

Pleasant Grove City Council Minutes
February 3, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Cindy Boyd Excused: Bruce Call

Jeffrey D. Wilson

Lee Jensen

Mark K. Atwood

City Recorder:

Kathy Kresser

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Lynn Walker, Public Works Director

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Libby Flegal, NAB Chair

Karen Bezzant, City Treasurer

Mary Burgin, Planning Technician

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

1. CALL TO ORDER

Mayor Daniels noted that himself as well as Council Members Boyd, Atwood, Jensen and Wilson were in attendance. Council Member Call was excused.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Dalton Noyce.

3. OPENING REMARKS

Opening Remarks were given by Council Member Wilson.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any changes to the agenda. There were no changes. The Mayor then asked for a motion.

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

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

- a. City Council Minutes January 20, 2009
- b. Work Session Minutes for January 13, 2009
- c. To consider appointment of Laurel Backman-Riddle as a new member of the Board of Adjustment.
- d. To consider approval of paid vouchers (January 22, 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, Jensen, Wilson and Boyd 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 for three minutes. No one came forward.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Mrs. Libby Flegal said that she didn’t have anything to report to the Council from the most recent meeting with the NAB.

8. BUSINESS:

A. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 8, CHAPTER 1, SECTION 4 OF THE PLEASANT GROVE CITY MUNICIPAL CODE REGARDING DEPOSITS FOR CULINARY WATER SERVICE, BY REMOVING THE FIFTY DOLLAR (\$50.00) REFUNDABLE DEPOSIT REQUIREMENT AND INSTITUTING A THIRTY DOLLAR (\$30.00) NON-REFUNDABLE DEPOSIT REQUIREMENT; AND ESTABLISHING A TWENTY DOLLAR (\$20.00) RE-CONNECTION FEE. CITY WIDE IMPACT

After Mayor Daniels read this item, Director Clay disclosed that they are doing away with making refunds, so the new policy will be that a \$30 non-refundable deposit will be charged. Also, a \$20 reconnection fee will be charged. This fee will cover the cost of turning the water back on and the reading of the meter, etc. He explained that trying to give the old deposit back became difficult as people moved, etc.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then brought the discussion up to the Council. There were no comments. He then asked for a motion.

ACTION: Council Member Boyd moved to approve Ordinance No. 2009-2, amending Title 8, Chapter 1, Section 4 of the Pleasant Grove City Municipal Code regarding deposits for culinary water service, by removing the Fifty Dollar (\$50.00) refundable deposit requirement and instituting a Thirty Dollar (\$30.00) non-refundable deposit requirement; and establishing a Twenty Dollar (\$20.00) re-connection fee. A public hearing was held. Council Member Wilson seconded, and the motion passed with Council Members Jensen, Wilson, Boyd and Atwood voting, "Aye."

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 10, CHAPTER 12B/SECTION 2 "PERMITTED, CONDITIONAL AND ACCESSORY USES" FOR THE PURPOSE OF ADDING LAND USE #6397 "AUTOMOBILE, TRUCK AND TRAILER RENTALS" IN THE MD (MANUFACTURING DISTRIBUTION) ZONE. CITY WIDE IMPACT

Mayor Daniels read this item. Director Young then indicated that Mr. Kevin Turpin from Cabinland, LLC, was the applicant. This was a public hearing. He said Mr. Turpin was requesting the Council amend Item E of Section 10-12B-2; adding permitted conditional and accessory uses to add automobile, truck and trailer rentals as a conditional use. The property is at 600 West and Center Street.

Director Young next explained that Mr. Turpin would like to use this property to rent out U-Haul moving trucks and trailers. This would coincide with the existing auto-repair operation called Full Throttle. He said the applicant approached Community Development with the request to amend the MD zoning ordinance to allow rentals, because the business has been recently parking U-Haul trucks on the business property. The proposal would affect all areas currently zoned MD/Manufacturing Distribution; however, the land use for the location the proposed use would be applied is designated as Commercial Retail.

The zoning for the property has been MD zone for a long time. The land use designation of Commercial Retail has been applied to this property as far back as 1997. This was according to the last known update to the General Plan prior to the newest update in 2007. Due to this Commercial Retail designation, and the fact that the property carries a great deal of visibility for the part of the City, Staff believes that it is important to protect the possibility of any future commercial retail development of this property. This is the reason that the Planning staff recommends that the use, if adopted, be done so as only a conditional use to this zone.

Adding automobile, truck and trailer rentals as a conditional use to the MD Zone also makes sense, for the reason that manufacturing, distribution, and other similar operation should come as a first priority. If the applicant were to rezone the property to a commercial zoning designation, then Staff would recommend the change to the C-G (General Commercial) Zone, where this same use is already listed as conditional.

Director Young explained that it needed to be noted by the Council that the approval of this request was not approving this particular business. He said what was being done was a follow-up to add a Conditional Use Permit (CUP) in this zone so that he can now apply to the Planning Commission.

Council Member Atwood asked what would happen if the application was not approved. He asked if there would be problems.

Mayor Daniels observed that the MD zone is an island in that area of town. He explained that the future vision of that area was not for manufacturing. The zoning will eventually be changed, he said. He also noted that there is a CG zone right across the street from this particular piece of property.

Council Member Boyd expressed concern that if there was an amendment that allowed a CUP for this kind of use, it would further stall R/UDAT's recommendation for the area. She said that they were very specific that this area was where there needed to be businesses that supported the transitional nature between the downtown and The Grove. She noted that rental trucks would not fit into the categories that were recommended.

Mayor Daniels agreed, and said that Council Member Boyd's understanding of the future of that area was the same as his. He said that he also envisioned it in a business kind of perspective. Council Member Boyd added that she was afraid if the trucks were allowed with a CUP, that the City would lose that vision of that area.

Previously, Director Young indicated that at the Center Street seminar, there was focus on the General Plan map and the anticipated zones on that map. He said conversations took place with potential developers who wanted to purchase land in that area for future uses. There is a pocket of MD zone along 700 South. He noted that the property owners could take the opportunity with the MD zone area on Center St, and have the Council change the zone to CG, if they wanted to.

Council Member Boyd suggested that there be some research done as to what can and should be in that area. She said if the City does want to move in another direction with zoning, there needs to be some study and discussion done on the possibilities involved.

Director Young said that his department staff had anticipated that there could be a potential concern. So far, he said his department has just waited for property owners to make application. Council Member Boyd expressed concern with wait and seeing with the situation. She said that something needed to be done at this time, as the City might not be able to go back in the future.

Council Member Atwood then asked Attorney Petersen if there was anything, at this point, that the Council could do with the situation. Attorney Petersen explained that if the CUP was added in this zone, it could then be "grandfathered" as a legal, non-conforming use, if the Council decided to change the zone in the future. If the Council wanted to change the vision of this particular area, she said that they probably should consider not approving this added use in the MD zone.

Mayor Daniels then noted that looking into the future, with the R/UDAT concepts in mind, all of Center St. was to provide connectivity with The Grove and The Historic Downtown. He said that the perception was that more storefronts would be along Center St. in that area. With this proposed change, he asserted that this seemed like the proposed use would be setting the use in stone. Council Member Atwood said he agreed.

Mayor Daniels next opened the discussion to a public hearing. Director Young noted to the Council that the applicant was not in attendance. There was no one that came forward, so the Mayor brought the discussion up to the Council.

Council Member Jensen asked what would happen if there was no action (a denial of the request) on this proposed ordinance amendment. He asked where that would leave the applicant. Mayor Daniels said that it would first mean that the applicant was non-compliant by having U-Haul trucks on the lot. Director Young said it basically came to the business owner asking for forgiveness instead of permission. He said the business owner knows that the trucks are not currently allowed in this zone. Council Member Jensen asked how long the trucks have been on the lot. Director Young said for about a month. He said he and his staff were aware the trucks were on the property, and had apprized the owner of the business of the non-compliance. He said they were actually put on notice that the trucks were not, currently, a permitted use. He also said that it was explained to Mr. Turpin that if the use was not permitted, they would have to remove the trucks.

Mayor Daniels then asked for a motion.

ACTION: Council Member Boyd moved to deny the proposed Ordinance to amend Title 10, Chapter 12B/Section 2 “Permitted, Conditional and Accessory Uses” for the purpose of adding Land Use #6397 “Automobile, truck and trailer rentals” in the MD (Manufacturing Distribution) Zone, in that it does not fit in with the City’s Master Plan. A public hearing was held. Council Member Call seconded and the motion passed with Council Members Atwood, Wilson, Jensen, Boyd and Call voting “Aye.”

Council Member Boyd asked if there was a way to look at eventually changing the zone from the MD designation.

Administrator Mills suggested that the issue at hand might best be addressed by Community Development starting to work on it with research. He said this would include looking into the permitted uses in the MD zones in the City right now. He then read some of those permitted uses off to the Council. He next explained that when meeting with the Economic Development committee, discussions have taken place as to possible purchases of property in the MD zone. Those that have expressed interest have had some of the uses that are listed in mind. He said with the fact that the uses are currently allowed in the zone, the City needs to decide upon the permitted uses in the future of the zone. He noted that it would be difficult to see the land sold to someone that wanted to make use of the land in the way it is currently zoned; then tell them that the zoning was going to be changing.

Council Member Atwood wondered if the small amount of land on Center St. that is currently zoned MD, could be otherwise zoned. Administrator Mills said that there has been a proposal made. However, he said the real issue is to help out Director Young and his staff in determining if the zoning should be changed. Director Young said he is open to receiving direction in this matter.

Mayor Daniels then asked those members of the Economic Development Committee, including Director Bradford, to study the issue and report back with the ramifications with the possible change of zone, etc. The Mayor then asked if Director Bradford would report back at a work session in the near future.

C. TO CONSIDER ADOPTION OF PLEASANT GROVE CITY’S FINANCIAL AUDIT, INCLUDING THE RDA AND THE PLEASANT GROVE BUILDING AUTHORITY, FOR FISCAL YEAR 2007-2008.

Director Clay explained that the auditing firm of Gilbert and Stewart had recently sent the result of the City's financial statements. He noted that the audit went very well, and the City received a very good rating. There were three areas the auditors did request the City correct. He said those included that the Community and Renewal Agency Fund (formally the RDA), and the debt service fund have deficit fund balances. He also said that the City had not formally adopted a "pick up" resolution for the fire fighter's retirement system. However, he noted that this was addressed about a month ago when the Council adopted a resolution for the fire fighter's retirement system.

ACTION: Council Member Jensen moved to approve adoption of Pleasant Grove City's Financial Audit, including the RDA and the Pleasant Grove Building Authority, for Fiscal Year 2007-2008. Council Member Atwood seconded, and the motion passed with Council Members Jensen, Wilson, Boyd and Atwood voting, "Aye."

D. TO CONSIDER AWARDING THE BID FOR THE STREET REHABILITATION PROJECT 2009.

Director Walker came forward and explained to the Council that on Friday, January 30, 2009, bids were opened for the Pleasant Grove City street rehabilitation project, 2009. He said the project was unique, in that four options were bid.

After tabulating the bids and after further discussions, Engineer Marty Beaumont said that it was their recommendation that Bid Option A & D be awarded to Geneva Rock. They were the low bidder at \$760,118.20. He said the engineer's estimate had originally been \$1,103,189.75. He further explained that Geneva Rock Products is 31.1% below the engineer's opinion. The work will be done in several areas throughout the community.

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

ACTION: Council Member Atwood moved to approve awarding the bid for the Street Rehabilitation Project 2009 in the amount of \$760,118.20 to Geneva Rock Products. Council Member Wilson seconded, and the motion passed with Council Members Jensen, Wilson, Boyd and Atwood voting, "Aye."

9. STAFF BUSINESS

- Director Giles reported that he would like to share recent information with the Council regarding the swimming pool situation. He said that as mentioned in a previous meeting, the City was to comply with a Federal statute that requires the filtration system be configured a certain way so that no one could be injured if they were by the grate of that system. He had received a rough estimate of the cost of the work to be done by a pool company. He also said that by the new law, there are three criteria that must be met, and Pleasant Grove's pool meets one of the three. He also said that there might be a possibility that the county would allow the City a leeway for this year, as it has become very difficult to schedule someone to come out and do the work (due to an overload of requests from other communities). Also, the materials are currently unavailable.

Council Member Jensen asked what the estimated cost would be for the work. Mayor Daniels said it has been estimated at a cost of \$60,000. He said this would include the labor and materials. The Mayor then explained that the law, which is called the Virginia Baker Act, was enacted in 2007 due to a death caused by a pool filtration system that was not fitted with the now-required equipment to prevent such a death. He said with the equipment, it is felt that swimmers will be protected. Director Giles and Mayor Daniels then explained that there have been 17 nationwide deaths from the problem. They also said it would be better, with the current slow economy, to wait until 2010 to make the changes.

- Administrator Mills informed everyone that in the next several weeks, there would be one or two executive session needed to discuss real estate, etc.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen said that the Fox Hollow Golf Course administrator, Mr. Kent Wells, was no longer with the Course. He asked the Mayor when the three mayors would be meeting. Mayor Daniels said they would be meeting at the course on February 26, 2009. They will be discussing the course's budget.
- Council Member Boyd announced the date had been set for the Heritage Festival on September 12, 2009. She then said that this date was close to the real birthday for Pleasant Grove, which is September 10.
- Council Member Atwood reminded everyone that North Point waste would again have their yearly hazardous waste collection on March 28, 2009. The drop-off point will again at a UVU parking lot location.
- Council Member Wilson asked if he could have a list of what the directors were each asking for in the upcoming budget. He said he wasn't concerned about office supplies, etc, but for the larger items. Also, he indicated that he had noticed that occasionally, departments had budgeted for one thing, then ended up purchasing something else.
- Mayor Daniels said that questions had arisen in reviewing the employee's handbook. He said this included whether or not a City employee could hold public office, amongst other questions. He then noted that he had asked Attorney Petersen to please compile the changes that were needed where staff found errors. He said this would include a change that was needed to be made that had been previously discussed. At that point, the Mayor said he would then like Director Clay, Attorney Petersen and Administrator Mills to get together and go through the handbook, "line by line," with those changes. He then asked Attorney Petersen when she thought her changes would be completed. Administrator Mills directed her to have everything complete and ready for Council consent by the first of March. She stated she would be ready to have the one on one meeting with Administrator Mills, Director Clay, Mayor Daniels and herself in the next two weeks.

11. SIGNING OF PLATS

There were no plats to be signed.

12. REVIEW CALENDAR

Mayor Daniels reminded everyone that February 16, 2009 would be an employee holiday. Valentine's Day will be on Saturday, February 14, 2009.

13. APPROVE PURCHASE ORDERS

Mayor Daniels asked if there were any questions regarding the purchase orders from January 25, 2009. Council Member Wilson asked about the badges being purchased for the police officers. Director Clay explained that all of the officers had purchased their new badges, except for seven of the badges. The Mayor then asked for a motion.

ACTION: Council Member Atwood moved to approve the purchase orders from January 25, 2009. Council Member Wilson seconded, and the motion passed with Council Members Jensen, Wilson, Boyd and Atwood voting, "Aye."

14. ADJOURN

ACTION: At 7:47 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Boyd, Call, Wilson and Jensen voting "Aye."

This certifies that the City Council minutes of February 3, 2009 are a true, full and correct copy as approved by the City Council on February 17, 2009.

Mary Burgin
Planning Technician