

**Pleasant Grove City Council Minutes**  
**April 21, 2009**  
**7:00 p.m.**

**PRESENT:**

**Mayor:**

Michael W. Daniels

**Council Members:**

Mark K. Atwood

Cindy Boyd

Lee Jensen

Jeffrey D. Wilson

**City Recorder:**

Colleen A. Mulvey, Deputy Recorder

**Others:**

Frank Mills, City Administrator

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Richard Bradford, Economic Dev. Director

Deon Giles, Leis. Services Director

Marc Sanderson, Fire Chief

Degen Lewis, City Engineer

Barbara Johnson, Building Technician

Mary Burgin, Planning Technician

Libby Flegal, NAB Chair

**Excused:**

Bruce Call, City Council Member

Gary Clay, Finance Director

Kathy T. Kresser, City Recorder

Lynn Walker, Public Works Director

Tom Paul, Police Chief

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

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**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by City Attorney, Tina Petersen.

**3. OPENING REMARKS**

Opening Remarks were given by Mayor Daniels.

#### **4. APPROVAL OF MEETING'S AGENDA**

Mayor Daniels stated that there will be an executive session to hold a strategy session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d)). The Mayor asked if there were any other corrections to the agenda. There were none.

**ACTION:** Council Member Jensen moved to approve the agenda. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, 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. Work Session Minutes for March 31, 2009
- b. City Council Minutes for April 7, 2009
- c. Emergency Special Meeting Minutes for April 9, 2009
- d. To consider approval of Payment No. Twenty and Change Order No. Eleven to HDX, LC, A Dunn Company, for the Pressure Irrigation System – Schedule 6 Project.
- e. To consider approval of paid vouchers (April 9, 2009)

The Mayor asked for a motion on the consent agenda

**ACTION:** Council Member Wilson moved to approve the consent items. Council Member Boyd seconded and the motion passed unanimously with Council Members Atwood, Boyd, 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 welcomed to come forward and address the Council.

Community Development Director Ken Young came forward to take the opportunity to recognize the good work of their Building Technician, Barbara Johnson. Director Young acknowledged her twelve years of dedication and mentioned that she has been invaluable in the functioning of the department. He added that her coworkers commented that she has always been pleasant, friendly, willing to help, she keeps things running smoothly and she is a good resource of information for past projects. Director Young then presented her with a plaque and gift certificate to honor her efforts.

After offering congratulations to Barbara Johnson, Mayor Daniels asked if there was anyone else who had an item to discuss, no one else came forward. The Mayor then closed the meeting to the public.

#### **7. NEIGHBORHOOD ADVISORY BOARD REPORT**

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

## **8. BUSINESS:**

### **A. TO CONSIDER APPROVAL OF THE BATTLE CREEK MONUMENT: LOCATION, DESIGN AND WORDING OF PLAQUE, TO BE COMPLETED BY AN EAGLE SCOUT PROJECT JUST WEST OF THE BATTLE CREEK TANK**

Leisure Services Director Deon Giles presented an overview of the concept of this project. He pointed out that they would be putting grass and landscaping around the tanks and expanding Kiwanis Park to the north. Director Giles stated that when the work started on the secondary water tank, they moved the original Battle Creek monument about fifteen feet to the east and it currently sits in a ditch. He said that they were approached by a couple of Boy Scouts interested in making a nicer location for this monument. Director Giles stated that they would like to use some of the historic bricks from the project on Main St. and also put pavers and a nice wrought iron fence around the monument area. Director Giles stated that the wording on the monument comes out of the Pleasant Grove Sesquicentennial History book and that there is some missing information so he is doing some research with former Scout Master Calvin Walker to try to identify the first Boy Scouts back in the 1940's who actually built the original monument so that they can add a plaque to recognize them. Director Giles stated that they will present the wording for that plaque when they have completed the research.

Mayor Daniels inquired about the type of fence and the dimensions. Director Giles stated the fence would be of wrought iron similar to the one around the Memorial Garden and that the dimensions of the monument would be twenty feet by twenty feet. Council Member Atwood asked if they would need fence materials because he has access to wrought iron fencing from the golf course. Director Giles said "yes," that would be a great help to the project.

Attorney Petersen pointed out that policy requires that City Council be advised of and approve any placement of permanent plaques or monuments.

Council Member Atwood inquired as to whether they should wait on a motion to approve until the wording for the monument and plaque were complete. Director Giles stated that the wording on the monument is directly from the history book and the wording on the added plaque will be just to recognize the Scouts.

Mayor Daniels asked Attorney Petersen if this monument meets the City's formalized requirement on accepting monuments. Attorney Petersen stated that it does because it is about the history of the City and it is being constructed by Eagle Scouts and the Scouts have long standing ties to the community.

Director Giles stated that this monument project was approved by the City back in the 1940's; they are only relocating it and adding some improvements

Council Member Jensen expressed his concern that he is not comfortable with the wording for the monument stating that he feels in this day and age this is what promotes negative publicity. Director Giles stated that there is another plaque in the Kiwanis Park with similar wording and also on the sign at Battle Creek Park.

Mayor Daniels asked if there were any questions or further discussion, there was none. The Mayor then asked for a motion.

**ACTION:** Council Member Atwood moved to approve and allow the Battle Creek Monument; location, design, fence and the wording of the plaque, to be completed by an Eagle Scout Project just west of the Battle Creek Tank. Council Member Wilson seconded the motion. The motion passed by a three to one vote with Council Members Atwood, Boyd and Wilson voting “Aye,” and Council Member Jensen voting “Nay.”

**B. TO CONSIDER A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN PLEASANT GROVE CITY, UTAH COUNTY, ALPINE CITY, AMERICAN FORK CITY, LEHI CITY, OREM CITY, PAYSON CITY, PROVO CITY, SPANISH FORK CITY AND SPRINGVILLE CITY, REGARDING THE PUBLIC SAFETY ASSISTANCE GRANT (JAG) “BYRN” GRANT FUND DISTRIBUTION**

Attorney Petersen explained that this is a public safety item, a resolution to authorize the Mayor to sign an interlocal agreement with these various Cities in order to qualify for the BYRN Grant public safety money.

Mayor Daniels asked if there were any questions. Council Member Atwood inquired as to what the “BRYN” Grant was. Mayor Daniels stated that the grant was done as a memorial for Edward Bryn. The Mayor then asked if there were any questions. There were none.

**ACTION:** Council Member Wilson moved to approve Resolution 2009-021, a Resolution authorizing the Mayor to sign an interlocal agreement between Pleasant Grove City, Utah County, Alpine City, American Fork City, Lehi City, Orem City, Payson City, Provo City, Spanish Fork City and Springville City, regarding the Public Safety Justice Assistance (JAG) “BRYN” Grant fund distribution. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, “Aye.”

**C. PUBLIC HEARING TO CONSIDER THE REQUEST OF JEFF SOUTHARD (REPRESENTING TROPHY HOMES) TO APPROVE THE MAYFIELD SUBDIVISION PLAT B PROPOSAL, INCLUDING A VACATION OF MAYFIELD SUBDIVISION PLAT A, LOTS 1-7 AND VACATING PHASES 12 & 13 OF THE MAYFIELD SOUTH RESIDENTIAL CONDOMINIUM PLATS, LOCATED AT APPROXIMATELY 2500 WEST 450 SOUTH, IN THE GROVE (MIXED USE SUB-DISTRICT) ZONE (SAM WHITE’S NEIGHBORHOOD)**

Community Development Director Ken Young stated that this item is a follow up to the new site plan for the Mayfield Development which had recently come up before Council. Director Young stated that according to the site plan that was approved, it does cause amending the plat. Director Young then briefly reviewed the areas to be vacated on the existing plat, the Mayfield Subdivision Plat A which has seven lots and Phases twelve and thirteen of the Mayfield South Residential Condominium Plats. The proposed Commercial Plat B reflects the vacation of those lots. Director Young stated that the overall plan for Mayfield will still have the same density. Director Young said that he is available to answer any questions and that he would now like to turn the time over to the applicant Jeff Southard who is here representing Trophy Homes.

Jeff Southard came forward and explained that specifically in the development agreement being drafted with Attorney Petersen they are limiting the development to the three hundred total units. Also, that Council had said that there needed to be an acre of commercial development somehow incorporated into the other phase that is not developed yet, and this is all going to be incorporated into the development agreement.

Council Member Atwood inquired as to whether all we would decide to require on the commercial was one acre. Attorney Petersen stated that that is what the motion was at the time this was last presented to Council; the intent of the Council was that we gave up an acre on the commercial side so we wanted to make sure that we got an acre back. Attorney Petersen said that in the development agreement that is being drafted that this will be spelled out and they will need to agree to that. Attorney Petersen said that if Council wants something different it would need to be made clear. Council Member Atwood stated that he would like to see this left open and wait to see what they present before deciding.

Mr. Southard pointed out that the north portion is where it is intended to add at least an acre of commercial but overall there would still be no more than three hundred total units. Council Member Wilson asked if the units would all be made smaller because of this change, meaning there would be just as many apartments but that they would be smaller in size. Mr. Southard only stated that three hundred units were approved and that number would not change.

Mayor Daniels then asked in reference to the last time Council reviewed this, an office building was coming out as well as several residential four plexes and some twelve plexes were being proposed and that the twelve plexes are included in the overall three hundred units allowed. Mr. Southard stated that that was correct, the eight units or two four plexes that are being replaced with twenty four units (two twelve plexes), so it is a net increase of sixteen units but there will be a net decrease of sixteen units somewhere else in future phases so that the overall is still only three hundred total units.

Council Member Jensen asked if the Royal Bank of Canada (RBC) who is funding this bows out, where does that leave the City? Mr. Southard replied that since the last discussion on this he has talked with RBC and they are still on board as well as all of the other parties involved in this development. Mr. Southard stated that they are aware of and will agree to the conditions that the City requested; that there can be no permits (residential or commercial) allowed until the roads have been completed. Council Member Jensen stated that that could take years and questioned the bond. Mr. Southard said that there is a bond in place now and also mentioned that what is being incorporated into the agreement is if the City does not see progress and it does not get finished this summer, then it cannot take years because then it goes back to a raw ground status stating that the City does have leverage on all of the involved parties to make sure that things happen and in a timely manner.

City Engineer Lewis stated that we have a one million dollar letter of credit and one hundred thousand dollars cash on deposit. Attorney Petersen stated that the dispute on the letter of credit being able to be called is whether or not all of the street improvements were included in the bond tabulations. She went on to say that the chances of the City having to get into a dispute and call the letter of credit significantly decreases with this development agreement because now we have six or seven parties that have committed to complete the street improvements, where right now we only have Trophy Homes. Attorney Peterson stated that this new development agreement that

they are working on makes a cooperative effort to ensure that the street improvements that the City wants will get completed; there is also a time frame of twelve months from the date of Council approval to get it accomplished.

Council Member Atwood asked if all of the parties involved are on board with this. Mr. Southard stated that they are he has checked with all of them since the last month's meeting. Council Member Atwood commented that he still does not feel good about this, referring back to when the project started and all of the give and take that has occurred; he feels that some of the things that were said have gone away.

Attorney Petersen clarified that the only item up for approval tonight is a seven lot commercial subdivision; it's a plat vacation and amendment. The development agreement and all of the rest of amended subdivision plats are going to come in the other phases and will be presented to Council in the future. She stated that part of what Council asked for the last time was that the applicant needed to come back and amend the subdivision plat, so that is what they are requesting here tonight. Council Member Atwood wanted to make clear that this development agreement that is being drafted is not up for approval tonight. Attorney Petersen verified that that was true stating that in the future Council will see this development come back for different approvals at least three or four times because of all of the steps involved in this process.

Mayor Daniels asked if there were any further questions for Mr. Southard. The Mayor then opened up the meeting for public discussion.

Rod Staten an employee of Trophy Homes stated that he did not have anything more to add than what was already said by Mr. Southard, but he would be willing to answer questions.

In that no one else came forward the Mayor closed the meeting to the public. Mayor Daniels then asked the Council Members if they had any further discussion at this time.

Council Member Atwood inquired as to whether the agreement is going to allow 7<sup>th</sup> South to get finished as soon as possible. Mr. Southard stated that it would, the agreement covers all the conditions and no permits can be pulled until all of that work is completed. Mr. Southard said that he has tried to incorporate into the agreement the concerns that the City had, that the bank had and that all of these different parties had. Mr. Southard remarked that this is the best he could do to come up with something that looks after everyone's interests and gets the development finished.

Council Member Atwood stated that in the event one of these parties backs out, that he would like to see more of a guarantee on the bond. Mr. Southard stated that that is in the development agreement and it will need to be signed and commit a certain dollar amount. Attorney Petersen stated that Engineer Lewis says the current letter of credit will expire in June, so we are going to have to ask for a new letter of credit to cover what we now calculate as being the necessary improvements. Attorney Petersen said it is at that point we definitely will be able to clear up any issues with regard to what is included in the bond calculations. Engineer Lewis added that we can certainly include in the development agreement a re-bonding of the project where we would go out and see what is left to do, calculate those quantities, come up with a new price today, retire the original bond amount and create a new bond amount.

Council Member Boyd added that at that point in June, wouldn't we already be creating a new letter of intent anyway. Attorney Petersen indicated that we would, except that if they weren't going forward in June then it all would be going into default and we wouldn't necessarily be re-negotiating the letter of credit, we would be considering whether or not to draw on it at that point. Attorney Petersen added that the advantage to the City, pursuant to our philosophy that we decided several months ago to try to get things like this taken care of and not have developments half way done, that it is in the City's best interest to get these street improvements done as soon as possible and not risk litigating whether or not the letter of credit is valid and whether not it covers what we want it to cover. Attorney Petersen stated that this could be in litigation for a long time while the roads still sit unfinished and the true advantage to the City is that this appears to be the safest, fastest way to get the streets done.

Mayor Daniels then asked Engineer Lewis to review what road improvements still need to be done. Engineer Lewis pointed out that it is the north end of 2500 West, nothing is installed there except the curb and drive into the Sterling Brimley project. Also unfinished is half of 450 South and one fourth of 7<sup>th</sup> South, plus all the way down to the north end of the West Grove Plaza Project and our agreement with American Fork City is for half of 860 East or 2500 West, plus ten feet.

Mr. Southard stated that the contractor can complete 2500 West within sixty days of everyone signing the agreement and him being assured he will get paid. Mayor Daniels told Mr. Southard that the City is appreciative of the work he has been doing to make this happen.

Mayor Daniels then summarized the three main concerns that he is hearing from the Council: 1.) The main roads need to get done, all of the improvements that are remaining. 2.) We are uncomfortable with the current situation of bonding, not being sure that the bond is really there to cover the finishing of all those improvements should RBC bow out for whatever reason and we only have until June to make a decision. 3.) There still seems to be a question about the overall residential density of the entire project. The Mayor went on to clarify what was said about the fact that no permits, other than for the LDS church can be issued on any of this acreage until all road improvements are done. The Mayor added that if RBC wants to have value in the land, they are going to have to come back and sign the agreement and at that point we will have to discuss and clear up the question of whether their letter of credit applies to guaranteeing the road improvement requirements. Then the Mayor pointed out that at some point in our history on this project we have already committed to an overall density of three hundred units. Mayor Daniels stated that those elements will be coming slightly after the activity we are doing tonight, which is the vacation of this plat. He said that when this development agreement comes back to us we will address this as a Council.

Administrator Mills mentioned that as a City we have to keep in mind that if this project falls to pieces for whatever reason, there is still the issue that Pleasant Grove City has a signed agreement with American Fork City and that we are responsible for the improvements on 2500 West. If we cannot work this out with all these parties involved then at some point down the line this could require action on our part to complete it.

Mayor Daniels stated that at the moment it would seem that the best way to get this done is through Mr. Southard and all the parties that he has been working with to get this agreement in place and keep the contractor working on the roads.

Mayor Daniels then asked if there was any other discussion, there was none at this time. The Mayor then asked for a motion.

**ACTION:** Council Member Boyd moved to deny the request of Jeff Southard (representing Trophy Homes) to approve the Mayfield Subdivision Plat B proposal, including a vacation of Mayfield Subdivision Plat A, Lots 1 -7, and vacating Phases 12 & 13 of the Mayfield South residential Condominium plats located at approximately 2500 West 450 South in the Grove (Mixed Use Sub-district) Zone. Council Member Wilson seconded the motion. The motion failed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting to deny.

Engineer Lewis then asked for direction from City Council on how they might proceed from this point.

Council Member Atwood stated that he is not comfortable with approving this and agreeing to the high density and that it was his understanding that Council would discuss the second half of this project when it was ready to go, stating that down the road we could want to see more commercial development. Council Member Atwood stated that he had asked in the past for a couple of different plans to be presented and that he felt that it is time for the City to tell the developers that we want this to be a “class act,” more amenities such as upgrades on the brick, etc. Council Member Atwood also stated that he wanted to see more “wiggle room” allowed in the process for making decisions to accomplish what we want with this project. Mayor Daniels stated that we do have that in that we do not approve a plat if we do not agree with the conditions.

Council Member Boyd voiced her concern that it seems that the individual parties involved are being brought together to save Trophy Homes and could their requests be approved and move forward on their own standing and not have this as a group approval. Engineer Lewis pointed out that at this point some of the development has been approved by City Council but not all of it has been recorded.

Council Member Wilson stated that he did not like this project from day one the issue with the high density stating that he does understand the perspective of the bank and having to recoup costs. He stated that he is not comfortable with changing where the residential units will go, possibly making them smaller also giving up what was set aside for commercial development to place a church and that he just does not like the whole concept of these changes.

Council Member Jensen stated that he was not in favor of the high density either. He said that the history of this project has been nothing but changes. He remarked the push now is to approve this request so that the roads get done. Council Member Jensen stated that there are other ways to get these roads in that do not involve these parties and he feels that it is time to say “no.”

Mayor Daniels explained that he wanted Council to understand the ramifications of the decision by denying this.

Engineer Lewis stated that the intent here tonight is to take away the existing commercial plat by vacating the lots and create a new commercial plat. All of the other direction given in the last meeting will come with the development agreement that is being drafted and will be brought



before the Council for approval. Director Young added that by denying this proposed plat tonight, it does not achieve a denial for the density or other the issues being discussed.

Attorney Petersen stated that she wanted to make clear what is really being considered tonight because it seems that Council is bringing in all these side issues that have a lot of emotional baggage and history when all that is being requested tonight is vacating the lots and creating a new plat for the commercial section facing 2500 West as outlined in bold black on the slide presentation.

Mayor Daniels went on to say that by getting RBC to sign a fresh agreement therefore obligating themselves to their percentage of the roads and we put some kind of mechanism in place so that there is no question, they are actually obligated. Then RBC has some comfort and a reason to either come back and either sell that to somebody with those restrictions or to do the development work. That would mean that any other plans for this development would come before this Council to be reviewed and if it does not meet with your approval then don't approve it and they will have to come back with some plan that you do like. Putting these restrictions and obligations are fine as long as they are consistent with our ordinances in the zone and what has already been approved. The Mayor said that as far as the developers being able to stand on their own, we are not sure that individually, financially they can go out and do all this work on their own because the majority of the money is being backed by RBC.

Mr. Southard added that every party involved here will be putting in their prorata portion that was allocated as part of their purchase of a developed lot. The percentage being part of the whole project and all of this will be covered in the development agreement that they will all sign.

Mayor Daniels stated that in proceeding forward, the only thing that we can really affect tonight is the vacation of the lots on the existing plat, we voted and it was unanimous to deny. So to clarify, if Council thought that the vote was for some of the other issues that were discussed, if that is the case then we could open this back up and reconsider this request, if not then we can leave the decision as it stands.

**ACTION:** Council Member Wilson moved to re-open and reconsider the motion to deny the request of Jeff Southard (representing Trophy Homes) to approve the Mayfield Subdivision Plat B proposal, including a vacation of Mayfield Subdivision Plat A, Lots 1 -7, and vacating Phases 12 & 13 of the Mayfield South residential Condominium plats located at approximately 2500 West 450 South in the Grove (Mixed Use Sub-district) Zone. Council Member Atwood seconded and the motion passed by a three to one vote with Council Members Atwood, Boyd and Wilson voting "Aye" and Council Member Jensen voting "Nay."

Mayor Daniels explained that he wants to make sure that Council is clear on what it is we are taking action on tonight and what the ramifications of the action are. He stated the items that are of concern are the three hundred units that were already approved last time, however the way they are going to be configured in this project does have to come before this body either in different pieces or as a whole for site and plat approval. The Mayor then said that as far as the roads, it would appear that putting the development agreement in place and getting RBC to step up is the surest and the timeliest way to make sure they get done. The Mayor said that by not approving this request tonight, it will be the surest and the longest method of getting those roads done, including the potential for the City to have to come up with the money to pay for those

roads. Mayor Daniels also pointed out that if the City would have to go at the RBC to argue the point about whether the letter of credit is good for the roads will also be a timely and expensive process. The Mayor then said that no permits can be issued for anything on this project except for the LDS church unless the roads are done; this in itself seems like a huge incentive for whoever owns this site to make sure those improvements are done. Mayor Daniels then stated that although we are not getting everything we want on this project tonight, it is a huge step forward in getting what we would like in the future for this project if we are to approve this request.

Council Member Jensen brought up that on the road, 2500 West that is unfinished and with one half of it having to be completed by us and one half by American Fork City that possibly that is not so imminent to getting it completed at this point in time, they may be having the same issue with the economy and not have the money to do the work. Mayor Daniels stated that his point is a valid one but when a City allows developments the infrastructure to support those developments needs to be in place.

Council Member Jensen stated that if the two Cities went in together on finishing this road it would be less expensive. Engineer Lewis remarked that there is no cost involved to either City if the developers pay. Attorney Petersen stated that that is what the premise was when we agreed to do this development, that Trophy Homes and the developers would pay for it and it wouldn't cost the City anything.

Council Member Boyd expressed her concern about the development agreement stating that we could look to approving this request tonight with the idea that two Council Members and the Mayor sit down and approve the agreement insuring the conditions and stipulations are there before it is brought up for formal approval. Attorney Petersen stated that if Council wants to have input as to what is in the agreement before it comes to the Council for a vote, then that can be made as a condition.

Mayor Daniels then asked if there has been adequate discussion on all of the concerns of the Council Members.

**ACTION:** Council Member Boyd moved to approve the request of Jeff Southard (representing Trophy Homes) to approve the Mayfield Subdivision Plat B proposal, including a vacation of Mayfield Subdivision Plat A, Lots 1 -7, and vacating Phases 12 & 13 of the Mayfield South residential Condominium plats located at approximately 2500 West 450 South in the Grove (Mixed Use Sub-district) Zone with the condition that two City Council Member and the Mayor have input and sign off on the draft of the development agreement before it is presented to City Council for formal approval. Council Member Wilson seconded and the motion.

Council Member Atwood then stated that he would like added to the conditions that the entire history/minutes of this Mayfield development be attached with every future discussion so that they are available for review.

Council Member Jensen stated that we are pre-supposing that by approving this that this will be the catalyst for all of the parties to come together and pony up the money to do the roads. In the event that we approve this and it isn't a catalyst for coming up with the money, then where does

that leave the City because we approved it? Mayor Daniels stated that it is dead because of the conditions that were placed guaranteeing that the roads must be funded.

Mayor Daniels then asked for an amended motion.

**ACTION:** Council Member Boyd moved to approve an amended motion for the request of Jeff Southard (representing Trophy Homes) to approve the Mayfield Subdivision Plat B proposal, including a vacation of Mayfield Subdivision Plat A, Lots 1 -7, and vacating Phases 12 & 13 of the Mayfield South residential Condominium plats located at approximately 2500 West 450 South in the Grove (Mixed Use Sub-district) Zone with the condition that two City Council Members and the Mayor have input and sign off on the draft of the development agreement before it is presented to City Council for formal approval and any minutes related to the Mayfield development must come attached to staff reports each time in the future when this development is discussed. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, "Aye."

## **9. STAFF BUSINESS**

- Director Young mentioned that he is putting together the meeting schedule for the Accessory Apartment Committee. He stated that the committee now includes Attorney Petersen, Fire Marshal Brande, City Planner Allen, City Building Official Houston, Zoning Technician Hales and City Council Members Jensen and Wilson. Director Young then set a committee meeting for Wednesday April 29<sup>th</sup> at 9:00 a.m. in the City Council Chamber room.
- City Engineer Lewis stated that road projects are going well.
- Director Giles invited everyone to participate in the Arbor Day event this Saturday the 25<sup>th</sup> at Manila Creek Park at 8:00 a.m. and also the baseball opener that afternoon at 4:00 p.m.
- Fire Chief Sanderson stated that there have been some calls and some confusion regarding the Burn Window. He said that the County had set the date two weeks early but that they were able to get an exception and have been able to extend the Burn Window two weeks with it ending on April 26<sup>th</sup> instead of the 12<sup>th</sup>. Mayor Daniels said that he had received an email from Robert Webster stating that he had spoken with our dispatch as well as the County's and they were not aware that the Burn Window was extended. The Mayor then asked if there were a way to communicate to the dispatchers about this extension. Chief Sanderson stated that the County Fire Marshal was in charge of informing their dispatchers and that it was his belief that our dispatchers were aware of it. Chief Sanderson said that he would make sure that our dispatchers have this information. The Burn Window extension date to April 26<sup>th</sup> is posted on the City's website.

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

The Mayor and Council Members had nothing further to report at this time.

## **11. SIGNING OF PLATS**

No plats were signed.

## **12. REVIEW CALENDAR**

Mayor Daniels mentioned the Budget Meeting on May 16<sup>th</sup>, stating that the discussion will also include the policy and procedures manual and the salary survey. The Mayor said that he would send out an email as a reminder.

## **13. APPROVE PURCHASE ORDERS**

Mayor Daniels asked if the Council had reviewed the purchase orders for April 21, 2009. The Mayor then asked for a motion to approve.

**ACTION:** Council Member Wilson moved to approve the purchase orders for April 21, 2009. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, "Aye."

**ACTION:** At 7:57 p.m. Council Member Atwood moved to go into an executive session to hold a strategy session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d)). Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, "Aye."

### **PRESENT:**

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Jeffrey D. Wilson

City Recorder:

Colleen A. Mulvey, Deputy Recorder

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Excused:

Council Member Call

**ACTION:** At 9:06 p.m. Council Member Jensen moved to close the executive session to hold a strategy session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d)). Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, "Aye."

**ACTION:** At 9:06 p.m. Council Member Atwood moved to authorize staff to go ahead and enter into negotiations to acquire property on Locust Avenue. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting, "Aye."

#### **14. ADJOURN**

**ACTION:** At 9:07 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Jensen and Wilson voting “Aye.”

This certifies that the City Council minutes of April 21, 2009 are a true, full and correct copy as approved by the City Council on May 5, 2009.

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Colleen A. Mulvey, Deputy Recorder