

Pleasant Grove City Council Minutes
August 5, 2008
7:00 p.m.

PRESENT:

Mayor:

Excused: Michael W. Daniels

Council Members:

Excused:

Jeffrey D. Wilson

Lee Jensen

Cindy Boyd

Bruce Call

Mark Atwood

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Richard Bradford, Economic Director

Degen Lewis, City Engineer

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

Attorney Petersen informed the Council that since Mayor Daniels and Mayor Pro Tem Jensen were absent from the meeting, the Council would need to make a motion to appoint a Mayor Pro Tem for this meeting.

ACTION: Council Member Call moved to appoint Council Member Atwood as the Mayor Pro Tem for this meeting. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Wilson and Call voting, "Aye."

1. CALL TO ORDER

Mayor Pro Tem Atwood noted that Council Members Boyd, Atwood, Call and Wilson were in attendance. He excused Council Member Jensen and Mayor Daniels.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Brennen Barfus from Troop 1207.

3. OPENING REMARKS

Opening Remarks were given by Chief Paul.

4. APPROVAL OF MEETING'S AGENDA

Mayor Pro Tem Atwood asked if there were any changes to the agenda. There were none.

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

1. Work Session Minutes for July 8, 2008
2. City Council Minutes for July 15, 2008
3. To consider approval of Final Payment Request and Change Order No. 2 to Cody Ekker Construction, Inc., for the 500 South Water Improvements Project.
4. To consider appointment of Wendy Vincent to serve as new Pleasant Grove Arts Commission Chair.
5. To consider approval of Payment No. Eleven (Final Payment) to Dunn Construction, LC for the Pressure Irrigation System – Schedule 5B Project.
6. To consider approval of Payment No. Fourteen to HDX, LC, a Dunn Company, for the Pressure Irrigation System – Schedule 6 Project.
7. To consider adoption of a Resolution authorizing the Mayor to sign an easement in favor of American Fork City for a trail through a portion of Fox Hollow Golf Course.
8. To consider approval of paid vouchers (July 25, 2008)

Mayor Pro Tem Atwood said item #7 should actually be a regular item, and would move from the Consent Agenda to Regular Business. Attorney Petersen agreed.

Mayor Pro Tem Atwood asked if everyone had an opportunity to review the consent items. They said they had. He then asked if a short informational biography could be given on Mrs. Wendy Vincent, who was being nominated to take over the reigns of the Arts Commission from Chair Heather Pack. Mrs. Pack then came forward. She told the Council that Mrs. Vincent has been a resident of Pleasant Grove for 11 years. She has served at a PTA president at Central Elementary. She has also served on the PTA Board for the Jr. High. She works with the swim team at the swim meets. She loves the arts, and has served as the president of a national tole painting society. She also is a quilter. Mrs. Pack said Mrs. Vincent has a great ability to lead, and is very enthusiastic about the benefit of the arts to the community.

Council Member Call asked Mrs. Pack what she would now be doing. Mrs. Pack said she was going back for her master's degree in public administration.

ACTION: Council Member Call moved to approve the consent items; moving item #7 to the regular agenda. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Wilson and Call voting "Aye."

6. OPEN SESSION

Mayor Pro Tem Atwood invited anyone that wanted to come forward to do so.

- Mr. Chad Blackhurst then told the Council that he was coming before them because he perceived he had a problem with Hatch Estates, which he was developing. He went on to explain that he is to put a hammerhead turnaround at the end of one of the streets, but that if he puts it in, it will actually be part of someone's driveway.

Mayor Pro Tem Atwood then turned to Planner Allen and asked if he was familiar with the case. Planner Allen said no, but that Mr. Blackhurst would be more than welcome to come into Community Development and meet with him or staff. Mayor Pro Tem Atwood then directed Mr. Blackhurst that he would actually have to start with Community Development. He said that it might end up with the Council, but staff would first have to address his concerns.

- Mrs. Marie Bell then came forward. She addressed the Council and said that she and her husband had built a home at 943 East and 640 North. She said they loved the area as it was a quiet place to live. She then said that a neighbor had a huge pile of dirt on their property, and decided to turn their yard into a "motorcycle park." By this she said she meant that not only does the owner, but others come in and run their motorcycles up and down the ramps in his yard both night and day. She said that when she tried to discuss the noise problem with the neighbor, he invited her to, "pack my bags and leave."

Attorney Petersen then commented that this situation needed to be addressed at a staff level. She said that such a use as Mrs. Bell had described would not be "grandfathered" into that zone. Also, she said it was a residential area, not a "motorcycle park," and if there was a nuisance being created, both Director Young and Officer Finlayson should be apprised of what was going on. She invited Mrs. Bell to come in and meet with her so they can discuss her concerns.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Mr. Bill Spence said he was at the meeting to report on the Neighborhood Advisory Board current issues and concerns. He said that in the most recent meeting, concerns had been brought up about the new liquor store that would be going in The Grove area. He said he really appreciated staff attending the meeting to help resolve the many questions that were being asked.

8. LIBRARY REPORT

Head Librarian April Harrison came forward and addressed the Council. She said the recent 20 year birthday bash for the building the library is currently in was a huge success in the downtown park. She said that thanks to Director Giles, Manager Nielsen and Superintendent Rasmussen for helping to set up the equipment in the park. Over 500 people attended. She also thanked Council Members Boyd and Jensen for their attendance.

Next, she said that the State Library organization has asked that local libraries set up five-year goals in the form of strategic goals. To form this mission statement, Librarian Harrison said they

solicited input from schools, parents, library users, business owners and other residents for ideas. From that process, was created a discussion of both the weaknesses and strengths of the library in Pleasant Grove. She said they found that there seemed to be a lot of concern about a “great divide between old timers and new residents.” Many new residents said they felt this chasm. So, the board and staff got together and decided to have the first annual, “Citywide Read,” to help get everyone “on the same page!” The book chosen is “Peace Like a River.” She said the book is excellent and very popular. There will be meetings in September to discuss the book for all residents—old or new. She said it is recommended that the book be read by children over the age of 12 due to content. It is about a family and their struggles in the Midwest during the 1960’s.

She and her staff then handed copies of the book out to those present. She asked that the Council stand behind the library staff and board in this effort to help bring the community together.

The Council thanked Librarian Harrison and her staff for the books. Council Member Call suggested that with each book, everyone that reads that particular copy sign their name in the book. The books will then be given back to the library so they can continue to check them out.

9. BUSINESS:

A. TO CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN EASEMENT IN FAVOR OF AMERICAN FORK CITY FOR A TRAIL THROUGH A PORTION OF FOX HOLLOW GOLF COURSE.

Mayor Pro Tem Atwood said this item had been discussed and information was in the Council’s packets. He said American Fork City needed Pleasant Grove officials to sign an easement for a trail to go through a small portion of the Fox Hollow Golf Course. The trail will be for walkers and cyclist; but not for horses. He asked if there were any comments or questions. There were none. He then asked for a motion.

ACTION: Council Member Boyd moved to approve Resolution No. 2008-024, authorizing the Mayor to sign an easement in favor of American Fork City for a trail through a portion of Fox Hollow Golf Course. Council Member Wilson seconded and the motion passed unanimously with voice votes from Council Members Boyd, Atwood, Wilson and Call voting “Aye.”

B. CONTINUED PUBLIC HEARING TO CONSIDER ROBERT LITTLE’S REQUEST TO AMEND TRACK #5 OF THE WARNICK SUBDIVISION AND TO CREATE A 2-LOT SUBDIVISION KNOWN AS LITTLE SUBDIVISION, PLAT “A,” LOCATED AT 3154 NORTH 1450 WEST IN THE RR (RURAL RESIDENTIAL, 21,780 SQ. FT. LOT AREA) ZONE. (MANILA NEIGHBORHOOD) *CONTINUED FROM JULY 15, 2008 CITY COUNCIL MEETING

Planner Allen came forward and explained that the request coming before the Council was for the approval of a 2-lot subdivision final plat—with lot 2 being a flag lot. The address is 3154 North 1450 West in the RR zone with 1.08 acres. The applicant is Mr. Robert Little. All lots comply with the requirements of the R-R zone (lot size, frontage, lot width, etc). Lot #1 will have frontage and access off of 1450 West. Lot 2 will access via a stem running along the north side of lot 1.

The Lewis Estates Subdivision immediately east of the proposed subdivision terminates in a cul-de-sac just beyond the east property line making subdividing through residential street standards impossible. Additionally, the property is not large enough to get both a 56 ft. wide road and lots that meet the requirements of the R-R zone. In analyzing the property, staff sees flag lots as the best way to develop the proposed property.

All the properties surrounding the proposed subdivision have existing homes on them. The Fryer property directly north has the potential for one additional lot that could access via the stem for the Little Subdivision. The Chipman property directly south also has size sufficient to subdivide; however, the locations of the homes do not make it possible for the property to be accessed via the stem for the Little Subdivision.

The engineering department has reviewed the proposed preliminary plat and recommended approval subject to meeting all of the final plat engineering requirements. The Planning Commission reviewed and approved the preliminary plat for this subdivision on June 26, 2008.

Mayor Pro Tem Atwood then opened the discussion to a public hearing. There were no comments. He then brought the discussion up to the Council. Council Member Boyd asked if the proposed road will link the subdivision to the north. Planner Allen said yes, it would.

Mayor Pro Tem Atwood asked if there were anymore comments. There were none. He then asked for a motion.

ACTION: Council Member Call moved to approve Robert Little's request to amend track #5 of the Warnick Subdivision and to create a 2-lot subdivision known as Little Subdivision, Plat "A," located at 3154 North 1450 West in the RR (Rural Residential, 21,780 sq. ft. lot area) zone; with the following condition: (1.) That all final engineering requirements are met. Also, based on the following findings: (1.) The proposed subdivision complies with the development requirements of the R-R zone; (2.) The proposed subdivision complies with the flag lot requirements (10-15-14). A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

C. TO CONSIDER APPROVAL OF A LOT LINE ADJUSTMENT FINAL PLAT FOR LOT 3 OF VALLEY VIEW HEIGHTS SUBDIVISION, PLAT "A," AND THE LEO AULT PROPERTY LOCATED AT 984 SOUTH LOADER DRIVE. (SCRATCH GRAVEL NEIGHBORHOOD) *Continued from July 15, 2008 City Council Meeting

Planner Allen said this item was to consider the approval for a lot line adjustment for the final plat for lot 3 of Valley View Heights subdivision, plat A. It is the Leo Ault property located at 984 S. Loader Drive. The zone is R1-9 and the total acreage is 1.33.

The applicant has requested the approval of a lot line adjustment plat between his property and the neighboring Lemone property; which is lot 3 of the Valley View Heights subdivision.

This plat does not constitute a subdivision, as no new lots are created, as provided Pleasant Grove City Code Section 11-7-6, and by Utah State Code Section 10-9a-608. No new streets or accesses are proposed or required with this request. The result of the lot line adjustment is a

transfer of the backyard area of the Ault property, which is currently almost $\frac{3}{4}$ of an acre, to the Lemone property. Both new lots will meet the lot size requirements.

Engineering has no concerns with the line adjustments. It is requested, however, that the plat include indication of the future alignment for a road dedication of the Ault property along Loader Drive. The proposal complies with the goals and objectives found within the General Plan. The proposal complies with the conditions and restrictions of the R1-9 Zone, and all other supplementary regulations.

Regarding the prior Council meeting discussion with the Oak Hills Engineering surveyor, Mr. Francis Eichbush, Attorney Petersen said that the issues had been resolved. She noted that staff never required a road be indicated on the plat map, but made it a recommendation to be shown. The City had simply suggested that perhaps a road should be shown. She said that staff removed the request to show of the proposed road from the plat.

ACTION: Council Member Wilson moved to approve a Lot Line Adjustment Final Plat for Lot 3 of Valley View Heights Subdivision, Plat "A," and the Leo Ault property located at 984 South Loader Drive; with the finding; (1.) The proposed lot line adjustment plat complies with the R1-9 Zoning District requirements. Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Atwood, Boyd and Call voting "Aye."

9. STAFF BUSINESS

- Attorney Petersen announced that Mr. Ed White from The American Center for Law and Justice will be in Pleasant Grove on August 19, 2008, along with the attorney who will actually be making the argument. They will be preparing arguments for his appearance before the U.S. Supreme Court in November of this year. He will be interviewing members of the staff, including Administrator Mills and Director Giles. Also, she asked that a very brief executive session please be held at the end of the current meeting to discuss litigation.
- Director Walker said that the overlay on 200 South would begin the next day. He said it will take about a day and a half to complete. He said that they are hoping they are able to get the oil they need to complete the job, as it is in short supply at this time.
- Engineer Lewis indicated that Mr. Dennis Baker had completed the planting of the trees down in the vicinity of Pleasant Grove Boulevard and University of Phoenix. He told the Council that the trees are very mature and beautiful and about 5" to 6" calipers.
- Director Bradford reminded everyone of the upcoming PGBA meeting on Friday, August 8, 2008 at 12 noon in the downtown park. He said lunch will be free, and everyone will have the opportunity to meet local business owners.

10. MAYOR AND COUNCIL BUSINESS

There were no announcements brought up by the Council at this time.

12. SIGNING OF PLATS

There were no plats to be signed.

13. REVIEW CALENDAR

Mayor Pro Tem Atwood reminded everyone that the annual City Golf Tourney would be held at Fox Hollow on August 29, 2008. He also reminded everyone of the City Summer party that would be held on August 20, 2008. He said the Council would be in charge of the particulars for the party this year.

14. APPROVE PURCHASE ORDERS

Mayor Pro Tem Atwood asked if the Council had reviewed the purchase orders for July 25, 2008. Everyone said they had. He asked if there were any questions or comments. There were none. He then asked for a motion.

ACTION: Council Member Wilson moved to approve the purchase orders for June 25, 2008. Council Member Boyd seconded and the vote was unanimous with Council Members Boyd, Atwood, Wilson and Call voting “Aye.”

15. EXECUTIVE SESSION TO DISCUSS IMMINENT OR PENDING LITIGATION (UCA 54-4-205(1)(c)).

ACTION: At 7:39 p.m, Council Member Wilson moved to go into executive session to discuss imminent or pending litigation (UCA 54-4-205(1)). Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Call, Boyd and Atwood voting, “Aye.”

ATTENDING:

Mayor:

Excused: Mike W. Daniels

Council Members: Excused:

Cindy Boyd Lee Jensen

Mark K. Atwood

Bruce Call

Jeffrey Wilson

Others:

Frank Mills, City Administrator

Tina Petersen, City Attorney

Deon Giles, Leisure Services Director

Amanda Fraughton, City Recorder

Mary Burgin, Deputy Recorder

ACTION: At 7:45 p.m, Council Member Wilson moved to go back into regular session. Council Member Call seconded and the motion passed unanimously with Council Members Call, Boyd, Wilson and Atwood voting, “Aye.”

15. ADJOURN

ACTION: At 7:46 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Wilson and Call voting, "Aye."

This certifies that the City Council Minutes of August 5, 2008 are a true, full and correct copy as approved by the City Council on August 19, 2008.

Signed _____
Mary Burgin, Deputy Recorder