

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

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee G. Jensen

Jeffrey D. Wilson

Excused:

Richard Bradford, Economic Dev. Director

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy City Recorder

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degan Lewis, City Engineer

Karen Bezzant, Treasurer

Mary Burgin, Planning Tech

Libby Flegal, NAB Chair

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

3. OPENING REMARKS

Opening Remarks were given by Director Clay.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any changes to the meeting's agenda, there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Jensen moved to approve the agenda. Council Member Wilson 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 October 6, 2009
- b. To consider approval of paid vouchers (November 9, 2009)

The Mayor asked if there were any questions on the consent agenda items, there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Call moved to approve the consent agenda 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.

Theda Messick came forward stating that she appreciates the time that everyone will take to listen to her message. Ms. Messick stated that she believes that America and the small businesses that are closing every day need great help, very fast, we cannot sit back day after day and not try to do anything to make a difference. Ms. Messick said that she is involved with an internet radio station, she works with BACA, Bikers Against Child Abuse and that she is a strong believer in music and what it can do for our country as the problems are getting worse. Ms. Messick stated that there were three great things that held our country and the communities together during the great depression, family values, entertainment and most important, of all coming together as one. Ms. Messick explained that she has a project with a great theme and a powerful song with the words *America Find Your Voice*, and pointed out that there are many areas of our country and our own communities that are in most unfortunate conditions at this time and the dream is not to change the entire world but to make a contribution to those less fortunate in our own community. The dream of *Find Your Voice* is to take this show all around America, and as a voice we can ignite the spark and the inspiration and put the smile back onto the faces of people. The response is expected to be overwhelming and appreciated for what the real people can give and provide.

The shows purpose is to provide a once in a lifetime opportunity to those who would have normally been left out. Ms. Messick stated that support would be greatly appreciated at this time to make this dream a reality and this is for everyone of every age to come together as one. One of the first goals is to see the community pull together with the City of Pleasant Grove and have its own food pantry as well as a community garden. Ms. Messick concluded by saying that with launching this show worldwide, here in beautiful Pleasant Grove, we can show the rest of our country that we can make a difference with the new businesses coming into our beautiful historical downtown area that are locally owned that can give to our community, but most important give Pleasant Grove, Utah, a voice.

Mayor Daniels said that he and Ms. Messick met last week and talked about her project of instituting a food pantry here in Pleasant Grove. The Mayor said that he thought that her ideas are fantastic and also had her speak with Director Bradford since this involves the downtown area and thought that it would be a good idea to bring this before the Council.

Mayor Daniels 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 an issue was raised in their meeting regarding the sign with the lights for the Recreation Center, that it is not in a good spot and could this sign be moved so that it is easier for people to find.

Director Giles said that they are currently working on that with their sign design concept project and their goal is to have one put out there at the entrance of the Recreation Center. Mayor Daniels asked if this was a part of the master sign concept. Director Giles indicated that it was.

Chairperson Flegal asked if there was a timeframe of when that would go in. Director Giles stated that they don't have a time at the moment.

8. BUSINESS:

A. TO CONSIDER A RESOLUTION (2009-043) AUTHORIZING THE MAYOR AND MUNICIPAL COUNCIL SITTING AS THE BOARD OF CANVASSERS TO ACCEPT THE ELECTION RECOUNT RETURNS AND DECLARING AND CERTIFYING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION RECOUNT HELD ON NOVEMBER 17, 2009

City Recorder Kresser began by thanking the Public Works Department for their help with setting up the polling locations for the elections. Next she expressed thanks for all of the poll workers and the great work that they did and also, Deputy Recorder Mulvey for all of her assistance.

City Recorder Kresser explained that the tally sheets from the recount will be reviewed and verified tonight so that we can certify the total votes cast for each Candidate.

Mayor Daniels interjected to explain that a recount was held today of all of the eligible votes from the General Election, specifically for Milton Fugal and Lee Jensen.

Each precinct list was reviewed and verified by the Mayor and Deputy Recorder Mulvey in front of the Council and with City Recorder Kresser, there were no discrepancies.

The total for the official recount on the General Election returns are as follows:

Milton Fugal	1,900
Lee G. Jensen	1,903

Mayor Daniels stated that that then officially makes Lee G. Jensen the winner of the General Election.

Mayor Daniels asked for a motion to approve Resolution 2009-043.

ACTION: Council Member Wilson moved to approve Resolution 2009-043, authorizing the Mayor and Municipal Council sitting as the Board of Canvassers to accept the election recount returns and declaring and certifying the results of the Municipal General Election recount held on November 17, 2009. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Council Member Wilson conveyed congratulations to both candidates.

Mayor Daniels thanked Mr. Fugal for running and congratulated Mr. Jensen.

B. PUBLIC HEARING TO CONSIDER A RESOLUTION (2009-041) AUTHORIZING THE MAYOR TO ADOPT AN AMENDED WATER MANAGEMENT AND CONSERVATION PLAN (CITY WIDE IMPACT)

Director Walker stated that this is a housekeeping item something that needs to be updated every five years. Mayor Daniels then read the Resolution which generally states that Pleasant Grove City desires to meet the requirements of the Utah Water Conservation Plan Act and adopt this water conservation plan to protect the health, safety and welfare of its citizens.

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

A member of the audience asked if this was in regards to the secondary water issue and the hook-up fees recently assessed and will there be other fees charged. Director Walker stated that this resolution pertains to water conservation for the culinary and secondary water systems, there is no fee at all associated with this.

Attorney Petersen said that to clarify for the public, this water conservation plan is something that is mandated by the State. We created the first water conservation plan back in 2004, and this current plan is a report on the first one, it outlines what our goals were and addresses how far we have come and identifies new goals going forward.

A member of the audience asked if a copy of this plan is available online. Director Walker stated that it will be. Attorney Petersen added that it will also be noticed in the Daily Herald, that it is a public document and anyone is welcome to request a copy.

Mayor Daniels asked if there were any other questions or comments, there were none; the Mayor then closed the meeting to the public.

The Mayor asked if there was any further discussion by Council, in that there was none, the Mayor asked for a motion.

ACTION: Council Member Call moved to approve Resolution 2009-041, authorizing the Mayor to adopt an amended water management and conservation plan. 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.”

C. PUBLIC HEARING TO CONSIDER KELLY THUESON’S REQUEST FOR A TWO LOT COMMERCIAL SUBDIVISION TO BE CALLED MAYFIELD NORTH PROFESSIONAL OFFICE SUITES SUBDIVISION, VACATING LOT #7 FROM THE MAYFIELD SUBDIVISION PLAT “A”, LOCATED AT APPROXIMATELY 260 SOUTH 2500 WEST, IN THE GROVE (MIXED USE SUB-DISTRICT) ZONE (SAM WHITE’S LANE NEIGHBORHOOD)

Director Young explained that this is a simple request to divide the property in the northwest corner of the Mayfield North Subdivision. The applicant is intending to divide this parcel in order to accomplish a condominium plat. Director Young said that the only condition that we request is that all Community Development and Fire Department requirements are met prior to recording the final plat.

Mayor Daniels asked if there were any 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. In that no one came forward the Mayor closed the meeting to the public.

The Mayor asked if there was any further discussion by Council, in that there was none, the Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve Kelly Thueson’s request for a two lot commercial subdivision to be called Mayfield North Professional Office Suites Subdivision, vacating Lot #7 from the Mayfield Subdivision Plat “A”, including the findings and conditions

of the staff. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

D. PUBLIC HEARING TO CONSIDER KELLY THUESON'S REQUEST FOR A CONDOMINIUM PLAT TO BE CALLED MAYFIELD NORTH PROFESSIONAL OFFICES SUITES PHASE I, VACATING LOT #1 FROM THE MAYFIELD NORTH PROFESSIONAL OFFICE SUITES SUBDIVISION, LOCATED AT APPROXIMATELY 260 SOUTH 2500 WEST, IN THE GROVE (MIXED USE SUB-DISTRICT) ZONE (SAM WHITE'S LANE NEIGHBORHOOD)

Director Young stated that the applicant is looking at the existing building and to keep a condominium project there, the intent is to have flexibility to sell portions of the building to various tenants. The creation of this condominium plat requires the property, which shall be recorded as Lot #1 of the Mayfield North Professional Offices Subdivision, to be vacated from that plat. Director Young said that this item is going to both vacate the existing plat and create this new condominium plat. One item of concern that is in our recommendations for approval is on the landscape buffering east of the building to be completed as shown on the approved site and landscaping plans. The landscaping site plan does show on the east a three foot berm to be a part of the landscaping and some additional plants.

Council Member Atwood asked at what point do they need to complete that landscape work, and are we going to put a time limit on it. Director Young stated that normally it falls to recording of the final plat; we could add that on the condition that it is to be completed prior to move in of any of the tenants or within a ninety day type of timeframe. Council Member Call asked if the plat would have to be recorded before occupancy. Director Young said that it does. Attorney Petersen added that legally it cannot be occupied without the plat being recorded.

Mayor Daniels wanted to clarify that we have broken off building #1 from the rest of the plat and created a new plat, so what is going to happen with the building that is not yet constructed. Director Young stated that will develop at a future time, it has not yet been projected. The applicant Mr. Thueson stated that they anticipate at this time holding on to the land until the market improves and then will construct another building very similar to what is currently constructed there. Council Member Call asked Mr. Thueson if he was clear on what was expected on the condition discussed. Mr. Thueson stated that he was.

Mayor Daniels asked if there were any questions, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment. In that no one came forward the Mayor closed the meeting to the public.

The Mayor asked if there was any further discussion by the Council, in that there was none, the Mayor asked for a motion.

ACTION: Council Member Call moved to approve Kelly Thueson's request for a condominium plat to be called Mayfield North Professional Office Suites Phase I, vacating Lot #1 from the Mayfield North Professional Office Suites Subdivision, including the conditions and findings of

the staff. 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.”

E. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2009-17) AMENDING TITLE 10, CHAPTER 15, SECTION 36 “LOW POWER RADIO COMMUNICATION AND ANTENNAS” FOR THE PURPOSE OF UPDATING THE CODE WITH THE FEDERAL COMMUNICATION COMMISSION (FCC) GUIDELINES, AND TO ESTABLISH HEIGHT AND SETBACK RESTRICTIONS FOR RADIO TOWERS IN ALL ZONES THROUGHOUT THE CITY (CITY WIDE IMPACT)

Director Young explained that the amendments to this code came about when the City became aware that our current code is not updated with the current requirements of the Federal Communication Commission (FCC), and while we worked on the update we have also done some housekeeping such as clean up some of the language and make it more consistent. Director Young pointed out a summary of the changes that include that we are recommending to allow private communication towers and antennas in nearly all zones, particularly residential zones to meet Federal standards, changing the use of the term *monopole* to *tower*, both cylindrical and lattice towers shall be allowed if all other requirements are met. Also new height and setback requirements, new tower separation requirements, proposed exemption for small residential antennas and proposed definitions to provide further clarification of terms used.

Director Young explained that currently for industrial zones the code has provided for one hundred and twenty foot towers, what was found out by staff is that there is an existing tower on property near the rodeo grounds at a height of one hundred and seventy five feet, and staff has researched and could not determine how and when that was approved to be at that height. So we either look at this as not in compliance or we look at allowing that height in other areas. The proposed conditions and restrictions that would apply to these towers when being considered for conditional approval are; the maximum height for residential zones to be fifty five feet, for rural zones to be seventy five feet, for commercial/office zones to be one hundred feet and for industrial zones to be one hundred and seventy five feet. The concern staff has with a possible increase in height is with having the proper setbacks. The proposed conditions for the setbacks are; for residential and rural zones a minimum ten feet from the base of the tower to the property line, plus one additional foot for every foot increase in height above thirty five feet, for commercial/office zones a minimum twenty feet from the base of the tower to the property line and for industrial zones a minimum twenty foot setback is required for a tower up to a height of one hundred and twenty feet, plus one additional foot to be added to the setback for each additional foot increase in tower height. The other added restriction is that towers shall have a minimum separation of one thousand feet in all zones where towers are allowed.

Director Young stated that staff is proposing that amateur radio towers and antennas be allowed in all zones, but must go through the conditional use permit process first. The only zone that staff is recommending not allow this use is in the commercial sub-district of the old Downtown Village zone, because of residents past concerns with height and setbacks for structures in this part of the City. The recommendation for City Council to approve the proposed text amendments are based on the following findings; that presently radio towers/antennas not allowed at all in

commercial or residential zones, that Federal laws, as regulated by the FCC requires cities to provide reasonable accommodations, that there is a one hundred and seventy five foot tall existing communications tower in the MD Zone, that terminology needed clarification, that the City Attorney has read the proposed ordinance and recommends it to go forward and on October 22, 1009, the Planning Commission recommended to approve the ordinance.

Mayor Daniels said that relative to reasonable accommodations, in this case is it saying that Federal law trumps local law and they will allow up to one hundred and seventy five feet. Director Young stated that the height is not something that is being dictated by the Federal law it's the reasonable accommodation this is, it really is the zoning availability of locations that we have interpreted the law to look at this, and because of our existing situation of the one hundred and seventy five foot tower that we decided that we could use that height again and the areas that we would be able to do that in are very limited. Mayor Daniels then asked about allowing radio towers in all commercial and residential zones, and wanted to clarify that we are going to allow it in all residential zones and would that be for both the lattice and cylindrical type towers. Director Young said that is correct with the conditions on the setbacks and it is for both types of towers. Mayor Daniels stated that his concern is with the practicality of the look of something like that in a residential neighborhood and do we see what the footprint of a lattice structure at that height or taller in a residential zone and how big of a base. Director Young said that the greater the height is than the greater the base will be, and that on the smaller height towers they are typically the cylindrical type, that it is just more practical and feasible financially. Mayor Daniels then asked if we are going to expect any kind of landscaping, shielding, the beautification or anything to the pole itself to make it blend in more with the trees. Director Young said that he has seen that done in other locations and it almost makes the tower stand out more.

Council Member Call asked that when we are talking about the residential zones; aren't we really talking about the "ham" radio operators and not necessarily like cell phone towers. Director Young said that normally yes, but there are parks in residential zones were they will be requesting to have that cell tower capability. Council Member Call then asked where the fifty five foot maximum height requirement came from and did we look at what other cities have adopted. Director Young stated that they have looked at other cities and that seems to be the standard height. Council Member Call stated that he would like to see the cell tower capability in residential zones added separately in the ordinance.

Council Member Boyd asked if we could put some type of public addendum that applies to the residential zones that separates what the heights can be for each. Director Young pointed out that these requests are subject to conditional use review and that includes approval of the heights.

Council Member Call then asked what would happen if someone wanted to put a cell tower in their backyard, they can make money by doing that. Council Member Call added that that is why he would like to see this item separated out.

Attorney Petersen interjected to clarify that if you look at the Ordinance in the purposes and objectives it says that, any radio and cellular telecommunication towers and antennas shall be allowed as a conditional use in the MD, and all commercial zones, except the Downtown Village

zone. Commercial telecommunication towers and antennas shall not be allowed in residential zones; however private amateur radio towers shall be allowed in the A-1, DV- transitional, R-R and all residential zones with conditional use permit approval. Mayor Daniels stated that that pretty much addresses the question, and it is part of the proposed language in this Ordinance. Attorney Peterson said that on the question of the height, and we do want to make sure that what is being proposed is a reasonable height, and that we are not opening the door too far on this, we can always continue this item to the next meeting and have City Planner Allen come in and explain where he came up with the height restrictions.

Council Member Call stated that he preferred to continue this so that we can know that information.

Mayor Daniels 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.

Michael Loyner, 1179 W 950 N came forward and stated that he is a “ham” radio operator and with regards to the lattice structure tower that it is necessary for certain types antennas its more difficult to support than with a guide pole. So the concern is that that not be limited because there are situations where they are necessary and “ham” operators use them for global communications and security for our country with communications in times of emergency.

Mayor Daniels stated that that is a valid concern. The Mayor asked if there were any other comments from the public, in that there were none, the Mayor closed the meeting to the public.

The Mayor asked if there was any further discussion by the Council. Council Member Call stated that he prefers to continue this item when City Planner Allen is available to give us the rationale behind the height restrictions. Council Member Boyd stated that she would also like to hear more information on this.

Mayor Daniels said that there are two meetings left for this year, so did we want to continue this date certain. Attorney Petersen said that we can notice this as a continued public hearing item.

ACTION: Council Member Call moved to continue this item to the next meeting of the City Council on November 24, 2009. 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.”

F. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2009-18) AMENDING TITLE 10, CHAPTER 10-9A, SECTION 2/ITEM D, ENTITLED PERMITTED PRINCIPAL USES, FOR THE PURPOSE OF CLARIFYING PERMITTED AND CONDITIONAL USES IN THE R-R ZONE AND UPDATING THE SAID ORDINANCE TO ALLOW SUBSTANCE ABUSE FACILITIES AS A CONDITIONAL USE (BATTLE CREEK, GROVE CREEK, NORTH FIELDS, BIG SPRINGS AND MANILA NEIGHBORHOODS)

Director Young stated that this item is basically a housekeeping effort, we looked at State code requirements and it brought us to this particular section in the code which currently dictates that we need to have these types of substance abuse facilities available and placed in all residential zones. What we currently have in our code prohibits drug and substance abuse facilities in the R-R zones, this proposal will now allow these facilities.

Mayor Daniels stated just to clarify, that what we are saying is that a local jurisdiction, a municipality does not have jurisdiction over whether they not allow this type of facility in all of its zones, it is required or mandated by State law. So what this does is update our code to reflect that. Director Young stated that that is correct, and that it is subject to the conditional use review process.

Mayor Daniels asked if there were any questions, there were none. The Mayor then stated that this is a public hearing and opened the meeting to the public for comment. In that no one came forward the Mayor closed the meeting to the public.

The Mayor asked if there was any further discussion by the Council, in that there was none, the Mayor asked for a motion.

ACTION: Council Member Boyd moved to approve Ordinance 2009-18, amending the text in Title 10 Chapter 9A/Section 2, providing clarification of uses the City classifies as permitted and conditional for the R-R Rural Residential Zone, including an update to allow Substance Abuse Facilities as a conditional use, required by the State. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

9. STAFF BUSINESS

- NAB Chairperson Libby Flegal announced that there will be a Grove Creek neighborhood meeting tomorrow night at 7:00 p.m. here in the Council Chambers that will be dealing with the neighborhood watch.

The Neighborhood Advisory Board Chairs opted to wait until spring to move forward on the Neighborhood Improvement Program.

- Director Young stated that he wanted to alert the City Council that they are planning to begin another review of the General Plan. Along with the presentation; they would like to have a discussion about where we are at and how we achieved some of the goals and are there new goals that we need to add into it. Director Young said that this will probably take place over the course of a couple of Work Session meetings.
- Engineer Lewis stated that as most of us are aware, State Street is now open to traffic. The contractor will spend another couple of months working on items on the shoulder and getting the sidewalks finished. They still have to lay an additional layer of asphalt over the entire project which will not be done until spring. Mayor Daniels asked if it will

just be four lanes. Engineer Lewis said that it's four lanes through the winter months and that when they are completely done, there will be seven lanes.

- Director Giles said that he was approached by the individual who is renting the old library across the street and they would like for us to install new carpeting. Director Giles said that he believes that the carpet hasn't been changed since it was built and that there currently is no money in the budget for this. They want to know if we would be willing to allow them to use the rent for the next couple of months to pay for the new carpeting. Mayor Daniels asked if that building was on the historic register. Director Giles said that it was. Mayor Daniels asked what the estimate for the carpet was. Director Giles stated that he does not have one yet and that he will need to bid it out. Mayor Daniels asked him to get the bids and report back to Council. Director Giles indicated that he would.

Director Giles mentioned that with Council Member Atwood leaving the Council, the Utah Lake Commission is reestablishing their committee and we will need to have someone to sit on that committee. Council Member Call replied that we will assign that to someone in the new year.

- Chief Paul reminded everyone that the Fifth Annual City Employee and Elected Officials Turkey Shoot is this Monday, the 23rd at 12:00 noon at the Recreation Center. The Fire Department will be providing the food.
- City Recorder Kresser stated that the election is over and that it has been a great learning experience. Mayor Daniels stated that Recorder Kresser and Deputy Recorder Mulvey did an outstanding job organizing and running the elections and the recount and asked the audience to give them a round of applause.
- Attorney Petersen stated that she is looking for some direction on the Quail Run Charter School issue. When they were here in front of the City Council for their subdivision approval, it was directed that they enter into a Development Agreement with the City regarding specifics as to the temporary accesses and the bonding for the one that was to go over the canal. Attorney Petersen said that there is a draft Development Agreement and that she has reviewed the temporary access easements that they have executed with Mr. Schow and there are some concerns and changes that need to be made to the temporary easements to satisfy us. In discussing this with the Quail Run representatives, they were under the impression that the Development Agreement itself did not have to come back to City Council for approval with a resolution. Attorney Petersen said that they were under the understanding that once the terms were crafted, that it would be administratively executed. They are under a very tight deadline and are anxious to move forward on this. Mayor Daniels stated that he does not remember that they could just do it administratively, that we did express enough concern as a Council that we wanted that Development Agreement presented here. Council Member Boyd added that she remembers that it was stated that everything was to be approved by the City Attorney and City Council. Mayor Daniels said that they were supposed to give us copies of anything that they had entered into, any agreement and that it was to be brought back to

the City Council because we were concerned about temporary easements over private property that could be closed or controlled at any time on a public structure without a street face that is off in the middle of a canal. Mayor Daniels stated that his opinion is that we are not to be rushing this; the issues have to be addressed. Council Member Call added that we do have plenty of concerns with this. Mayor Daniels said, to make this clear now, we want to see the Development Agreement back here in front of the City Council, we want the issues or concerns about the temporary easements addressed and any and all other concerns relative to the Development Agreement before we proceed to approve it.

- Administrator Mills mentioned for the newly elected officials and for those Council Members staying on, there is an Elected Officials Day at the State Capital in mid February. This year the speaker for the newly elected officials will be Rudy Giuliani and the speaker for the City Council Members will be Dale Murphy.

Administrator Mills said that the City Christmas Party will be on December 15th at 6:00 p.m. at UVU, so please RSVP to Kathy Kresser or Colleen Mulvey in the Recorder's Office by December 3rd, so that we can get the count over to them.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen wanted to let the Council know that starting tomorrow, he will be out of town for three weeks and that he will be available by phone.

11. SIGNING OF PLATS

No Plats were signed.

12. REVIEW CALENDAR

The Mayor said that the lighting of the Christmas tree will be on Monday, November 29th at 6:00 p.m.

13. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders and in that there was no discussion, the Mayor asked for a motion.

ACTION: Council Member Jensen moved to approve the purchase orders for November 17, 2009. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

14. EXECUTIVE SESSION

Executive Session to hold a strategy session to discuss the purchase, exchange or lease of real property. (UCA 52-4-205(1)(d)), and an Executive Session to hold a strategy session to discuss

the character, professional competence or physical or mental health of an individual. (UCA 52-4-205(1)(a)).

ACTION: At 8:10 p.m. Council Member Wilson moved to go into executive session, a strategy session to discuss the purchase, exchange or lease of real property. (UCA 52-4-205(1)(d)). Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee G. Jensen

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Kathy T. Kresser, City Recorder

Colleen A. Mulvey, Deputy City Recorder

Ken Young, Comm. Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Kim Robinson, Electoral Candidate

ACTION: At 8:28 p.m. Council Member Wilson moved to go into executive session, a strategy session to discuss the character, professional competence or physical or mental health of an individual. (UCA 52-4-205(1)(a)). Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, “Aye.”

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee G. Jensen

Jeffrey D. Wilson

Others:

Frank Mills, City Administrator
Gary Clay, Finance Director
Tina Petersen, City Attorney
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Colleen A. Mulvey, Deputy City Recorder
Ken Young, Comm. Dev. Director
Deon Giles, Leis. Services Director
Lynn Walker, Public Works Director
Marc Sanderson, Fire Chief
Tom Paul, Police Chief
Kim Robinson, Electoral Candidate

ACTION: At 10:02 p.m. Council Member Wilson moved to close the executive session and return to regular session. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

ACTION: At 10:02 p.m. Council Member Wilson moved to direct staff to proceed forward on negotiations for the property on Locust Avenue. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

15. ADJOURN

ACTION: At 10:03 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 November 17, 2009 are a true,
Full and correct copy as approved by
The City Council on January 19, 2010

Colleen A. Mulvey, Deputy City Recorder