

Pleasant Grove City Council Minutes
April 6, 2010
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Val Danklef

Lee G. Jensen

Kim Robinson

Jeffrey D. Wilson

Excused:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Ken Young, Comm. Dev. Director

Tom Paul, Police Chief

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Tina Petersen, City Attorney

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Michael Smith, Police Captain

Degan Lewis, City Engineer

Sean Allen, City Planner

Libby Flegal, NAB Chairperson

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Noel Woolford.

3. OPENING REMARKS

Opening Remarks were given by Director Giles.

4. APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Boyd moved to approve the agenda. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson 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 and Work Session Minutes:
City Council Work Session Minutes for February 23, 2010
City Council Minutes for March 2, 2010
City Council Work Session Minutes for March 9, 2010
City Council Minutes for March 16, 2010
- b. To consider approval of Change Order No. Two for the Pressure Irrigation Booster Pump Station – Schedule 7B for Vancon, Inc.
- c. To consider approval of Change Order No. One for the Pressure Irrigation System – Schedule 8 for Johnston & Phillips
- d. To consider approval of paid vouchers (March 25, 2010)

ACTION: Council Member Boyd moved to approve the consent agenda items. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

6. OPEN SESSION

Mayor Call 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.

Mayor Call first turned the time over to the Center Stage group, Pleasant Grove’s Youth Theatre to perform a number called “Waiting for Life” from their upcoming show titled *Once On This Island*, which will be showing at the Covey Center at 7:00 p.m. on April 20 – 24.

Mayor Call thanked the Youth Theatre for their performance, stating that they always do tremendous work. The Mayor then asked if there was anyone else who wished to come forward and address the Council at this time.

Russell Osguthorpe, 2412 North 950 West came forward to talk about a problem with a sink hole on the corner of their lot that has been developing for over two years. He said that they have sent a letter to the City regarding this and have not heard back yet. They have spoken with several City employees about this sink hole and that it’s his understanding that this problem is one where there are three different areas of responsibility, one of the land owner, the developer and the City who approved the plan. Mr. Osguthorpe said that they have had multiple people come out and look at it, it is a safety hazard, the hole is approximately ten to twelve feet deep and it encompasses the corner of the four lots in this area. The location of our development is in an area where historically the water table was quite low and when our development was placed that

water had to be sent somewhere and over the course of the last seven years it is now beginning to fail in that area of our lots. Mr. Osguthorpe said that they are here tonight to ask what should they do, how can they get this resolved and is there shared responsibility here and that they would really like to schedule some sort of meeting in which the people involved can sit down with those who have the expertise to figure out what needs to be done.

Mayor Call asked to clarify that in the corner the hole was where the four lots all come together. Mr. Osguthorpe said that that was correct and that in the pit of the sink hole there is a big cement culvert in which pipes are running and it looks like there is a huge opening in the storm drain with a small cement tube resting in that storm drain with a huge gap and what we thinks is happening is that when the ground water comes it carries soil along with it into the storm drain. Mr. Osguthorpe admitted that they are not experienced in this field but that they feel that this soil cannot go with the water into the storm drain and this needs to be fixed.

Mayor Call asked the staff if anyone was aware of this situation that could shed some light on this issue. Director Walker stated that this is a privately owned field drain and it is in failure. Director Walker added that we do not go on private property with City utilities and that they did check through all of the paperwork and this was protested by Mr. Sheiss who was our utility engineer at the time it was developed.

Mr. Osguthorpe questioned why we allowed the developer go ahead and build this when we knew this was a problem and protested it. Director Walker stated that we don't allow field drains to be hooked into the storm drain, this was done privately. Attorney Petersen clarified that this is on private property, it is a private field drain and it is not part of the City's storm water system. Director Walker stated that that was correct, but it is affecting the City's system.

Attorney Petersen said that presently Engineer Lewis is in the process of collecting information so that we can have a formal response from the City to their letter and that we would be happy to set up a meeting to sit down and discuss this but that she will be out of town for the next week starting tomorrow.

Mayor Call stated that anything the City is responsible for, that we do want to take responsibly and at the very least we want to elucidate the situation and then asked that Mr. Osguthorpe and Attorney Petersen coordinate the meeting.

Jon Sorenson, 2445 North 860 West came forward next to comment on this sink hole issue, stating that it is a hazard and that his dog actually fell into it and it took half an hour to get him out. Mr. Sorenson said that he did speak to the City Building Inspector, Dave Houston a couple of years ago and he did come out for an inspection because we built a concrete retaining wall and barbeque pit and at that time we thought that it was resolved with that retaining wall. Mr. Sorenson added that as a consequence of their construction to fill the hole they have put in four or five loads of dirt and his concern is that the City has several tons of dirt in their storm drain and that safety is also an issue.

Mayor Call stated that as soon as we can we will meet and figure out want can be done.

Michelle Swim and Donna Squires came forward to represent their neighborhood (North Field) stating that they are experiencing a solicitation problem from some representatives of the Kirby Company. These representatives have been very forceful, we have "No Solicitation" signs posted and we actually had an incident so we followed the instructions posted in the City newsletter that recommended that we call the Police Department. Three officers were sent out and we had understood that we would be able to report this anonymously and have this taken care of so that we don't have the solicitors knowing who we are and being able to retaliate, and this incident was handled improperly by the three officers. We have since talked to Lieutenant Roberts who was very helpful and were told that he would train these officers again, however we would like to ask two things, one that the training take place now but that the training be done on an annual basis before we hit the springtime when the solicitors start and the second thing is if we can post a sign that we have prepared to let these solicitors know that as a community we do not want them in our neighborhood. Ms. Swim asked what the process would be to post this sign or get permission to post this sign in their neighborhood and possibly be an example for other neighborhoods as well.

Attorney Petersen explained that we had a business license ordinance that regulated door to door sales people and the Kirby Vacuum Cleaner Distributors challenged our ordinance, their contention was that it was unconstitutional because it was too restrictive. We were requiring the representatives to come in and get fingerprinted and get a business license before they went out selling door to door and we were also requiring them to post a cash bond in case they damaged any resident's property. The Federal District Court ruled that requiring them to post a bond was inappropriate because we could not show that we had ever needed to use the bond and also ruled that it was inappropriate for us to be requiring them to provide us with fingerprints, that it was unduly intrusive on their constitutional rights versus the benefit that it would have reaped us in case of a crime. We were not allowed to use any example of crimes committed by solicitors from surrounding cities; we did not have any in our jurisdiction that we could point to specifically. Attorney Petersen said that the current solicitation ordinance is a product of a settlement of that lawsuit, it was drafted in conjunction with the attorney representing the Kirby Vacuum Cleaner sales organization and it has been adopted as a model ordinance by the other cities who were sued and the input was also given by Dave Church who is the general counsel for the Utah League of Cities and Towns. The requirement for the fingerprinting is no longer in the ordinance however they are required to provide us with a BCI (Bureau of Criminal Investigations) background check and BCI does require their fingerprints, also if the back ground check shows that they have certain violations on their history, they are not eligible for a solicitors permit. Attorney Petersen said that the negative side for the City is that we no longer have the opportunity to hold the license up; we are required to issue them a temporary license on the day that they first apply as long as they have brought in everything that is required such as their photo id, background check, etc. Attorney Petersen stated that she commends these residents for having the "No Solicitation" sign on their property, the solicitation ordinance does state that if there is a "No Solicitation" sign anywhere on the approach to your home or on the front door or any conspicuous place, a solicitor is not allowed to approach and knock on the door and if they do, that is a violation and they can be cited for that.

Mayor Call asked Police Captain Smith to follow through with Lieutenant Roberts to ensure that this training gets done and they do it on an annual basis. Captain Smith stated that he has followed up on this and that he feels that Lieutenant Roberts has done a good job remedying this situation with the patrolmen and the particulars of this ordinance. Captain Smith said that it is his understanding that one of our Sergeants actually corrected this on the night it occurred, they went back out and found the two representatives and they were cited. Captain Smith said that we will work with Chief Paul to ensure that this training takes place annually.

Mayor Call then asked Attorney Petersen that in regards to the sign that these residents have developed, is there any issue with them being able to post it on private property. Attorney Petersen stated that she would like to have the opportunity to review the language of the sign and also to speak with Community Development about the sign ordinance before she can answer.

Mayor Call then instructed Ms. Swim and Ms. Squires to schedule an appointment with Attorney Petersen to discuss this further and added that he commends them for being proactive on this and apologizes for the incident.

Tim Aguilar, President of the Home Owners Association for the Creekside at Aspen Grove Subdivision came forward next and asked about the completion date on the fence. Director Giles said that it is scheduled for June 19th. Mr. Aguilar next asked about the property issue with the border. Attorney Petersen said that it is the plat amendment that needs to be done, the boundaries on their lot lines were not followed when some of the homes were built so they need to have the plat amended. Mr. Aguilar pointed out that there have been some changes and a definition change that should be cleared up with regard to the location of the open space and the location of the pond and that he would like to ask for a formalizing meeting to be set up so that these issues can be worked through and cleared out so that they can move forward as soon as possible.

Attorney Petersen said that they had a meeting just last week with Administrator Darrington to discuss this and he is now aware of it. We will be working on this with our Community Development Department and determine what percentage of green space that is required and how to treat the fact that the PUD ordinance which you were originally approved under has been repealed and there is no current PUD ordinance for residential neighborhoods. Attorney Petersen said that we are going to have to figure out how to reconcile the green space requirement that was in effect when you built versus the fact that there is no longer a PUD ordinance.

Mr. Aguilar next brought up that Creekside subdivision puts on a fireworks display every year and it is pretty big and pretty expensive and they are reaching out to Pleasant Grove to ask if they would like to participate with them. Mr. Aguilar stated that Pleasant Grove has been very generous with the use of the Fire Department and other city resources and if the City does want to do something together with them, then we will need to get together on this real soon. Mayor Call asked Mr. Aguilar to put a proposal in writing because that would be the best way for us to be able to consider anything. Mr. Aguilar indicated that he would.

Aaron O'Connor, 1640 East 200 South came forward to discuss his issue with the Geddo property that adjoins their backyard and that there are forty six cars parked on that property. Mr.

O'Connor said that Director Walker and Attorney Petersen are aware of this situation and that he believes that that is clearly in violation of the City's ordinances, also that he has the transcript and video evidence from the case that has been previously filed and that he requests that the ordinance be enforced and that these property owners not be allowed to continue having an excess number of cars on their property.

Mayor Call asked if he was talking about a police case that was filed. Attorney Petersen interjected to clarify that the City did an enforcement action against this property several years ago and at that time there was about thirty seven vehicles that we removed and the property owners have just brought all of those vehicles that we removed back. Attorney Petersen said that there have been problems with locating the property owners and that after speaking to Mr. O'Connor about this yesterday, she has left a message with our Zoning Code Enforcement Officer, Jeff Rich with this information. We are aware of the problem and the City is planning on beginning a new enforcement action, just recognizing that there are some significant difficulties with this and it may require some significant funds on the City's part up front with very little chance of it getting recouped on the back end. Attorney Petersen added that this property is scheduled for a tax sale on May 20th; we do have a judgment lien for our costs to clean up the property from the original Criminal Enforcement Action, so our plan is to investigate the chance of picking up this property at the tax sale and then cleaning it up.

Mayor Call asked if there was anyone else who wished to come forward and address the Council at this time, there was not. The Mayor then closed the meeting to the public.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

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

8. BUSINESS

A. MAYOR CALL TO PRESENT THE "MAYOR'S COMMUNITY IMPACT AWARD" TO LISA CLOSSON

Mayor Call stated that he is very happy to present this award to our special guest is Lisa Closson. The Mayor then read the proclamation which recognized her diligent efforts in obtaining grants and enlisting the help and expertise of others in ensuring that the Manila Elementary School students have safe walking routes to school. Mayor Call asked the Council for their vote in accepting this proclamation.

ACTION: Council Member Robinson moved to approve the proclamation and authorize the Mayor to present the "Mayor's Community Impact Award" to Lisa Closson. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

Council Member Robinson wanted to comment on Ms. Closson's character and dedication, stating that a few months ago she had told her that with four small children she doesn't have

enough time to commit to the City of Pleasant Grove. Mayor Call stated that we could use more mothers like that.

The Mayor then presented Ms. Closson with a copy of the Proclamation and the *Mayor's Community Impact Award* for outstanding efforts in keeping our school children safe. Mayor Call thanked Ms. Closson for her efforts and added that she is the first recipient of this award.

B. TO CONSIDER A PROCLAMATION DECLARING SATURDAY, MAY 1, 2010 AS "ARBOR DAY"

Mayor Call explained that this proclamation is something that we do every year and then read the proclamation which outlined that Arbor Day is observed throughout the nation and that Pleasant Grove, as "Utah's City of Trees," continues to be characterized by the scenic landscape that trees provide and proclaimed that the citizens observe May 1, 2010 as Arbor Day by joining the Beautification Commission at Manila Creek Park at 8:00 a.m. for a tree planting ceremony and further urge everyone to plant a tree. The Mayor then asked for a motion to approve.

ACTION: Council Member Boyd moved to approve the proclamation declaring Saturday, May 1, 2010 as Arbor Day. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

C. TO CONSIDER APPROVAL OF AN OFF PREMISE BEER LICENSE FOR WALGREENS, INC. LOCATED AT 815 WEST STATE STREET (SAM WHITE'S LANE NEIGHBORHOOD)

Attorney Petersen explained that Walgreens has decided to add another consumer product to their product line, which is beer and that it is her understanding that this is a state wide decision on the part of Walgreens to start selling beer for off premise consumption. Off premise beer licenses are regulated by the City and not the State and our Business License Clerk, Carol Emery has put together all of the information required with regard to this license. Walgreens has completed all of our requirements which include the application and fees, a background check on their manager which is clear, and they have provided proof of their insurance.

Attorney Petersen said that in regards to Council Member Danklef's inquiry regarding any limit to the number of beer licenses, we do not currently have a limit on the number of off premise beer licenses that we can grant.

Council Member Jensen asked if their sale is restricted to single cans or bottles or must it be in quantity, in other words, would someone be able to walk out with one beer. Attorney Petersen said that the only requirement is that the consumer cannot drink it on the premises. Council Member Jensen asked to what extent is Walgreens' obligation to make sure that customers purchasing beer are not drinking it out in their parking lot. Attorney Petersen stated that they are under a couple of different obligations, we are part of the "Easy Program" with the County for enforcement of alcohol for under-aged drinkers and so they are required to send anybody who is going to work the cash register that might sell beer to this "Easy Program" for training which

helps them identify fake identification and to make sure that they check the identification of everyone who does purchase beer and along with that Walgreens is obligated to keep an eye on their parking lot to make sure that no one is drinking on their premises. Council Member Jensen asked if there are any posting requirements on the premises regarding drinking on the property. Attorney Petersen stated that there will be signs posted that indicate that it is for off premise consumption. Council Member Jensen then asked if the persons who go through the "Easy Program," are required to be on record here with the City, showing that they have gone through that program and is there anything the Police Department can do to periodically check to make sure that these individuals are certified. Attorney Petersen said that they are, that is one of the requirements of maintaining their business license, at each license renewal time our Business License Clerk takes the names of all of the clerks who would be selling beer to make sure that they have completed the "Easy Program" and that the checks are typically done by the County and that they have coordinated them with our Police Department in the past.

Mayor Call asked if there were any other questions or discussion, there were none. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve an off premise beer license for Walgreens, Inc. located at 815 West State Street. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2010-9) AT THE REQUEST OF JOHN BENSON TO AMEND TITLE 10-9A-4 AND 15(F)(10) OF THE RURAL RESIDENTIAL (RR) ZONE TO LOWER THE LOT WIDTH REQUIREMENT FROM ONE HUNDRED TEN FEET (110') TO ONE HUNDRED FEET (100') AND ADJUSTING THE LOT WIDTH MINIMUM FOR LOT SIZE AVERAGING FROM ONE HUNDRED FEET (100') TO NINETY FIVE FEET (95') FOR THE PURPOSE OF CREATING A GREATER FLEXIBILITY FOR PROPERTIES IN THE ZONE TO HAVE DOMESTIC FARM ANIMALS (NORTH FIELD / BIG SPRINGS / MANILA NEIGHBORHOODS)

City Planner Allen stated that this particular ordinance was challenged by a resident regarding the lot width in the RR zone. Staff researched the requirement or need for the extra ten feet between the zone which he is currently in which in R1-20 and the RR zone and there was no real substantial reason that we could see that the RR zone lots have to be wider than in the R1-20 zone, they still have to have the half acre of land for the purpose of housing farm animals. Planner Allen said that the applicant is here to answer any questions.

Mayor Call stated to clarify that what we are looking at is somebody in an R1-20 zone who would like to be re-zoned into the RR zone, because in the R1-20 zone you cannot have animals like you can in the RR zone. Planner Allen stated that that was correct. Mayor Call said that the first step for this individual before requesting the zone change is to make sure that once they become an RR zone that they have met the other requirements that would allow them to have animals. Planner Allen said that one of the first things that they did check is if they were going to

comply with the standards of the zone and unfortunately this applicant's lot was only one hundred feet wide.

Council Member Danklef asked what the applicants address was and if they currently have animals on their lot. Planner Allen said that they don't, they were under the impression that they could and we advised them that they currently could not, their address is 2134 North 80 West. Council Member Danklef stated that he went by that property today and there are animals on that lot.

Mayor Call stated that he wants to make sure that we are clear on what it is that we are talking about now. The situation now is whether we want to allow RR zones to have a minimum lot width of one hundred feet and not one hundred and ten feet, so right now we are not considering even changing the zone or whether someone is in compliance or not.

Planner Allen pointed out that Mr. Bensen is not the only applicant, the neighbor across the street from him, the Blackhurt's would also like to re-zone to the RR zone.

Council Member Danklef asked how many other neighborhoods this would affect if we change this zoning. Planner Allen stated that he did not research that but that it would probably affect several neighborhoods.

Council Member Wilson wanted clarification that this re-zone would only be for zones that are already connected to an RR zone. Mayor Call said that all we are asked of here is, do we want to change the RR zone to allow a one hundred foot lot width instead of one hundred ten.

Council Member Boyd stated that she has an issue in staff stating that they see no reason why we require the one hundred and ten feet and that she feels that the reasoning why is that we spent a lot of time on determining on what our frontages will be and to just go back and change it at an applicant's request seems arbitrary. Council Member Boyd said that she feels that there were reasons we spent all of that time on our zoning and frontages for every zone and that we shouldn't just wipe all of that away without looking into it a little bit further when we don't know how it is going to affect the whole City and if we need to look at it, let's look at it for the health, safety and welfare of the citizens and not because we are trying to make a horse fit.

Mayor Call asked if there were any other questions or discussion, there was none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment.

The applicant, John Benson came forward and said that he was notified that he could not have animals on his property so he came in and spoke with Planner Allen and as we looked at the zoning, since I was right next to the rural zoning and the Master Plan shows that their whole subdivision was originally zoned for rural that it seemed reasonable to have it re-zoned. We started out just directly going to a re-zone and then later I was informed that we needed to try to get an ordinance change first in order to do this because of the lot width. Mr. Benson stated that he has heard from quite a few people that would like to have this re-zone because they want to have chickens and his intention is to have horses. Mr. Benson added that he has removed the

horses from his property as of a week and a half ago. Mr. Benson said that his request is that his lot be changed to the RR zoning so that he can have the animals.

Audrey Genta, 2078 North 80 West came forward next and stated that she lives one house away from the applicant and that she is not sure where we are talking about the re-zoning, but that she does not want horses in her neighborhood. Ms. Genta said that they did not buy property in an RR zone and they do not want to live in an RR zone or one house away from an RR zone, they don't want the smell of the horses and the flies, the chickens or any of the issues that come along with farm animals.

Lynn Williamson, 2166 North 80 West came forward and stated that she lives between the Benson's and the Blackhurst's and the Blackhurst's plant and grow alfalfa on part of their property and let people use that land for their horses to graze. It is her understanding that when they moved into the neighborhood into the home which they are currently renting but have made an offer to buy, that the houses in that neighborhood are zoned as non-agricultural. Ms. Williamson said that they were told by their realtor who also sold the property to Mr. Benson, that he was advised that this area was a non-agricultural zone. Ms. Williamson stated that they are adamantly opposed to this ordinance being changed and this being re-zoned, we do not want to live in an area that permits farm animals, this will open this up for anyone to have any type of farm animals and that she has sent an email to the Mayor and Council expressing their concerns with some of the issues that may come up as a result of this such as maintenance, smell, liability, etc. Ms. Williamson stated that they are considering that if this re-zoning change comes about that they will withdraw their offer.

Mayor Call asked if there was anyone else who wished to address the Council regarding this, in that no one else came forward, the Mayor then closed the meeting to the public.

Mayor Call stated to reiterate that sometimes we know what the ultimate aim of somebody is and so we focus that argument on that ultimate aim, but to understand that right now, all that the Council is considering is to change lot width requirements in the RR zone.

Council Member Wilson stated that he has a problem this and changing the lot size because there is a reason why we set it that way and he doesn't think we would be justified in changing it, this will affect a lot of neighborhoods.

Mayor Call asked if there were any other comments or discussion, there were none. The Mayor then asked for a motion.

ACTION: Council Member Jensen moved to deny considering Ordinance 2010-9, the request of John Bensen to amend Title 10-9A-4 and 15 (F)(10) of the Rural Residential (RR) Zone to lower the lot width requirement from one hundred ten feet to one hundred feet and adjusting the lot width minimum for lot size averaging from one hundred feet to ninety five feet for the purpose of creating a greater flexibility for properties in the zone to have domestic farm animals. A public hearing was held. Council Member Wilson and Danklef seconded and the motion to deny

passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

E. TO CONSIDER A RESOLUTION (2010-015) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL COOPERATIVE AGREEMENT WITH UTAH COUNTY REGARDING PLEASANT GROVE CITY’S PARTICIPATION IN THE CREATION OF AN URBAN COUNTY ENTITY FOR THE PURPOSE OF OBTAINING AND ADMINISTERING FUNDS UNDER THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT’S PROGRAM FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FEDERAL FISCAL YEARS 2011, 2012 & 2013 (CITY WIDE IMPACT) (CONTINUED FROM THE MARCH 16, 2010 AGENDA)

Attorney Petersen stated that we have been requested to consider an interlocal agreement presented by Mountainland Association of Governments (MAG) which would allow us to create what they call an Urban County. The Urban County entity is necessary in obtaining and administering funds under the Housing and Urban Development (HUD) program from the federal government for the Community Development Block Grant (CDBG). Attorney Petersen explained that we were concerned with a paragraph that stated that we would get home funds from no other source except through this Urban County entity and our question was about the housing consortium that we are already part of, so MAG investigated that and told us that we would be allowed to continue to participate in the other consortium, that there may be a different process for applying for those funds if we are a part of this Urban County entity, but it wouldn’t have any significant negative effect, it would have an effect on the process but not the end result. Attorney Petersen said that the other question that we had was that there is a provision in here that requires us to have and enforce a policy that prohibits our Public Safety Department from violating people’s civil rights by using excessive force for civil demonstrations and this seemed like a very odd requirement because that is a general law, however their response was that they would be requiring and circulating a model policy for everyone to adopt and attach.

Mayor Call asked that on the excessive force policy is that just a politically correct thing that is being put in there and does that provision require us to do anything like certify, etc. Attorney Petersen stated that she really doesn’t have any good answers to this, the only answer that they gave is that we would be required to have a policy that specifically states about civil demonstrations and there was nothing on certification.

Council Member Jensen asked if this was a renewal on something that we are already a member of and do we participate financially in this. Attorney Petersen said that this is not a renewal; it is a brand new program that MAG feels is a better way to access the CDBG grant money and to disburse to the various municipalities and there is no financial contribution.

Mayor Call asked if there were any other questions or discussion, in that there was none, the Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve Resolution 2010-015, authorizing the Mayor to sign an Interlocal Cooperative Agreement with Utah County regarding Pleasant Grove City's participation in the creation of an Urban County Entity for the purpose of obtaining and administering funds under the U.S. Department of Housing and Urban Development's program for the Community Development Block Grant (CDBG) program for Fiscal Years 2011, 2012 & 2013. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

F. TO CONSIDER A RESOLUTION (2010-016) AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DIVISION OF WILDLIFE RESOURCES FOR THE MANAGEMENT OF A COMMUNITY FISHERY (MANILA NEIGHBORHOOD)

Director Giles explained that this an agreement for the Urban Fishery at the Manila Creek Park and it stipulates the responsibilities of the Division of Wildlife Resources (DWR) and the City. Some of their responsibilities are stocking and managing the fish, the quality of water for the fish and the vegetation inside the pond and part of our responsibility is to keep the grounds well maintained and to provide signage. Director Giles stated that this is a great thing for Public Works because they will help us keep it clean and currently we have three Eagle Scout projects working with us at the fishery for the vegetation and the protective structures for the fish. The goal is to have this work completed and open to the public by June 19 or 20th. Director Giles added that we do have to run a Youth Fishing Club with the help and expertise of the DWR.

Council Member Boyd asked if we will be posting the rules of the park before the opening because people are trespassing and using the park inappropriately before it has even been open. Director Giles said that all of the signage will be in place before the opening.

Council Member Jensen asked if they are planning to stock the pond with trout. Director Giles said that they are planning on stocking it with trout but if the temperatures get a little lower throughout the summer they may put some bass in as well.

Council Member Robinson asked if we can adjust the licensure for younger children. Director Giles stated that we can't and that he has asked but it is all regulated by the DWR.

Mayor Call asked if there were any other questions, there were none, the Mayor asked for a motion.

ACTION: Council Member Jensen moved to approve Resolution 2010-016, authorizing the Mayor to sign a Cooperative Agreement with the Utah Division of Wildlife Resources for the management of a Community Fishery. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

G. TO CONSIDER A RESOLUTION (2010-017) AUTHORIZING THE PLEASANT GROVE CITY LEISURE SERVICES DEPARTMENT DIRECTOR TO SUBMIT AN APPLICATION FOR THE 2010 UTAH COUNTY MUNICIPAL RECREATION GRANT FOR IMPROVEMENTS TO BE MADE TO RECREATIONAL FACILITIES THROUGHOUT THE CITY (CITY WIDE IMPACT)

Director Giles said that this application is for the Utah County Recreation Tax Grant that we apply for every year. This year the amount is for around twenty thousand dollars and this year we would like to apply for playground equipment for the Mahogany Park, the park is five years old and in desperate need of this equipment. Director Giles explained that we are also going to try to match this grant with one of the manufacturer's offers, a fifty percent matching grant and asked for the Council's permission to move forward with this.

Council Member Robinson stated that she was excited about this because she has heard from several families with young children who are really looking forward to this.

Mayor Call read the Resolution and then asked for a motion.

ACTION: Council Member Robinson moved to approve Resolution 2010-017, authorizing the Pleasant Grove City Leisure Services Department Director to submit an application for the 2010 Utah County Municipal Recreation Grant for improvements to be made to recreational facilities throughout the City. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, "Aye."

H. TO CONSIDER A RESOLUTION (2010-018) ADOPTING A REVISED PUBLIC WORKS STANDARD SPECIFICATIONS AND DRAWINGS MANUAL INCLUDING AMENDMENTS TO CHAPTER 2 "APPLICATION AND SUBMITTAL REQUIREMENTS" DIVISION 1 "LAND DEVELOPMENT PROCESS" AND DIVISION 2 "SUBMITTAL REQUIREMENTS," CHAPTER 4 "STANDARD SPECIFICATIONS" DIVISION 3 "PRESSURE PIPE, PRESSURE IRRIGATION" DIVISION 3A "PRESSURE PIPE, CULINARY WATER" DIVISION 4A "PVC PLASTIC PIPE" DIVISION 4B "POLYETHYLENE CORRUGATED PIPE" DIVISION 5 "MANHOLES" DIVISION 11 "ROADWAY CONSTRUCTION" DIVISION 12 "CONCRETE CURB, GUTTER AND SIDEWALK" AND CHAPTER 5 "STANDARD DRAWINGS" (CITY WIDE IMPACT)

City Engineer Lewis explained that as they go through working on projects we find that our specifications need to be fine-tuned, drawings need to be updated to include changes and there are a lot of changes, they are all summarized in the report and if there are any specific questions he would be happy to review them.

Council Member Boyd asked if there had been any street width changes or planter strips or barriers. Engineer Lewis said that none of the standard sections for the roadways such as lane width are changed; we did add notes with information in regards to the right of ways.

Mayor Call stated that this really does represent a tremendous amount of work and asked if there were any other questions, in that there were none, the Mayor asked for a motion.

ACTION: Council Member Robinson moved to approve Resolution 2010-018, to adopt a revised Standard Specifications and Drawings Manual including amendments to Chapter 2 “Application and Submittal Requirements” Division 1 “Land Development Process” and Division 2 “Submittal Requirements,” Chapter 4 “Standard Specification” Division 3 “Pressure Pipe, Pressure Irrigation” Division 3A “Pressure Pipe, Culinary Water” Division 4A “PVC Plastic Pipe” Division 4B “Polyethylene Corrugated Pipe” Division 5 “Manholes” Division 11 “Roadway Construction” Division 12 “Concrete Curb, Gutter and Sidewalk” and Chapter 5 “Standard Drawings.” Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

I. TO CONSIDER FINAL PLAT APPROVAL FOR A FOUR LOT SUBDIVISION KNOWN AS LARSEN ACRES “B” LOCATED AT APPROXIMATELY 1160 NORTH 300 EAST IN THE R1-10 SINGLE FAMILY RESIDENTIAL ZONE (MONKEY TOWN NEIGHBORHOOD)

City Planner Allen explained that this a project that we have seen before and it is one of the projects that Mark Ryan defaulted on so this project expired and that is why it is coming before the Council again. This time it is Central Bank that owns the property and they are proposing to get the same layout reapproved and the Planning Commission has recommended approval of this plat.

Council Member Jensen stated that on the prior discussions on this there was a lot of discussion about curb, sidewalk and gutter and what is the status of that and how is it impacted by this plat amendment change. Planner Allen said that right now there is not any sidewalk just curb and gutter. Engineer Lewis added that all of the utilities are in place, the only improvement that is missing for the subdivision would be the required four foot sidewalk and Central Bank has already posted the bonding to guarantee the installation of those improvements.

Mayor Call asked if there were any other questions, there were none, the Mayor asked for a motion.

ACTION: Council Member Jensen moved to approve the final plat for a four lot subdivision known as Larsen Acres “B” located at approximately 1160 North 300 East in the R1-10 Single Family Residential Zone. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting, “Aye.”

J. DISCUSSION AND ACTION ON A TEMPORARY WATER RATE FOR CULINARY WATER USERS NORTH OF THE MURDOCK CANAL THAT DO NOT HAVE ACCESS TO THE SECONDARY WATER SYSTEM (MANILA NEIGHBORHOOD)

Mayor Call said that we discussed this last week and the basic desire of the Council is to be equitable, to make sure that all of our citizens are basically paying the same amount and if we can't supply secondary water to them and they have to use culinary water for their yards, they shouldn't necessarily be paying more for that water than our citizens who do have secondary water.

Council Member Jensen stated that the issue is going to be how we measure the usage which means that we have to make sure there is some way in whatever we do to clearly designate what is going to happen if they use above a certain amount that would normally be used. Council Member Jensen added that we did discuss this last week and that he thinks that it is very confusing.

Council Member Boyd said that we discussed the thought of using of an average over the winter months and that there are a couple of residents that are present tonight because of the discussion on this and asked if the Council would mind allowing them to speak.

Mayor Call stated that we certainly can open this up to them and that he hopes that he has expressed what the sentiment of the Council is and in understanding that, we welcome any comments.

Wenlock Free, 4137 North 810 West came forward and stated that they have a relatively large sized lot and they haven't finished the full landscape yet but they have paid a landscaper to finish it, pending what the decision is here. Mr. Free said that he has thought through the different options on this and would like to list these for consideration: 1) Sub-contract the responsibility to Cedar Hills; 2) Charge the residents culinary rates (not an option he is in favor of); 3) Take the usage for December, January and February, average that usage and use that as the benchmark for the balance of the months and then charge the regular rate above that benchmark for the balance of the months, allowing those people to utilize culinary water for their landscape and other purposes; 4) Since they are piping the canal, at the very least make some kind of easement or conduit so that in the future you could pump up into that or cross the canal now while they are piping it; 5) Similar to that average of the three month option, take any one of those months and use it as a benchmark. Mr. Free said that these are what he feels are some equitable options.

Eric Rozell, 838 West 4230 North came forward and stated that his concern is with what the Council's idea is as far as equitable and how long is that to be, is it going to be temporary? The reason he asks is that as he puts in his yard, his designs will be based on culinary water and if that is going to change then he would like to know this up front to be able to incorporate that into what they are doing.

Mayor Call stated that he is not speaking for the rest of the Council, but that his personal advice to him is to plan on secondary water being there at some point and don't assume that you are always going to have culinary water as secondary. The Mayor said that he wishes that he could be more specific but we do not know the timeframe or how long it will take to get secondary water up there.

Mr. Rozell stated that he appreciates the consideration and the time that the Council has spent on this and that they are looking forward to what the decision is to make it equitable for everybody so that they can go ahead with their build out and landscaping.

Council Member Boyd added that some of the timing on this will be with the canal; hopefully we will piggyback on to that situation with the coverage of canal.

Lynn Free, 4137 North 810 West came forward and asked about the billing season and would the bills be adjusted so that they can go ahead and start their yards. Council Member Boyd said that that is our goal, that was discussed last week and that the timing on this is of importance.

Director Walker stated that as we have developed the secondary system, everybody else that didn't have it available, Mayor Daniels allowed them the commercial rate which he feels would be appropriate here. Mayor Call asked how the commercial rate differs from the secondary water rate because it differs quite a bit. Director Walker said that that was true. Mayor Call then said that with the others, it was just a matter of time getting that secondary water to them, but with this particular group we do not have a way or mechanism to get secondary water to them and what we discussed last week was the fact that we need to be equitable but that means that other people's rates may have to rise to help subsidize an equitable rate for these residents.

Mayor Call stated that one of the things that we need to do is to find that equitable benchmark, one that isn't tedious to our staff and asked Director Walker if there was a simple way to know what the average household in Pleasant Grove pays for in culinary water through the summer months. Director Walker said that those figures could be researched easily, and added that the usage does go up in the summer. Mayor Call said that the winter usage may not be a proper benchmark for taking a citywide average culinary usage.

Lynn Free stated that they are on the Manila culinary and that they did just get hit with a water rate increase, also when they purchased their lot it was represented to them that they would be on the secondary system.

Mayor Call then asked the Council what their thoughts were on setting the benchmark using the average on culinary water used during summer months.

Council Member Boyd stated that she thinks that we ought to go with the average from the winter months and maybe not the citywide average, and that we need to come up with a couple of scenarios. Mayor Call pointed out that the winter usage is less so it does not really provide a good benchmark or threshold for which to charge after that. Engineer Lewis suggested that we look at the usage within the Manila Water Company, there are many similar sized lots and they should be a good representation of someone with comparable sized lots. Mayor Call said that that is a good suggestion.

Council Member Danklef said that on the conduits where we can eventually get secondary water to them, we need to have somebody responsible working on that, to find out what the legality of that is and to make sure that that isn't overlooked in all of this process. Council Member Danklef

stated that he thinks we need to have everybody know that we are going to do everything we can to get that secondary out there as soon as we can go under that canal. Mayor Call said that Administrator Darrington would be the best person to look into this and asked Attorney Petersen to make a note so that the two of them can set up a time with Administrator Darrington to discuss this. Attorney Petersen indicated that she would.

Council Member Jensen stated that he is not sure that he is in agreement with Council Member Danklef, that it depends on the cost to do that for just seventy or so homes, it may be less expensive short term and long term for the City using culinary and not look at taking secondary water out there. Mayor Call said that it might be but that now is the time to plan for it if we are going to do it.

Mr. Free added that there is a home re-sale impact to not putting a conduit out there. Mayor Call stated that his point was understood.

Mayor Call asked if there were any other questions or comments, there were none. The Mayor then directed the staff to perform the calculations that were suggested and to make the plan as quickly as we can to adopt this.

Director Walker said that they will have no problems getting the average rates and pointed out that there are still a lot things that have not been discussed and that he feels that the best option is to hook on to Cedar Hills' secondary because there are areas out there where you cannot even fit the conduit in the road and also problems in the logistics of pushing the water up that extra elevation.

Mayor Call stated that what we are concentrating on right now is just the short term temporary rate.

K. DISCUSSION ON RESTAURANT RECRUITMENT INCENTIVES

Director Bradford stated that he is here tonight at the request of the Economic Development Committee, and what we are trying to do is to differentiate ourselves from the competition when it comes to recruiting restaurants. Director Bradford explained that one of the ideas that they have come up with that they feel will help stand us a little taller than our neighboring cities and for us to promote our sites over theirs, is that we would like to propose that a reward be offered to the Real Estate Broker who signs the deal, the amount would be ten thousand dollars. The way this would work is that we wouldn't fund the reward until we have already received that amount in sales tax from the restaurant sales.

Director Bradford said that he and Administrator Darrington will be attending the annual convention of the International Council of Shopping Centers next month and that they would like to be able to roll this plan out at that event. This organization consists of one hundred and seventy thousand realtors, developers and investors in commercial projects and it will be our job to get the word around the convention that Pleasant Grove is offering this incentive for anyone who can bring us a restaurant that meets the two million dollars per year in sales threshold.

Mayor Call stated that restaurants have certain classes of service and asked if we have a threshold on that. Director Bradford said that it has to be a full service restaurant. The Mayor then asked if there was a time limit on the offer in reaching the two million dollars in sales. Director Bradford said that the offer is extended for twelve months following the issuance of the occupancy permit, and the offer goes away if they don't make that deadline, the restaurants that we are approaching have an average sales per year of three point four one million so they should easily achieve that two million dollar threshold sometime during the year.

Director Bradford said that he is forming a focus group with Real Estate Brokers who specialize in restaurants and that they are giving him guidance in structuring this incentive process. Director Bradford added that incentives in the Real Estate industry are very common and there is nothing underhanded about this offer, it has a lot to do with the motivation of the person offering the incentive.

Mayor Call stated that he thinks that this is innovative and he applauds Director Bradford and the Committee for coming up with an idea like this. The Mayor then asked the Council if they were okay with them moving forward on this, the general consensus of the Council was that they were.

9. STAFF BUSINESS

- NAB Chairperson Libby Flegal reported that the Chairperson for Battle Creek said that the neighborhood has some complaints with the Manila Tank Park. They say the grass is bad and the sprinkler system is broken, there are no trees and there is only one bench and they don't feel like they are getting what was talked about in the meeting.

Director Giles stated that they have gotten what was discussed except that we are minus one bench which will be going in with another service project in June, we will also be planting some more trees. Director Giles pointed out that there was some vandalism up there this winter and eight trees were totally destroyed and we are in the process of ordering more trees. Director Giles added that he will look into the sprinkler system to make sure that it is working.

Chairperson Flegal mentioned that for the Planning Commission meeting this Thursday night, there may be a packed room because the neighborhood affected by the re-zone are quite upset because they just found out about it. Council Member Boyd expressed her concern with making sure that the noticing processes are followed so that we are correctly communicating with the residents and they are made aware of when these items are being discussed. Planner Allen added that they have a planning meeting every Monday and suggested inviting NAB Chairperson Flegal to attend, stating that that is probably the best way to expose her to projects that are up and coming or scheduled for a particular meeting.

- Engineer Lewis announced that Allred's Ace Hardware got approval from UDOT for a

driveway onto State Street and they have already completed the construction and it is now open.

- Director Bradford mentioned two upcoming meetings that are open to the public, one is this Thursday at 12:00 noon, the Marketing on Main Committee will meet at the Grove Theatre and the other one is the Pleasant Grove Business Alliance's meeting this Friday at 12:00 noon held at the Recreation Center and M2 Marketing will be speaking on how to market during a recession.
- Planner Allen stated that he continues to get a lot of calls from residents who want to be able to have chickens even though they are in R-1 zones and it would be helpful to him if he could get some direction on this.

Attorney Petersen said that this has been brought up before and that she recalls that the Council did not want to entertain the chicken issue at that time, that they voted it down. Mayor Call added that that item is on the list submitted to the Council earlier this year and it was listed as a medium priority. The Mayor then asked the Council if they had any real desire to bring this subject up again and the Council indicated that they were not interested.

- Director Walker reminded everyone that the City Clean Up starts this Friday the 9th and goes through until the 18th; the hours are from 8:00 a.m. to 8:00 p.m.
- City Recorder Kresser said that she and Deputy Recorder Mulvey will be attending the Utah Municipal Clerks conference next week in Springdale.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Robinson mentioned that the Hazardous Waste Collection Day will be this Saturday, April 10th at UVU; the hours are from 9:00 a.m. to 3:00 p.m. and the Utah County website has information on what is allowed to be dropped off there. Also, on Saturday, April 17th, it is the Clean Out Your Medicine Cabinet Day which gives the opportunity to citizens to properly dispose of old or unused medications and the Walgreens on State Street will be accepting these from the hours of 10:00 a.m. to 2:00 p.m.
- Council Members Boyd and Wilson, Attorney Petersen and Administrator Darrington will be attending the ULCT conference this week.
- Mayor Call mentioned that he will be out of town from April 7th through the 11th.

Mayor Call said that since Council Member Boyd, current Mayor Pro Tem will be out of town starting tomorrow to attend the ULCT conference; we will need to elect a temporary Mayor Pro Tem to act in her absence.

ACTION: Council Member Boyd moved to approve nominating Council Member Jensen to serve as temporary Mayor Pro Tem. Council Member Danklef seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

11. SIGNING OF PLATS

The Mayor and Council signed the Larsen Acres “B” Plat.

12. REVIEW CALENDAR

Nothing was reviewed on the calendar at this time.

13. APPROVE PURCHASE ORDERS

No purchase orders were approved or signed at this time.

14. ADJOURN

ACTION: At 8:24 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Danklef, Jensen, Robinson and Wilson voting “Aye.”

This certifies that the City Council Minutes of April 6, 2010 are a true, full and correct copy as approved by the City Council on May 4, 2010

Colleen A. Mulvey, Deputy City Recorder