue with this, that portion of 2500 West and 450 South will be finished. Council Member Boyd stated that the church could go forward anyway as it now stands. Attorney Petersen stated that they would have to redo that plat.

Mayor Daniels then asked the Council Members for their questions and comments.

Council Member Atwood stated that he feels there are a lot of things that need to be worked out, stating his concern that if one of the party's backs out then we are at a loss. Council Member Atwood stated that he would like to see somebody come to the table first and see some more commitment up front. He said that when this project first came before us we gave and we bent and we did everything we could to make sure they got what they wanted, we had a fifty-fifty policy of commercial and residential and promises were made and things were not delivered. Now here we are again being pushed to change things again. Mr. Southard replied that he understands his thinking and stated that he thinks the Council should not give anything unless there is an agreement that holds these parties accountable. Council Member Atwood then stated that if they just walk away how do we benefit anyway. Attorney Petersen stated if the Council approves this plan and places conditions on it and they walk away, then they haven't met the conditions. Council Member Atwood then stated that we could say all of the improvements get done first before anything else and then asked Mr. Southard if that is what they are willing to do, get all of the offsite done first. Mr. Southard replied that he thinks that that would not be an unreasonable condition, letting them know that they don't get to build anything until you get what you want, that way the City gets some assurance that they are going to get what they need. Council Member Atwood said that the word we got from Trophy Homes the last time they were here is that they were finished with this, they no longer had the money to complete anything and now all of a sudden they do. Mr. Southard stated that they don't, they are not putting any money into it, it's RBC who is putting in the residential portion because they are going to own Trophy Homes' property in sixty days and they want to protect that asset.

Council Member Call asked if all of the conditions that Mr. Southard is recommending are something we can do and are they perfectly legal, we can enter into an agreement that says until those items are completed, nothing else gets started. Attorney Petersen stated that yes Council can do that.

Council Member Call then stated that then the question becomes, are we willing to give up commercial space. Council Member Atwood stated that he is not in favor of that, stating that the last time Bill from Trophy Homes was here he was asked to bring back a couple of proposals for Council to review. Mr. Southard stated that Bill resigned from Trophy Homes last fall and is not willing to come here to discuss this.

Council Member Call then stated that if the guarantees are there, then the question no longer becomes who we do or do not trust, the question becomes, do we want to give up one more acre of commercial in this development.

Mayor Daniels stated that this takes us back to considering that we've got two thirds of the property without the improvements and some of that property already has buildings on it. Council Member Atwood then asked how did that happen, how did something get built without getting the curbs, sidewalks, the improvements done. City Planner Allen stated that it is because of the complexity of the development agreement that Trophy Homes originally started with; they were supposed to do all of that. Council Member Atwood replied, so there is an agreement somewhere and they have defaulted on it.

Council Member Jensen posed the question of what literally will happen if we say no. Is the church not going to go ahead and build on their property and make their improvements? That will still leave a portion of 2500 West without improvements. Also, what area does that church building serve, is it American Fork or Pleasant Grove. Mr. Knight stated that it's part of the Pleasant Grove Garden stake.

Attorney Petersen stated that we have an agreement as a part of the overall global development agreement with Trophy Homes and American Fork City, as to the standards and how far we are going to pave on 2500 West. If it's the case that Trophy Homes can no longer take care of that, then to get that finished the City, to live up to our agreement with the agreement with American Fork City, will have to come up with the difference to make sure that it gets done. Attorney Petersen went on to clarify that our agreement was to do half of the road and to make Trophy Homes build to American Fork City's specifications in return for them not protesting the annexation request that Dennis Baker and Trophy Homes filed when the project started.

Mayor Daniels stated that it is in Pleasant Grove's best interest to approve this with some stipulations, they cannot move forward unless our conditions are met. We are going to create the obligation of all the parties, whoever develops, whatever it is that the improvements have to be completed. If we are to walk away from this then all of this will have to be recreated, renegotiated, and redone in order to complete the part that the City would end up owning which is the roads.

Council Member Call stated that he is satisfied that there are ways to get our guarantees, the question again is, is giving up an acre of commercial worth it to us to finish 2500 West? Council Member Call stated that his hopes are in the future to possibly be able to get that acre back. Mr. Southard stated the Council would have to require that on the Phase two portions that are undeveloped.

Council Member Jensen stated that overall by approving this with the stipulations that have been discussed that we have lost nothing but hopefully gained something that would be good for the City, good for this development and good for the future of this development.

Council Member Boyd stated that she does not feel good about this request.

Council Member Call wrote down the new stipulations and conditions that are being recommended by staff and Council.

The Mayor asked if there were any other comments or discussion, there was none. The Mayor then asked for a motion on item "c" of the agenda.

ACTION: Council Member Call moved to approve the request of Trophy Homes and the Church of Jesus Christ of Latter-Day Saints, to amend the Mayfield Development Site Plan known as *Trophy Commercial* as stated in the agenda and in the staff report, taking into account all the staff recommendations; 1.) The applicant shall adjust future phases of multi-family residential within Mayfield to maintain the original density (no more than 300 total units). 2.) A revision of the Mayfield Subdivision Plat A is to be submitted, approved and recorded within this calendar year. 3.) The applicant is to submit an amended Site Plan/CUP for Mayfield Residential Phase 1, and new Plats for Condo Phases 12 & 13, within this calendar year. 4.) That Trophy

Homes, and other involved parties amends or enters a new Development Agreement with the City, specifically concerning water rights and any other items the City may deem necessary. 5.) That all final Planning, Engineering, Fire and Building Department requirements are met and corrected plans submitted prior to any further construction. In addition to that, all property owners not currently in the application process must complete the required improvements as per the currently approved plans prior to building permit issuance and the acre of the commercial portion that was relinquished to the residential portion in Phase 1 be reestablished as a commercial portion in the future development of either Phase 2 or Phase 3. Council Member Jensen seconded and the motion passed by a three to two vote with Council Members Atwood, Call, and Jensen voting, "Aye" and Council Members Boyd and Wilson voting, "Nay."

D. PUBLIC HEARING TO CONSIDER THE REQUEST OF CABINLAND, LLC, TO ASK THE CITY COUNCIL TO RECONSIDER AN ORDINANCE AMENDING TITLE 10, CHAPTER 12B, SECTION 2 "PERMITTED, CONDITONAL AND ACCESSORY USES" IN THE PLEASANT GROVE CITY MUNICIPAL CODE FOR THE PURPOSE OF ADDING LAND USE CODE #6397 "AUTOMOBILE, TRUCK AND TRAILER RENTALS" AS A CONDITIONAL USE IN THE MD (MANUFACTURING DISTRIBUTION) ZONE. CITY WIDE IMPACT

Community Development Director Young explained that this is an item that the Council has already dealt with in the February 3, 2009 City Council meeting and this request was denied. Director Young went on to say that zoning for the property in question has been in the MD Zone for a long time and the land use designation of Commercial Retail has been applied. The applicant is present at tonight's meeting and is requesting that Council reconsider the decision and to listen to additional information/reasoning to support his request. Director Young explained that looking at this from a zoning stand point and what we are looking for in the future as far as the City's intention for the use in this area and what may play into this is the potential concept of the re-alignment of Center Street that is currently in discussion and review with the Transportation Mater Plan process.

Economic Development Director Bradford stated that the Economic Development Committee has looked at this issue and expressed that the concern was raised about businesses that have asked about coming into this area and we wanted to make sure that we could accommodate their uses and at the same time make sure that we were in harmony with the interest of the Council and what they see as the twenty year long term potential of the area is.

Director Young stated that these are the recommendations; 1.) To deny this particular request at this time and then look at planning as it occurs over the next few months so that a more informed decision that includes the transportation and economic development plans for this area. 2.) Look at re-zoning the area. 3.) Consider future alignment of Center Street and anticipated new development with re-zoning decisions, wait for a completion of the Transportation Master Plan.

Mayor Daniels asked, under these recommendations what would happen to the applicant's business today. Director Young stated that the applicants business today is not in compliance with zone requirements and they have been put on notice that they should be moving their trucks. The Mayor clarified that Director Young's recommendation number one was to deny the current request and the other two are recommendations are on how to proceed forward in the future. The

Mayor then asked if there were any further questions for Director Young. There were none so the Mayor invited the applicant to come forward.

Kevin Turpin 1154 N 660 W, Orem, then came forward he stated that he is representing Cabinland as the property owner, he apologized for not appearing at the February 3rd meeting stating that there was confusion on his part as to when the meetings were and he does appreciate the opportunity to speak tonight. Mr. Turpin stated that the best use for the property on this corner, 600 West and Center Street is commercial and feels that anyone who does come into it and want to make any improvements to the properties would understand that it needs to be commercial. Mr. Turpin stated that he thinks the real question is timing, they currently lease to an auto shop (Full Throttle) and they, to supplement their business have brought in U-hauls. We were informed by the City that this is a non permitted use so that left two basic options, one being to change the zone to general commercial which has the conditional use of the rental trucks the second option being to ask for an amendment to the MD Zones to make that a conditional use of rental trucks. Mr. Turpin stated that the answer to the question of how this would affect the business today is not as much to him as the owner but that it would affect the tenant. He stated that in December they would have gone out of business if they had not had the income from the rental trucks. Mr. Turpin stated that their best course of action would be to try to get the conditional use amendment in the MD Zone, if they are to lose the current tenant he believes that their best chance of leasing this property as it exists now would be to the type business that would fall under the manufacturing zone. Mr. Turpin added that he doesn't feel that this area should not be zoned commercial until after the re-alignment of Center Street is completely planned and ready to go forward because that would affect how people will lay out buildings, how they do their landscaping and any improvements they might make, they wouldn't want to have to do this twice. Mr. Turpin expressed his opinion about the concerns that the Council had with the rental trucks on the property further stalling the R/UDAT recommendations for this area. He stated that rejecting his request does not solve the problem because if it is zoned for commercial they would still be able to get a conditional use permit and the trucks would still be parked there, he feels that the issue is not so much with the zone change but more with the logistics, the location/visibility of the trucks being parked near Center Street. The other concerns he has is on the "grandfathering" of a conditional use permit if added to this zone making it a legal, non-conforming use and the opinion of "setting the use in stone". Mr. Turpin stated that he doesn't feel that rental trucks are really the best use for that corner and doesn't want that to be the long term use there, but is looking to find a way that the tenant can legally have the U-haul business there until such time the opportunity to do a commercial development really presents itself. Mr. Turpin stated that he does not see how this negatively impacts the City for this area and is asking if there is an opportunity to use the Land Use Code #4920 regarding staging for trucking, local and long distance, he states that the U-haul trucks are staged and the rentals on them are traded online or elsewhere, there is very little rental transaction that takes place on the property it's basically a pick up and drop off point. Mr. Turpin pointed out that the only difference in this conditional use and the current one is the use of the word "rental". Mr. Turpin stated the he feels the bottom line here is all timing, agreeing that it needs to be commercial and needs to be changed but doesn't feel that now is the right time.

Mayor Daniels clarified that what Mr. Turpin is requesting is to allow the rentals as a conditional use to the MD Zone and then asked Director Young to explain "grandfathering" in the context of permitted uses. Director Young stated that in a general sense, grandfathering is something that exists prior to some other type of zoning regulation that would go against being placed upon the

property; it puts that particular use in a non-compliant situation, but a legal non-compliant situation because it was there before the regulations changed. The Mayor asked what happens in the future as land uses change, what happens to the granting of that grandfathering into that particular property. Director Young said that as long as they continue operations then they can maintain that grandfather status.

Mayor Daniels stated that the concern is where the Council has taken steps in a master plan to change the use of the area for the future, to come in now without having studied it and allow the change, under this circumstance it would grandfather in this particular use for that property indefinitely. The Mayor then said that he agrees that there is a timing issue here on this request but that we have not studied enough to know whether or not U-haul trucks grandfathered on that land is the correct move for Pleasant Grove in the future. The Mayor stated that the zone uses are in place to protect everyone and that it is difficult for the Council to step out and allow this particular use until staff comes forward with a master plan for how the entire area needs to be handled, if we allow this use then it opens up the rest of the City to vulnerability on all of the land use codes.

The Mayor then asked the Council if there were any questions. Council Member Jensen inquired as to whether the code #4920 already permits the U-haul trucks to be there, the staging for trucking, local and long distance possibly covers what they are asking to be done. Mayor Daniels stated that rather than Council interpreting the code it should be left up to staff to determine whether or not the use that the applicant has made is in compliance with the land use codes. The Mayor stated that we are not making a ruling, what we are here to discuss tonight is whether we should or shouldn't reopen the request to amend the ordinance for the MD Zone and add Land Use Code #6397. Council Member Jensen then stated that he would encourage the applicant to get further clarification on the codes. The Mayor then asked if there were any other comments from Council. There were none.

Director Young stated that he would like to make a statement as far as staffs' understanding in regards to the different land use code, on the staging there are two separate codes and there is a purpose for the use of each code. On the automobile, truck and trailer rental that is a specific code that provides for the rental of vehicles and that is what U-haul business is. On the truck staging, although it is very similar in its operation, it is not a truck or automobile rental, it is a company that has its own trucks and they are staging; having a place to store the vehicles. The Mayor added that Director Young stick with whatever the land use definitions are in regards to making any decisions. The Mayor then opened up the discussion to the public.

Robert Williams, 140 W Center Street came forward and stated that he was curious about the proposed re-alignment of Center Street. Mayor Daniels explained that it is not planned at this point, it's a concept and pointed out that that is not on tonight's agenda for discussion.

In that there was no one else who came forward, the Mayor closed the public hearing. The Mayor then asked the Council if they had any further discussion. There was none.

ACTION: Council Member Jensen moved to deny Ordinance 2009-06 the request for City Council to reconsider amending Title 10, Chapter 12B, Section 2 "Permitted, Conditional and Accessory Uses" in Pleasant Grove City Municipal Code for the purpose of adding Land Use Code #6397 "Automobile, truck and trailer rentals" as a conditional use in the MD

(Manufacturing Distribution) Zone. A public hearing was held. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

Mayor Daniels stated that the motion is denied. The Mayor thanked the applicant for bringing this concern forward and encouraged him to figure out the best way to deal with this situation, stating that the City certainly does not want to see vacant lots or businesses leaving the City.

E. PUBLIC HEARING TO CONSIDER AN ORDINANCE OF PLEASANT GROVE, UTAH COUNTY, UTAH AMENDING SECTION 10-11E-10 "BUILDING HEIGHT" TO LIMIT A WAIVER TO HEIGHT REQUIREMENTS BASED ON SPECIAL ARCHITECTURAL AND MECHANICAL FEATURES. OLD FORT NEIGHBORHOOD

Community Development Director Young stated that last year the temporary Downtown Advisory Board's recommendation to the Planning Commission regarding height of buildings in the downtown zone was to include a waiver to the height requirements to be based on special architectural and mechanical features. Unfortunately the staff made an error in not discussing this particular limitation at that time. Director Young stated that this issue has been looked at from two different sides and two different staff recommendations, one being that the amended verbiage is needed the other from an economic standpoint by possibly limiting potential projects.

Mayor Daniels then opened up this item to the public.

Laurel Backman Riddle, 50 W Center Street came forward and stated that she was the Chair for the former Downtown Advisory Board and that it is very important to put the limitation in the ordinance, this downtown area is not all commercial, it does include a residential element. She stated that there are no residents from this downtown zone as members on the new board and she thinks that the limitation would give more of a comfort level to the residents in this area.

Tom Withers, 31 West 100 North and Robert Williams both stated that they were in agreement with Laurel Backman Riddles' comments.

Mayor Daniels asked if there was anyone else who wanted to comment. There was not, the Mayor closed the public hearing. The Mayor then asked the Council if they had any further discussion. The Council had none. The Mayor then asked for a motion.

ACTION: Council Member Atwood moved to approve Ordinance 2009-07, amending Section 10-11E-10 "Building Height" to limit a Waiver to Height Requirements Based on Special Architectural and Mechanical Features. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

F. CONTINUED PUBLIC HEARING TO CONSIDER A RESOLUTION AMENDING THE PLEASANT GROVE CEMETERY STATEMENT OF POLICY PROVIDING FOR THE REGULATIONS REGARDING PLACEMENT OF PERMANENT MARKERS AND HEADSTONES; PROVIDING FOR NOTICE THAT TITLE TO BURIAL PLOTS UNUSED FOR 60 YEARS OR MORE ARE SUBJECT TO

ACQUISITION BY THE CITY. (CONTINUED FROM THE MARCH 3, 2009 MEETING)

Leisure Services Director Giles stated that the basic changes are limiting the number of markers or headstones to one per person per grave with the only exception being Military footnotes, headstones will not be allowed to be installed from December through March and allows the cemetery the authority to remove headstones if they have been put in improperly. Director Giles stated that this will put the responsibility of the headstones on the plot owner and not the City, this includes vandalism and damage. Director Giles then stated that on the subject of the unused plots for sixty years this will help the City by having a procedure in place to inform and notify plot owners and if there is no claim of interest the owner's rights are terminated and the City acquires the plots.

Mayor Daniels asked if this was in compliance with the State code. Director Giles replied yes, the sixty years is in compliance. The Mayor then asked if there were any questions. There were none.

Mayor Daniels then opened up this item to the public.

Robert Williams, 140 W Center Street came forward and stated that as an owner of ten cemetery plots which he assumes will be passed on to his heirs, he wanted to know exactly what this will mean to him. Director Giles stated that it is a common occurrence to have heirs come in and argue over the ownership status of a plot, having a procedure in place will help to move forward. Attorney Petersen stated that the wording in the ordinance outlines the policy and procedure clearly, it states if there has been a plot or plots purchased in the cemetery and if it's been sixty years plus one day and they have done nothing to care for or given the cemetery a written notice of claim stating that you have passed this plot on to your heirs, then the City has the right to put on notice to the last known address and publish publicly in the newspaper asking to establish the claim. If no claim is established then we will have this process in place where the City can re-acquire the plot for use. Attorney Petersen stated that in no way will plots be taken from families who do make a valid notice of claim.

Council Member Atwood asked if there is a way that when an individual purchases a plot that they can put the name or names of who they intend to pass it on to or inherit the rights. Director Giles stated that the person in the family with the power of attorney has the authority. Attorney Petersen agreed that power of attorney does prove the person has the authority to make transactions. Council Member Atwood added that having the option to have this information on the records up front at the time of purchase will make the process work more efficiently.

Mayor Daniels asked if there was anyone else who wanted to comment. There was not, the Mayor closed the public hearing. Mayor Daniels then asked the Council if they had any further discussion. The Council had none. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2009-04, amending the Pleasant Grove Cemetery Statement of Policy Providing for Regulations Regarding Placement of Permanent Markers and Headstones; Providing for Notice the Title to Burial Plots Unused for Sixty Years or more are Subject to Acquisition by the City. Council Member Call seconded and

the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

G. CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 7-3-13 "MARKERS AND VAULTS," SECTION 19 "UNLAWFUL ACTS," CREATING A NEW SECTIONS, SECTION 5 "UNUSED LOTS: CITY RIGHTS," SECTION 6 "ALTERNATE COUNCIL PROCEDURES FOR NOTICE: TERMINATION OF RIGHTS," AND SECTION 7 "UNUSED LOTS: PURCHASED BY CITY SEXTON/MAINTENANCE SUPERVISOR." ESTALISHING A METHOD FOR CITY ACQUISITION OF BURIAL PLOTS UNUSED FOR 60 YEARS OR MORE AND ESTABLISHING REGULATIONS FOR PLACEMENT OF PERMANENT MARKERS AND HEADSTONES AND PROVIDE FOR AN EFFECTIVE DATE. (CONTINUED FROM THE MARCH 3, 2009 MEETING)

Director Giles stated that basically this is the same wording for the headstones as in the Resolution and is word for word out of the State ordinance on the sixty year acquisition policy which outlines the process. Director Giles added that the only other change is in removing the verbiage of "hitch any horse" in Section 7-3-19.

Mayor Daniels then opened up this item to the public. Nothing was brought up for discussion. The Mayor closed the meeting to the public. The Mayor then asked the Council if they had any further discussion. The Council had none. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve Ordinance 2009-08, amending Title 7, Chapter 3, Section 7-3-13 "Markers and Vaults," Section 19 "Unlawful Acts," Creating a New Section 5 "Unused Lots: City Rights," Section 6 "Alternate Council Procedures for Notice: Termination of Rights," and Section 7 "Unused Lots: Purchase by City Sexton/Maintenance Supervisor Authorized; Establishing a method for City Acquisition of Burial Plots that Have Remained Unused for Sixty Years or More and Establishing Regulations for Placement of Permanent Markers and Headstones and Providing for an Effective Date. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

H. TO CONSIDER A RESOLUTION OF THE GOVERNING BODY OF PLEASANT GROVE CITY AUTHORIZING THE MAYOR TO SIGN AN ENGINEERING SERVICES AGREEMENT WITH HORROCKS ENGINEERS, INC. FOR THE PURPOSE OF RETAINING THEIR PROFESSIONAL SERVICES FOR THE 2009 TRANSPORTATION MASTER PLAN UPDATE, CAPITAL FACILITIES PLAN, TRAFFIC IMPACT FEE ANALYSIS, ACESS MANAGEMENT STANDARDS, FUTURE STREET MAPS, AND OTHER RELATED SERVICES. (CONTINUED FROM THE MARCH 3, 2009 MEETING)

City Engineer Lewis stated that the last update to the Transportation Master Plan was in the year 2000 and we are re-addressing the fact that the transportation impact fees do match the cost that we face today. He stated that four firms were invited to bid and after reviewing the information presented, Horrocks Engineers, Inc. was chosen.

The Mayor asked the Council if there were any questions, there were none.

ACTION: Council Member Atwood moved to approve Resolution 2009-05, A Resolution Authorizing the Mayor to Sign an Engineering Services Agreement with Horrocks Engineers, Inc. for the Purpose of Retaining Their Professional Services for the 2009 Transportation Master Plan Update, Capital Facilities Plan, Traffic Impact Fee Analysis, Access Management Standards, Future Street Maps and Other Related Services. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

I. TO CONSIDER A RESOLUTION OF THE CITY COUNCIL OF PLEASANT GROVE CITY ESTABLISHING A POLICY FOR COUNCIL REVIEW AND APPROVAL OF SALARY ADJUSTMENTS, TRAVEL ALLOWANCES, COMPENSATION PACKAGES AND EMPLOYMENT BENEFITS FOR ELECTED, STATUTORY AND APPOINTED OFFICERS AND EMPLOYEES OF PLEASANT GROVE CITY

Attorney Petersen stated that this Resolution is in response to the request after last month's discussion on salary adjustments and other elements of compensation packages for elected officials, statutory officers and appointed employees of the City. Given the recent efforts in government operations with regard to transparency and our efforts to make sure the public is aware of what the government is doing with their tax payer dollars, at the Council's recommendation this Resolution was prepared. Attorney Peterson stated that this basically provides that if any of these listed officers or employees is given any type of salary adjustment over and above the normal merit increase or anything that would go into a compensation package for a Director level position that it must come before the Council for formal approval.

The Mayor asked the Council if there were any questions, there were none.

ACTION: Council Member Call moved to approve Resolution 2009-06, A Resolution of the City Council of Pleasant Grove City Establishing a Policy for Council Review and Approval of Salary Adjustments, Travel Allowances, Compensation Packages and Employment Benefits for Elected, Statutory and Appointed Officers and Employees of Pleasant Grove City. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

J. EXECUTIVE SESSION TO HOLD A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCS 52-4-205(1)(d))

Mayor Daniels stated that in the interest of time that we would proceed to Staff and Council business before going into the executive session.

9. STAFF BUSINESS

- City Engineer Lewis mentioned that he received a letter from UDOT in regards to the State Street widening project and the removal of the old railroad bridge and reconstruction of that track. Union Pacific has given UDOT a nine day window in which to complete that task and because of this tight time frame they do anticipate needing to

work later in the evening so they are asking for a waiver for special construction activities to our noise ordinance from April 10 -20, 2009. Engineer Lewis stated that it will mostly affect the residents of Mary West Trailer Park and they will notify these residents.

The Mayor asked if there were any questions regarding this, there were not. The Mayor then asked for a motion.

ACTION: Council Member Jensen moved to approve granting permission for UDOT to have a waiver from our noise ordinance for special construction activities during the time period of April 10 – 20, 2009. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

- Director Bradford mentioned that he feels good that things are starting to get busier. He stated that at the last Down Town Business Alliance meeting the speaker who is the Chief Economist for Wells Fargo Bank, Dr. Kelly Matthews stated that in the fourth quarter of this year the numbers indicate that things should begin to ramp up.
- Director Giles stated that they received the Utah County Recreation grant applications; it’s in the neighborhood of nineteen thousand dollars and that we do not have matching funds in the current budget so we will be looking for ways to split that up and are open to suggestions. He stated that he will bring this item forward in a few weeks for some recommendations.
- City Recorder Kresser asked that the registration forms for those who will be attending the Utah League of Cities and Towns conference be turned in to her by March 24th.
- Administrator Mills mentioned that that he will be meeting in the morning with Attorney Petersen and City Planner Allen to discuss outdoor sign ordinances. Administrator Mills stated that with the work that is currently being done on the railroad there is an opportunity to update and put up some newer, LED style signs. These signs will be used for City functions, the City would own them and we would allow for leased space to put advertising. The current ordinance does not allow this so we will be looking into this and starting a process to see if we can come up with something that fits within regulations and will be approaching City Council in the near future for recommendation. Mayor Daniels asked if this was the signage at the Rodeo grounds. Administrator Mills replied yes.

Administrator Mills then stated that he had forwarded everyone an email regarding the Timpanogos Special Service District on the rate increases and that he has just this evening found out that the percentages listed in the email are incorrect. Administrator Mills said that this will be discussed at the next meeting and that he is not happy with the way the budget with the district was approved and encouraged everyone to attend this Thursdays meeting; they will be talking about the rate increases and the concern with the odor issue at the treatment plant.

Administrator Mills mentioned that he has gathered some information on the recycling and that he has gotten some comments and will put together recommendations for the Council to see how they want to move forward on this. Council Member Atwood

commented that he had read an article that right now recycling is just becoming garbage, there is no market for the recycling, he expressed his concern that we may be jumping into something at a bad time cost wise. Council Member Jensen mentioned that he recently visited a recycling facility and was told that they are losing money because the prices for recycled items such as cardboard have dropped significantly. Mayor Daniels then stated that we received a letter from the State stating that there is no market for certain items.

Administrator Mills then mentioned the item of the storm drain system the one called the Hollow Ditch drainage which is in Lindon and that Pleasant Grove City provides seventeen to eighteen percent of the drainage going into it. The other Cities that use this storm drain are Lindon, Orem and Cedar Hills and there has been ongoing discussion on the right of way easements of that drainage system and our share comes to about fifty thousand dollars. Administrator Mills has asked representatives from Orem to talk to City Council at our next Work Session meeting, they as well as Lindon are applying for some grant money to provide funding to help cover some of these costs.

Administrator Mills then stated that with the construction of the railroad overpass and the widening of Highway 89, on the corner of 220 South and Highway 89 there are three overhead power poles. Administrator Mills said that they have approached Rocky Mountain Power about going underground on this project, the aesthetics of a new decorative wall, new buildings and a new ball field and then there are these three ugly poles. He said that they have spent several months going back and forth over the details of how to accommodate this request and who will pay for what. Ultimately after considering his suggestion of approaching the president of Rocky Mountain Power with photos of the finished project showing these power poles, they have agreed to go with the underground plan.

Administrator Mills stated that we have gotten a request from an Eagle Scout who wants to as his scout project use the vacant lot just west of the chapel on 13th West as a community garden. He is asking if the City will be willing to let him do this type of project and would we be willing to put in the stub for the secondary water supply and to pay for the water. He has indicated that as part of his project he will go out and raise money to help fund this. Administrator Mills stated that he needs to get back to him with an answer so what he is asking the Council is if they would be favorable of this idea and what conditions would apply, or if it is something that is not even to be considered. Mayor Daniels pointed out that the concern would be to make sure that the utilities get paid for and that typically after an Eagle Project is done, the individual moves on and that leaves the ongoing expense indefinitely. Council Member Atwood added that if the funds run out and they don't pay a lock can be put on the water supply. Administrator Mills asked if it would be all right to let him know that we would be interested in looking at this as a possibility and that there would be expectations along with an agreement. The Mayor said yes.

Administrator Mills also mentioned that he had received a call from Steve Richards in Washington DC, informing us that from the 2009 request for two hundred thousand dollars, they did approve two hundred and twenty thousand dollars to expand out on the

wireless communications network within the City and that we anticipate receiving the funds within the next few weeks.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen stated that this Thursday is the Fox Hollow Golf Course Committee meeting and asked if there was anything he should be taking in regards to their quarterly report. Mayor Daniels stated that the main thing would be to observe how that progress report is coming along.
- Council Member Call stated that he got the news clips on the announcement of the Supreme Court Decision concerning the Ten Commandments monument. He also mentioned that Stewart Goodwin has pretty much completed the redesign of the City website and the next stage is to get it to all Department Heads so that they can go through it and make sure the information and the links are correct.

11. SIGNING OF PLATS

No plats were signed.

12. REVIEW CALENDAR

Nothing on the calendar came up for review.

13. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders. The Mayor then asked for a motion to approve.

ACTION: Council Member Call moved to approve the purchase orders. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

ACTION: At 10:12 p.m. Council Member Wilson moved to go into an executive session, strategy session to discuss the purchase, exchange or lease of real property (UCA 54-4-205(1)(d)). Council Member Call seconded and the motion passed unanimously by voice with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator
Gary Clay, Finance Director
Tina Petersen, City Attorney
Lynn Walker, Public Works Director
Deon Giles, Leis. Services Director
Colleen A. Mulvey, Deputy Recorder

ACTION: At 10:25 p.m. Council Member Jensen moved to close the executive session and return to regular session. Council Member Call seconded and the motion passed unanimously by voice with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

14. ADJOURN

ACTION: At 10:27 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

This certifies that the City Council
Minutes of March 17, 2009 are a true,
Full and correct copy as approved by
The City Council on April 7, 2009.

Colleen A. Mulvey, Deputy Recorder