

Pleasant Grove City Council Minutes
October 16, 2007
7:00 p.m.

PRESENT:

Mayor:

Mike W. Daniels

City Council Members:

Cindy Boyd

Jay F. Meacham

Bruce Call

Mark K. Atwood

Lee G. Jensen

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Director of Finances

Tina Petersen, City Attorney

Deon Giles, Leisure Services Director

Ken Young, Community Development Director

Richard Bradford, Economic Development Director

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

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

Mayor Daniels called the meeting to order at 7 p.m. and welcomed everyone to the meeting.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Daniels.

2. OPENING REMARKS

The Opening Remarks were given by Director Bradford.

3. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any changes or additions to the agenda. There were none. He then asked for a motion.

ACTION: Council Member Meacham moved to approve the meeting's agenda, as written. Council Member Boyd seconded and the motion passed unanimously with Council Members Call, Atwood, Jensen, Boyd and Meacham voting "Aye."

4. 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. City Council Minutes for October 2, 2007
2. Work Session Minutes for October 9, 2007
3. To consider declaring 1997 Chevrolet Blazer, VIN No. 1GNDDT13W6VK139549, from the public works department, as surplus property.
4. To consider declaring a 2008 Chevrolet truck bed, from the public works dept., as surplus property. The truck bed will be replaced with a utility bed.
5. To consider approval of paid vouchers (Oct. 10, 2007)
6. To consider approval of application for Payment #2 (final payment) by JLR General Contractors for the Mahogany Park Landscaping Project.
7. To declare 10 police motor vehicles (9 Ford Crown Victorias and 1 Chevrolet Impala) surplus property.

ACTION: Council Member Meacham moved to approve the consent items as written. Council Member Jensen seconded and the motion passed unanimously with Council Member Call, Atwood, Jensen, Boyd and Meacham voting, "Aye."

5. OPEN SESSION

Mayor Daniels asked if there was anyone who wanted to come forward in an open session format. He asked if they would state their name and address and noted that they needed to limit their comments to two minutes or less.

Mrs. Coral Hicks came forward and said she lives at 1030 N. 600 W. in Pleasant Grove. She told the Mayor and Council that former Governor Leavitt of Utah had appointed her at the head of the Literacy Committee for Pleasant Grove.

She said the first project was an essay contest coordinating with Strawberry Days. She said T-Shirts were handed out for a reading program, also. About five years ago, there was grant that was given by the Ashton Foundation that was shared with the library for literacy and an English as a Second Language (ESL) program. When the library became too small and could not provide an area for a nursery, she said the program moved from the Library to the Jr. High. She said she held three beginning classes and one advanced class at the Jr. High.

Mrs. Hicks said she has a curriculum, but the Jr. High administration doesn't want to have the program in their building unless the program has insurance coverage. She then asked if the City would cover her program with their insurance. She said she had emailed the Mayor and Council, but had not heard back from them. The Council said they had not received the emails.

Mayor Daniels asked where Mrs. Hicks received her materials for the program. She said she gets part of them through BYU, and part through internet resources. Initially, they received curriculum information from the foundation.

Mayor Daniels noted that it sounded like her program was under some kind of private volunteer organization. Mrs. Hicks said she didn't know if it was private.

Council Member Atwood asked what the Governor's office recommended she do. She said they told her to go to a reading center. She said Pleasant Grove doesn't have such a center. However, there are such centers in Orem, Provo and Lehi.

Mrs. Hicks said that she attempted to recently restart the program. After advertising, she said 20 people showed up, but they were unable to meet in the Jr. High.

Mayor Daniels commented that Mrs. Hicks seemed to have a positive desire to serve the people in the area; but has not been given the resources she needs. He said she is now turning to the city. He then said that she needs to work with Director Giles, as he sees such a program going under Leisure Services. He also explained that before action would be taken by the Council, they would need to be a conference with the City Attorney so that the kind of commitment would be fully understood by them. He said this would be a discussion item for a regular City Council meeting.

A member of the Library Board, Ms. Ramona Gale, then stood up and briefly said that the Interlocal library contract with the other North County Cities was still being finely tuned. Mayor Daniels then asked that the Library Board please be a regular item on the agenda once a month with their report.

Chief Sanderson then came forward and explained to the Mayor and Council that two firemen were in attendance. He said he had asked them to come so he could introduce them to the Council. In the firemen's competition, Mr. Cory Cluff came in first. He said that Mr. Cluff is a 9-year veteran with the department and took first in the competition. Mr. Dan Simko, also with the Pleasant Grove Fire Department, took second place. He also announced that Mr. Justin Whatcott with the Parks department has been promoted to engineer with the fire department.

6. NEIGHBORHOOD ADVISORY BOARD REPORT

Chair Libby Flegal was out of town, so there was no Neighborhood Advisory report.

At this point, Mayor Daniels announced that he wanted everyone to know that Captain Cody Cullimore had been offered the new Police Chief position at Lindon City. The Mayor explained that Captain Cullimore was being presented to the Lindon City Council at the same time this meeting was taking place. The Mayor commented that he felt the transition would be made much smoother between Lindon and Pleasant Grove with Captain Cullimore. He also said that Pleasant Grove will miss Captain Cullimore and wishes him the best. The Mayor said that staffing will be of concern to both departments.

7. BUSINESS

A. TO PROCLAIM OCTOBER 8TH, 2007 AS, "SUSAN SCHUMACHER DAY IN PLEASANT GROVE," AS SHE HAS BEEN NAMED THE WAL-MART STATE TEACHER OF THE YEAR IN UTAH.

Mayor Daniels read this item. Attorney Petersen then came forward and explained that Pleasant Grove teacher Mrs. Susan Schumacher had received a very prestigious award as the Wal-Mart State Teacher of the Year in Utah. She said the competition for the award starts at a local level,

which would be at the Lindon Wal-Mart. She said that once the teacher is nominated, and then wins at the local level, they then go to the state and then regional levels of competition. With this honor, Mrs. Schumacher also won a \$10,000 educational grant for the high school. Attorney Petersen then read the Proclamation as follows:

Proclamation

October 8th, 2007

Susan Schumacher

2007 State Teacher of the Year

WHEREAS, Teachers serve a significant role in helping students achieve academic success. Great teachers inspire and challenge their students and deserve to be honored for their excellence in education; and

WHEREAS, Over 4,000 schools throughout the United States and Puerto Rico have received \$1,000 educational grants through the 2007 Wal-Mart Teacher of the Year program, honoring the "best of the best;" and

WHEREAS, Wal-Mart, one of the largest corporate supporters of teachers and education, will now enter its year of recognizing outstanding teachers nationwide providing support to schools through the program; and

WHEREAS, Fifty-one state winners (including Puerto Rico), selected by Phi Delta Kappa International, will be honored and whose schools will received a \$10,000 education grant from Wal-Mart; and

WHEREAS, The 51 state winners will automatically be considered for the national Teacher of the Year award, announced this fall; and

WHEREAS, We as a city are proud of the educational endeavors of our teachers and the leadership they show toward our future generations; and

WHEREAS, Susan Schumacher has been named the Wal-Mart State Teacher of the Year in Utah; and

NOW, THEREFORE, I, Mayor Michael W. Daniels of Pleasant Grove City, do hereby proclaim October 8, 2007,

Susan Schumacher Day in Pleasant Grove

And call upon all our citizens to congratulate her for outstanding contributions to her students, school and community. .

Date: October 16, 2007

Michael W. Daniels, Mayor

Council Member Jensen asked why the Proclamation was dated October 8, 2007. Attorney Petersen said the City had not been notified early enough to have added this item before October 8, 2007. She said that was why it was post-dated.

Council Member Call indicated that he was able to attend the ceremony where Mrs. Schumacher was honored. He said that when she spoke she explained that she loved Pleasant Grove High School, and thought that she probably "bled blue!" She also said she was offered a position at Lone Peak High School, but chose to stay at Pleasant Grove High School.

ACTION: Council Member Call moved to approve the Proclamation of October 8th, 2007 as, "Susan Schumacher Day in Pleasant Grove," as she has been named the Wal-Mart State Teacher

of the Year in Utah. Council Member Meacham seconded and the motion passed unanimously with Council Members Call, Jensen, Atwood, Boyd and Meacham voting, "Aye."

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING MATTHEW AND CAROL WHITAKER'S REQUEST TO AMEND SECTION 10-9A-G AND E BY AMENDING THE DISTANCE THAT AN ANIMAL BARN CAN BE LOCATED FROM A RESIDENTIAL DWELLING AND TO ALSO AMEND THE NUMBER OF HORSES THAT CAN BE ALLOWED ON THE PROPERTY; FOR PROPERTY LOCATED IN THE RR (RURAL RESIDENTIAL, 21,780 SQ. FT. LOT AREA) ZONE. CITY WIDE IMPACT

After Mayor Daniels read this item, Director Young indicated that this item was a request of applicants Matthew and Carol Whitaker. He explained that they are requesting a text amendment in 10-9A-5E and 5G in the City Code, requiring the distance of an accessory building used to house animals and poultry. Director Young said, however, that this text amendment would not be related to the number of animals that are allowed.

Director Young recounted that what initiated the ordinance amendment was the Whitaker's request to amend sections 10-9A-5E & 10-9A-5G of the Pleasant Grove City Code which reads as follows:

E. Accessory Building; Side Yard: The side yard of an accessory building shall be the same as that required for a principal building, except that accessory buildings which house animals or poultry shall have a side yard of not less than twenty feet (20 ft.) and shall be located at least one hundred feet (100 ft.) from any dwelling.

G. Accessory Building; Rear Yard: An accessory building may be located on the rear property line so long as:

1. It provides for all roof drainage to be retained on the subject lot or parcel.
2. It is not for the housing of animals or poultry. Accessory buildings so used shall have a rear yard of not less than twenty feet (20 ft.) and shall be located at least one hundred feet (100 ft.) from any dwelling. (Ord. 2000-23, 7-18-2000)

He then explained that the couple were requesting that the code be changed to allow the minimum distance from dwellings to be less than 100 ft. They initially requested that the distance be 70 ft, but after our review, they have agreed to change that request to 75 ft.

The proposed amendments will impact the RR Zone. All requirements of the zone will still have to be met for approval. The proposed changes are consistent with the goals, policies, and objectives of the General Plan and will not negatively impact the health, safety, and welfare of the residence of Pleasant Grove.

As staff reviewed the request, Director Young said they saw that there was some merit to the request. They found that the average size of a lot in the RR zone (110' x 198') make it nearly impossible to meet all the required setbacks and still build. The following table shows that meeting all the required setbacks leaves approximately 8 ft. to build in.

| | |
|--|-------------|
| Front yard setback | 30' |
| Average depth of residential structure | 40' |
| Distance requirement | 100' |
| Required rear yard setback | 20 |
| Total | 190' |
| Total less lot depth | 8' |

After seeing this, staff determined that it was a reasonable request to change the distance. In order to come to an appropriate distance, the applicant and staff looked at the requirements of neighboring cities. The following are those requirements:

| City | Adjoining Dwelling | Owners Dwelling |
|----------------|--------------------|---------------------------|
| Lindon | 50' | 20' |
| Alpine | 75' | Closer to owners dwelling |
| Cedar Hills | 100' | 50' |
| American Fork | 75' | 50' |
| Highland | 100' | 75' |
| Lehi | 60' | 30' |
| Average | 76' | 50' |

The initial request was to change the distance from 100 ft. to 70 ft. for the distance from any building. After researching the distances required by surrounding cities, staff determined that it would be appropriate to create two requirements; one establishing the minimum distance from adjoining dwellings and another establishing the minimum distance from the dwelling on the property.

Director Young noted that City Staff recommends that the distance from adjoining dwellings be 75 ft. because it is consistent with the requirements of surrounding cities. Cedar Hills and Highland are both 100 ft, but they are not appropriate comparisons because Cedar Hills only requires 80 ft. of lot width which would allow for a lot to be 250 ft. deep and Highland is referring to lots that are 40,000 sq. ft. That being said, staff and the applicant were comfortable with a minimum distance of 75 ft.

One of the main problems with the current code is the distance required from the owners dwelling is the same as the distance required for surrounding dwellings. Staff is recommending that a separate distance requirement be set for dwellings on the property. It is reasonable to assume that a person building one of these structures would not mind having the building closer to their home. The distance that a building can be from the home will in large part be driven by the required distance from the neighboring dwellings but we are recommending that a minimum distance from the owners dwelling still be established. Our recommendation is that the distance from the owners dwelling be 30 ft. The Planning Commission gave a recommendation to approve the proposed amendment at a public hearing held on October 11, 2007.

The proposed ordinance amendment would read as follows:

E. Accessory Building; Side Yard: The side yard of an accessory building shall be the same as that required for a principal building, except that accessory buildings which house animals or poultry shall have a side yard of not less than twenty feet (20 ft.) and shall be located at least ~~one hundred feet (100 ft.)~~ **seventy five feet (75 ft.)** from any **neighboring** dwelling **and thirty feet (30 ft.) from the dwelling on the lot.**

G. Accessory Building; Rear Yard: An accessory building may be located on the rear property line so long as:

1. It provides for all roof drainage to be retained on the subject lot or parcel.

2. It is not for the housing of animals or poultry. Accessory buildings so used shall have a rear yard of not less than twenty feet (20 ft.) and shall be located at least ~~one hundred feet (100)~~ **seventy five feet (75 ft.)** from any **neighboring** dwelling **and thirty feet (30 ft.) from the dwelling on the lot.** (Ord. 2000-23, 7-18-2000)

Council Member Atwood then asked if the Whitaker's barn, then, would be 75 ft. away from the home next door. Director Young said yes, that would be correct.

Administrator Mills asked if the request hadn't come forward from the Whitakers, if Community Development staff would have even considered the change. Director Young said they probably wouldn't have considered the change. He explained that the couple was working on their barn, and it was found out that they wanted to make the structure larger by building an extension. He said only posts with a temporary awning had been started, and staff had asked them to stop further construction until the Planning Commission and the Council was consulted and the current ordinance could be possibly changed.

Administrator Mills then explained that the problem he saw with this particular case was that the couple had started to build without a permit for the extension of the building. He said it makes it difficult for staff to tell people to tear structures down that do not comply with code. He went on to say that he can't see the code being changed because of this particular scenario. Director Young then explained that a lot of sections in the code could be questioned, if it is reasonable.

Council Member Boyd then observed that she understood that if the current code was too restrictive, that perhaps it would work better if changed.

Mayor Daniels then suggested that for the discussion at the current meeting, the issue of building permits and the ordinance be separated. He asked that the ordinance be currently focused upon.

Attorney Petersen then further clarified the discussion by explaining that section E was talking about the side yard setback and section G about the access. She said that drainage, etc, from the building is not talked about.

Questions were then raised about the size and height of the accessory building. Director Young explained that code did not allow the accessory building to be taller or larger than the primary residence.

Council Member Call then said that the issue wasn't the size of the building, but instead the required setbacks; which were currently 100 ft. He said it was interesting as to why the different cities had such a huge range of setbacks in their individual codes. Director Young said he couldn't answer that. He said he and his staff couldn't even find out why Pleasant Grove had the setback at 100 ft. Council Member Call asked if perhaps the reason for a 100 ft. setback would be health considerations.

Administrator Mills then explained that going back in history, when the ordinance took effect, other communities, like Lindon, had smaller lot sizes. He said the ordinance was born from the fact that people were building barns (literally) under their neighbor's windows. Because Pleasant Grove had larger lots, the setback was determined at 100 ft.

After further discussion, Attorney Petersen suggested that perhaps this item should be continued until staff could research as to why Pleasant Grove should continue or change the current ordinance concerning setbacks for accessory buildings.

Council Member Call asked if health and safety considerations could be part of the reason for the setbacks. He was told that no matter how far back the building is required to be, animals will roam right up to the neighbor's property line. Mayor Daniels agreed with Council Member Call. He said he was also interested to know if the setbacks had originally been set due to health and safety concerns. Council Member Boyd said she felt that a lot of the reason could be due to the affect that the building could have on other properties.

Mayor Daniels then asked that independent of the issue of the ordinance, he would like to see an illustration that is true to the proximity of the buildings to fences and one another. He said the current drawing shows the buildings a lot larger than they would actually be when completed. The Mayor went on to say that in the past, the Council was approached about the ball python issue. He said that once the Council continued their decision until they received further information, they learned how close the cages for the animals actually were together, and the suggested health restrictions. This information that was given to the Council came from a national organization that governs the care and feeding of ball pythons, he explained.

Attorney Petersen said that the national organization did give staff excellent information about the ball pythons. She said that perhaps staff needed to look locally at county recommendations, also.

Mayor Daniels then opened the discussion to a public hearing. Applicant Mrs. Carol Whitaker came forward and explained their position. She said that they bought an additional piece of property behind their existing lot. She noted this, then, made their property a full acre. The barn, she explained, would not be close to the neighbors. She also said that they keep their barn in immaculate condition. She said they wanted to build a larger area in the barn so the animals have a larger space to move around in. They currently have three horses. She told the Mayor and Council they wanted to follow the law, which was why they were currently at the meeting. She then thanked the Council for the opportunity to speak at the meeting.

Mr. Whitaker then came forward and said that they had presented their proposal regarding the barn to the Planning Commission. He said that he and his wife, in their confusion, thought that

their proposal of expanding the barn was approved. He said the current barn is approved, but the awning area of the barn is not.

Mrs. Whittaker, when asked, said their home has 5300 sq. ft. She said the barn will be smaller than the home.

Mr. Joseph Asbury said that he was attending the Council meeting in regard to another matter. However, he said he wanted the Council to know that he was extremely impressed with their in-depth discussion and thought in making a decision. He said he had never really been aware that such time and thought went into such decisions for the City. He thanked both staff, the Mayor and the Council for their hard work.

Mayor Daniels closed the public hearing and brought it up to the Council.

Council Member Meacham observed that although the current discussion was concerning one particular lot, he reminded the Council that a change in the Ordinance would be City Wide (in the RR zone).

Council Member Call said he was still concerned about health codes in relation to having animals close to other's homes. Council Member Atwood then observed that the animal issue is actually not valid in that they don't only live in the building, but wander throughout the area—including right up to the property line. He said, however, that he wonders if it is a valid reason to change an ordinance just because someone's proposed accessory building doesn't fit on their lot. Council Member Boyd responded that it might be like the old parking ordinance. She said it was discovered that the number that the City was requiring was antiquated, and the ordinance was brought up to date.

Director Young observed that perhaps the code was such because of aesthetics, or how the building looked. Sometimes, he observed, such things as setbacks could reasonably be a subjective thing. He said that in his experience, ordinances were not set in stone, but rather available to change; if the change was deemed reasonable by the Council.

After further discussion, Mayor Daniels asked for a motion.

ACTION: Council Member Boyd moved to approve an Ordinance, regarding Matthew and Carol Whitaker's request to amend Section 10-9A-G and E by amending the distance that an animal barn can be located from a residential dwelling; for property located in the RR (Rural Residential, 21,780 sq. ft. lot area) zone. Council Member Jensen seconded and the motion died with Council Members Atwood and Boyd voting, "Aye," and Council Members Atwood, Call and Meacham voting, "No."

ACTION: Council Member Call then moved to continue the proposed Ordinance to November 7, 2007 City Council Meeting, regarding Matthew and Carol Whitaker's request to amend Section 10-9A-G and E by amending the distance that an animal barn can be located from a residential dwelling; for property located in the RR (Rural Residential, 21,780 sq. ft. lot area) zone. Additionally, with the instruction to staff to search the reasons for the currently existing setbacks in regard to safety, welfare and health. Council Member Atwood seconded and the

motion passed unanimously with Council Members Atwood, Jensen, Call, Boyd and Meacham voting, "Aye."

Please Note: At this point, Mayor Daniels also instructed staff to please reconstruct the illustration of the property to scale. He said he would like to see how the buildings on the property actually fit in regard to the lot. He also added that the current drawing staff had provided was out of scale and confusing.

C. TO CONSIDER AN ORDINANCE APPROVING ERIC TODD JOHNSON AND NOREEN JOHNSON'S (HUSBAND AND WIFE) REQUEST TO DISCONNECT FROM PLEASANT GROVE CITY. SAID PROPERTY IS LOCATED AT THE INTERSECTION OF 4000 WEST AND CEDAR HILLS DRIVE ON THE EAST SIDE OF 4000 WEST AND THE SOUTH SIDE OF CEDAR HILLS DRIVE. THE DISCONNECTION WOULD INCLUDE A PORTION OF 4000 WEST FRONTING THE SUBJECT PROPERTY.

Following Mayor Daniels reading this item, Attorney Petersen came forward and addressed the Mayor and Council. She indicated that this item was a follow-up to an earlier meeting whereby Mr. Johnson had agreed not to go forward with disconnecting from Pleasant Grove until there was an interlocal agreement between Cedar Hills and Pleasant Grove cities. Since the agreement dissolved between the cities, Attorney Petersen said Mr. Johnson was now back before the Council requesting a disconnection from the City. She added his property was located at the intersection of 4000 West and the south side of Cedar Hills Drive. Mr. Johnson will only be able to get sewer service if his property is part of Cedar Hills. She also said at the request of the County, the road is part of the legal description of the property.

Mayor Daniels asked if there were any questions from the Council. There were none. Mayor Daniels then asked for a motion.

ACTION: Council Member Call moved to approve an Ordinance No. 2007-38, approving Eric Todd Johnson and Noreen Johnson's (husband and wife) request to disconnect from Pleasant Grove City. Said property is located at the intersection of 4000 West and Cedar Hills Drive on the east side of 4000 West and the south side of Cedar Hills Drive. The disconnection would include a portion of 4000 West fronting the subject property. Council Member Boyd seconded and the motion passed unanimously with Council Members Meacham, Call, Jensen, Boyd and Atwood voted "Aye."

D. TO CONSIDER THE ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED IN FAVOR OF ROBERT E. AND VANIECE M. CARTER DEEDING APPROXIMATELY .010 ACRES OF SURPLUS PROPERTY TO THEM WHICH WAS NOT UTILIZED IN CONSTRUCTING PLEASANT GROVE BLVD. SAID PROPERTY IS LOCATED AT APPROXIMATELY 1250 WEST PLEASANT GROVE BLVD., PLEASANT GROVE, UTAH.

Following Mayor Daniels reading this item, Attorney Petersen indicated to the Council that this item was simply a quit claim deed regarding a small, .010 acre amount of parcel that is a surplus nuisance strip that needs to be returned to the original owners.

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

ACTION: Council Member Jensen moved to approve Resolution No. 2007-042, authorizing the Mayor to sign a quit claim deed in favor of Robert E. and Vaniece M. Carter deeding approximately .010 acres of surplus property to them which was not utilized in constructing Pleasant Grove Blvd. Said property is located at approximately 1250 West Pleasant Grove Blvd., Pleasant Grove, Utah. Council Member Boyd seconded and the motion passed unanimously with Council Members Call, Boyd, Jensen, Atwood and Meacham voting, “Aye.”

E. TO CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN QUIT CLAIM DEEDS IN FAVOR OF B.W. INC AND DON BRANDT, DEEDING APPROXIMATELY .049, .0486 ACRES AND .083 ACRES OF SURPLUS PROPERTY TO THEM WHICH WAS NOT UTILIZED IN CONSTRUCTING PLEASANT GROVE BLVD. SAID PROPERTY IS LOCATED AT APPROXIMATELY THE INTERSECTION OF PLEASANT GROVE BLVD AND SAM WHITE LANE, PLEASANT GROVE, UTAH.

Mayor Daniels read this item. Attorney Petersen then explained that these three remnant parcels needed to be vacated and returned to Mr. Don Brandt and B.W. Inc. She added that the one piece was where the Economic Development trailer once stood several months before. The smaller parcel, as well as the long sliver of property on 700 south had been retained so that the City could give Mr. Stan Smith access to the fields adjoining the property. She said the City no longer needs the three small pieces of property, so they need to be returned to Mr. Brandt and B.W. Inc. She then asked if there were any questions. There were none. Mayor Daniels then asked for a motion.

ACTION: Council Member Jensen moved to approve Resolution No. 2007-043, authorizing the Mayor to sign quit claim deeds in favor of B.W. Inc and Don Brandt, deeding approximately .049, .0486 acres and .083 acres of surplus property to them which was not utilized in constructing Pleasant Grove Blvd. Said property is located at approximately the intersection of Pleasant Grove Blvd and Sam White Lane, Pleasant Grove, Utah. Council Member Call seconded and the motion passed unanimously with Council Members Call, Jensen, Atwood, Boyd and Meacham voting, “Aye.”

8. STAFF BUSINESS

- Engineer Lewis said that UDOT will be holding public comment meetings in the area regarding the widening of I-15. He said they will be requesting that Pleasant Grove City temporarily waive their noise ordinance so that the work can be completed by contractors on the freeway. He said this was not as yet a formal agreement. He asked that the Council also consider that when the work is being done on the freeway, that the new Embassy Suites Hotel could be completed. The hotel will front the freeway.
- Director Bradford noted that more ground breakings were scheduled for the city. The Copper Lefe groundbreaking on 1300 West was scheduled for the next day at 10 a.m. On Thursday, he said the groundbreaking would take place at 10 a.m. for Mayfield. The

professional plaza at 2500 West and 280 South that was scheduled for Friday, October 19, 2007 had been temporarily delayed. A ribbon cutting would be taking place at 2 p.m. on Friday for a new business called Expressions, next to Timp Cyclery. He said he would serve as the representative for the City at the Mountainland Open House on Wednesday, October 24, 2007 from 4:30 to 7 p.m. at the Orem Friendship Center.

- Director Young indicated that a groundbreaking would also be taking place on Friday, October 26, 2007 for the Curtis Miner Professional Plaza on 200 South. He also noted that the downtown property owners had been invited to meet with himself and Director Bradford for a presentation on the Downtown 2020 plan. He said they wanted to get input from the property owners. Mayor Daniels then commented that he appreciated the good job both Directors Young and Bradford were doing in going forward with the many projects they were involved in, including the Downtown 2020.
- Fire Chief Sanderson said that the fire vehicles were now sporting the new city logo on the sides of the vehicles.
- Attorney Petersen reported that the City had received letters from a Mr. Jackson and Mrs. Brown from out of state supporting the stand the City has taken regarding the Ten Commandments monument remaining in Pioneer Park. She said they wrote letters that said that they, "...applaud the City in taking a stand for truth and justice. She noted she felt it important that the Council know the City had received these expressions of support.
- Administrator Mills reported that he had been approached by a PUD in the City regarding the City taking over their development's road maintenance. He said he met with the group in July of this year, and they presented a petition asking for the City to step in. In investigating the current care of the road in that area, he said he found that the City is already maintaining part of 500 East. The City would need to see that all of the homes would then have their own water meter. Also, he said that the road would need to be a certain width so it would qualify for Class C road funds. He said he told the group's head, Mr. Greenwood, that a formal request would need to be made to the Council. He also said that the little playground and green space would continue to be maintained by the HOA. He said the address of the area is about 500 East and 788 North. Council Member Atwood asked how long the road would be. Administrator Mills said it is about 250 feet long. Attorney Petersen said the HOA would need to make formal application to the City.

Next, Administrator Mills told the Council that there are concerns both from the principal at the Jr. High as well as the Alpine School District (ASD) regarding a connection from 800 North to 100 East. He said in conversations with UDOT, they said as they probably wouldn't have a problem with the connection if 800 North lined up with the driveway at the Jr. High. However, he said the principal at the Jr. High expressed safety concerns with the students crossing 100 East without a signal. He said Engineer Lewis spoke with the developer (on 800 North), and the cost of the connection of the road to 100 East would be about \$22,000. He said the developer was hoping that the cost could be split three ways with himself, UDOT and ASD. Administrator Mills reported that UDOT was very specific in that they said they couldn't guarantee a signal light to be put in at that intersection for awhile.

Mayor Daniels asked if the Council's past decision to continue to have 800 North eventually hook into 100 East on the Master Transportation plan was still considered a good decision. He said that it looked like UDOT didn't care, but that the principal and the ASD were not particularly for the idea. Administrator Mills said that the principal's main concern was safety. He also said that the school district had recently just worked on the north driveway, and the district wasn't necessarily interested in tearing up the driveway again.

Engineer Lewis added that he had spoken with Mr. David Holdaway with the ASD. He said Mr. Holdaway said that he felt if 800 North did come into 100 East, it would warrant a signal. Administrator Mills then commented that with the PTA and the principal of the Jr. High having multiple concerns about safety, he wondered if the City would really want to fight the battle to allow the road to go through to 100 East.

Council Member Jensen agreed that the safety issue would be number one. He said that if UDOT was willing to immediately put a signal light in, it would change the concerns. Without the signal, he said it would be a major safety concern for the school kids.

Administrator Mills said there was actually another major concern. He said if the current driveway was a north-turn only; it would cause a huge backup on the driveway coming out of the school. Overall, he said this and a myriad of other issues are all wrapped up in the potential of 800 North connecting to 100 East.

Council Member Boyd asked if the developer was in the process of putting homes in that area. Attorney Petersen answered that there is a developer that is working to develop Mr. Timothy's property on the West side of 100 East. She said with 800 North still connecting with 100 East on the Master Transportation Plan, the developer is ready to put the road in. She said he would like to split the expense with the City and the ASD to do a realignment of the driveway with 800 North.

Mayor Daniels, after further discussion, said he would like to see solutions instead of problems associated with the 800 North connections. He said that the City's population is likely to double in 10 to 15 years. He said there is a lack of east to west connections in that area. He noted that he would like to see a viable solution, not more problems.

Administrator Mills next announced that a math teacher at Pleasant Grove High School had been named Outstanding Math Teachers in the State of Utah by the State Board of Education. He said only one was named in ASD, and she was the one. He said he had just found out about the award, and would arrange for the teacher to come before the Council to be honored.

He said his last item was that Mrs. Phyllis Thompson had been very grateful for her neighbors and the help they had given her with her yard. He said she had a large pile of dirt she was trying to get rid of. She called Public Works, and they came out and loaded the dirt and hauled it off. She told Administrator Mills that she really appreciated the help from the City crews.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen said he had a question. He said he had been told that the Library had been gifted \$150,000, and the donation had been put into the “City’s money.” Director Clay explained that the money was received and earmarked for use only for a new library—and nothing else. Director Giles said that such donations are always earmarked, as Director Clay said, to go to exclusively go to the library. Council Member Jensen said that the library board was concerned that the money would, “disappear.” Director Clay said that the library board is shown the books and how the monies are entered. Director Clay said they know it goes into an exclusive interest-earning fund for the library.

Council Member Jensen next asked if there had been a decision about an agreement of some kind with the Utopia Company in the Grove area. Mayor Daniels said they are currently free to come in and work in the area, but the City was not a voting member of the company.

- Council Member Boyd said there was to be a Trick or Treat organized for the children in town at the Downtown Park on October 31, 2007. She said she would have more information at the next meeting.

She next asked if the Council was going to go together and see the Waste Management recycling facilities in Salt Lake. Council Member Atwood said it was basically like the North Point transfer station that is local. Administrator Mills said there is at least one company that is requesting a zone change in Pleasant Grove so they can put a transfer station in the City. He said it would be nice if members of the Council could perhaps show up at the Metro facility in Salt Lake unannounced. Mayor Daniels said he could see merit to perhaps going and seeing such a facility, also.

- Council Member Meacham indicated that he watched cars on Pleasant Grove Blvd. make U-turns by the new light since the road changed. He said they make the U-turn by driving up over the shoulder and on the sidewalk to make the turn. There is now gravel on the sidewalk, and the delineator is down. Director Giles said the delineator has been down for awhile. After further discussion, Mayor Daniels asked that the Streets Department look into the problem.
- Mayor Daniels reported that he is concerned that the new state engineer sees fit to take water away from communities if he has determined they haven’t used it as he thinks they should. He said that Pleasant Grove is one of the cities he is looking at taking water rights away from, but that the Utah League of Cities and Towns are looking into the language that will be needed to protect the cities. He then explained that Roosevelt City is currently caught up in a controversy that is known as the Real Water vs. Paper Water issue. He said they are loosing water because they banked the water, and the state engineer determined that they hadn’t used the water adequately.

Attorney Petersen said she and Mr. John Schiess had recently met concerning this issue. She said that Mr. Schiess was carefully checking to make sure the City water rights had been regularly exercised. Administrator Mills said that he and Mr. Schiess felt they were

moving in the right direction to preserve the City's water rights. Attorney Petersen added that Mr. Schiess has suggested a plan that has been implemented to make sure the City rotates the use of the water. She said the plan is set up for the next couple of years. Administrator Mills explained that the League will be pressing the legislators that new wording be approved for the protection of water rights with the cities.

Mayor Daniels said his final item was that the current suggestion that UDOT has made for a new corridor through northern Utah County was from Salt Lake City to Provo. He said this plan would somehow eliminate an exit to Pleasant Grove.

10. SIGNING OF PLATS

The final plat for the Walker Subdivision and the Grove Business Park #1 were signed by the Mayor and Council.

11. REVIEW CALENDAR

Mayor Daniels reminded everyone of the ground breakings that Director Bradford had spoken of.

12. APPROVE PURCHASE ORDERS

Mayor Daniels asked if there were any questions about the purchase orders for October 10, 2007. There were none. He then asked for a motion.

ACTION: Council Member Call moved to approve the purchase orders of September 25, 2007. Council Member Jensen seconded and the motion passed unanimously by Council Members Jensen, Atwood, Call, Boyd and Meacham voting "Aye."

14. ADJOURN: At 9:28 p.m. Council Member Jensen moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Jensen, Call, Boyd and Meacham voting, "Aye."

This certifies that the City Council
Minutes of October 16, 2007 are a
true, full and correct copy as approved
by the City Council on November 7, 2007

Signed _____
Mary Burgin, Deputy Recorder