

**Pleasant Grove City
City Council Meeting Minutes
Work Session
July 8, 2014
6:00 p.m.**

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen
Cyd LeMone
Ben Stanley
Jay Meacham
Cindy Boyd

Staff Present:

Scott Darrington, City Administrator
David Larson, Assistant to the City Administrator
Dean Lundell, Finance Director
Deon Giles, Parks and Recreation Director
Degen Lewis, City Engineer
Kathy Kresser, City Recorder
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Tina Petersen, City Attorney
Ken Young, Community Development Director
Lynn Walker, Public Works Director

EXCUSED:

Sheri Britsch, Library and Arts Director

Other:

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

1) **Call to Order.**

Mayor Daniels called the meeting to order and noted that Council Members Andersen, LeMone, Meacham, Boyd, and Stanley were present.

2) **Pledge of Allegiance.**

The Pledge of Allegiance was led by Council Member Boyd.

3) **Opening Remarks.**

The opening remarks were given by Council Member Andersen.

4) **Approval of Agenda.**

ACTION: Council Member Stanley moved to approve the agenda as presented. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

5) **Open Session.**

Mayor Daniels explained that an open session was added to the agenda due to recent communication regarding the City's acquisition of properties. The properties were purchased in anticipation of expanding the City Center for a Public Safety facility. During the discussions, there were several members of the community involved. Mayor Daniels stated that a public hearing had not been scheduled on the matter, therefore, staff and the elected officials felt it would be important to create an open session for interested individuals to share their comments. Mayor Daniels stated that the open session is the appropriate time for citizens to discuss matters that are not already listed on the regular agenda. It was also noted that items six through 11 on the agenda will have separate public sessions.

Mayor Daniels opened the open session.

Jennifer Baptista gave her address as 32 North 1300 East and asked about the City's plans for the property purchased for the Public Safety Building. She suggested that the land either be sold to pay off the City's debts or used for the project. Ms. Baptista then read two emails from Vaughn Mays and Stephanie Green.

Christy Belt gave her address as 1640 North 266 East. She felt that the subject parcel should be resold to pay down the bond or go toward a new Public Safety Building elsewhere.

Lisa Liddiard gave her address as 1095 East Canyon View and agreed with the positions of Ms. Baptista and Ms. Belt, that the parcel should be resold if it isn't to be used for the relocation of the Public Safety Building. Ms. Liddiard read emails from Rob and Maggie Anderson who live at 882 West 1350 North and Richard and Jill Snousen who reside at 629 East Canyon View Circle. Both emails suggested that selling any unused property would be the most economically prudent option for the City in terms of financing a new Public Safety Building.

Amy Lindstrom gave her address as 1160 East 100 North and spoke about how various City accounts are separated and used for specific expenses. She noted that land was purchased using park impact fees. She suggested different ways to save money and maximize use of currently owned land to accommodate a new Public Safety Building.

Finance Director, Dean Lundell, added that the City purchased three properties for around \$500,000. There was additional discussion on funds used for the storm drain. Mayor Daniels clarified that the Enterprise Funds are allocated for specific uses. Items within the General Fund are decided with the annual budget and changes between departments are made by the City Council.

City Administrator, Scott Darrington, explained that the three properties as referenced by Director Lundell were purchased about two years ago. Additionally, the City owns a piece of property located on the corner of 1300 West and Pleasant Grove Boulevard, which was purchased with the intent of using it for public safety. This particular parcel was purchased in the late 2000s. Therefore, there are four properties purchased using Public Safety Impact Fees that could potentially be sold with the proceeds going toward a Public Safety Building. The funds gained from selling these properties could not be spent on personnel, and would need to be used for capital costs. However, these are still actions that would first require approval from the City Council. The location of the Public Safety Building has not yet been determined. Administrator Darrington described various options and associated expenses.

Ryan Liddiard gave his address as 1095 East Canyon View and echoed previously made comments. He encouraged the Council to consider selling any unused properties.

Blaine Thatcher gave his address as 120 North 1400 East and also voiced his support for divesting City-owned lands to reduce future public safety costs. He stated that there are 15 to 20 others in his neighborhood that share this opinion. Mr. Thatcher asked for an update of where the City is currently with the process as a whole. Mayor Daniels provided a brief overview of where the City's consultants are with the Public Safety Building. He explained that approximately three months earlier, staff and City officials began meeting with the Blue Ribbon Steering Committee. The committee was reconstituted due to the resignation of some members. Other members were also added to the committee, such as the Police and Fire Chiefs. Additionally, Council Member Meacham sits on the committee for his technical expertise, as well as a local architect and contractor who have experience in the construction of other public safety buildings.

Furthermore, there is a Citizens' Committee comprised of 25 to 30 people that represents several neighborhoods in the City. In addition to the meetings that have been held to discuss the community's input, there have also been several formal open sessions at numerous City Council Meetings. A joint meeting between the two committees will take place this week to discuss cost estimates and location. After all input has been received, the consultants will conduct an open meeting with the City in August at the Junior High for a more in-depth review. Once an agreement has been reached, the matter could be placed on a ballot for the General Election in November.

Christy Belt brought up the issue of water bills. She acknowledged that culinary water is not metered in the winter due to the amount of snowfall. Ms. Belt expressed a desire to see an equal payment plan implemented, similar to that of power and gas companies. Administrator Darrington explained that the City charges a standard amount and stated that they can try to figure out a better solution. Council Member Andersen suggested that she overpay one month so that it is distributed out to subsequent months. Administrator Darrington explained that an overpayment would show up as a credit on the account.

Jane Robinson gave her address as 79 West 200 South and expressed her appreciation for the public notice given on the tonight's discussion items. She felt that major decisions should not be made until all information and input from the community has been evaluated. Ms. Robinson stressed the importance of protecting the rights of families and that a master plan should be implemented moving forward.

Council Member Boyd commented that Pleasant Grove has a master plan in effect for the entire City. Part of the master plan for downtown includes expansion to create an Old Fort area. In the future, the downtown will need to include public safety, a library, City Hall, parks, and many other City amenities. Council Member Boyd stated that it would be short-sighted to underestimate the value of the City's currently owned properties. She referenced previous comments about the City's Enterprise Funds, and suggested there may be additional impact fees that could be used for parks.

Sterling Wadley gave his address as 161 East 100 South and explained that his family sold property to the City. He suggested that one of the City-owned properties be used for parks. Mr. Wadley asked if a decision about whether to sell currently unused property will take place during the Executive Session. Mayor Daniels responded that the Council will discuss the options during the session and action will be taken based on those discussions. In conclusion, Mr. Wadley thanked Council Member LeMone for her weekly informational emails to the public.

Mark Bezzant gave his address as 1192 East 200 South and acknowledged the presence of Pleasant Grove's First Lady, Mrs. Jane Daniels. Mr. Bezzant also acknowledged that Mr. Blaine Thatcher's son received a perfect score on the ACT. He endorsed Council Member Boyd's comments relative to Pleasant Grove's Master Plan and acknowledged that it has been difficult to acquire the aforementioned properties. He urged the Council to not dispose of these properties until a strategic plan has been put in place, which will meet all of the City's needs. Mr. Bezzant stated that property values are increasing due to more building activity. While the City could potentially make a profit selling their property, it would be more difficult to reacquire it later if there was a need.

There were no further public comments. Mayor Daniels closed the open session and thanked the public for their comments. There was brief discussion regarding the order in which to discuss certain agenda items, and the Council decided to proceed as was published on the regular agenda.

6) **PUBLIC HEARING TO RECEIVE COMMENT ON THE TRANSFER OF SIGNIFICANT PARCELS OF REAL PROPERTY TO ALPINE SCHOOL DISTRICT BY DEED. PROPERTY LOCATED AT 850 EAST 200 SOUTH IN BATTLE CREEK PARK.**

Mayor Daniels stated that agenda items 6 through 11 are all related; however, actions on each will be taken one at a time.

Administrator Darrington explained that the Alpine School District approached the City last year about the possibility of selling a portion of Battle Creek Park in order to expand their new field house and tennis courts. As the City assessed how much land the school district needs and how much will be left over, it was determined that the entire park would be sold. At that point, the Council instructed staff to work out sales and use agreements with Alpine School District. Administrator Darrington explained that per the agreement, the park's pavilion and bathroom will remain and the playground relocated. The City would also continue to schedule the park, and maintain ownership in terms of its use. Administrator Darrington mentioned that the school district will utilize a portion of the park for a detention area that will double as a practice field for the marching band and other similar activities.

Administrator Darrington explained that as the City and Alpine School District began negotiating agreements, the school district experienced a time crunch. At that point, work began on the park and certain areas were torn out as part of the process. It was noted that an agreement had not yet been established. Administrator Darrington acknowledged that he was at fault for the timing and process error and likened the situation to getting the "cart before the horse". Administrator Darrington stated that a public hearing and final decision from the Council should have occurred prior to construction beginning at the park. He explained that the purpose of tonight's public hearing is to receive input from the public and come to an understanding about the end result of the park.

It was noted that the school district will allow public use of the tennis courts and the City will use it for their programs as well. When the detention basin is not being used for school activities, citizens will be able to utilize the area. After everything has been completed there will be benefits for the school district as well as the citizens of Pleasant Grove.

Administrator Darrington stated that when the City was recruiting doTerra to come to Pleasant Grove, Alpine School District's participation was needed in the financial tax incentive package. The City enticed the school district to participate by deeding them the softball field. The City has used the field for its programs, however, the majority of its use has been for high school programs. When the sale of Battle Creek Park was negotiated, the plan was to earmark the proceeds for a new softball field at Shannon Fields. The softball field that we are selling at the Battle Creek Park will be used exclusively for the High School. The new field at Shannon Fields will be used exclusively by the City for its programs.

There is a small piece of property in the southeast corner of the park that could also potentially connect Melanie Lane and Cherry Hill Drive. Upon discussing this option with the Council, they felt that the smaller portion of property should remain under the City's ownership for the time being. This particular area has also been surveyed for a road to ensure that there is sufficient width. However, the Council has not made any decisions as to whether or not the road will go in at this point. Should further discussion occur a public hearing will be held on the matter.

In addition to selling Battle Creek Park to Alpine School District, a property swap occurred between the two entities. This was beneficial for the City, because it allowed for the construction of the new Recreational Center. The transfer of property was never recorded and will take place as part of current discussions.

Administrator Darrington outlined the details of the Sales Agreement with Alpine School District, and stated that the City is selling the subject property for \$413,279. The two entities originally agreed on a sale price of \$415,000; however, during the surveying process the City identified the sliver of property located at Melanie Lane and Cherry Hill Drive that they felt needed to be maintained for other purposes. Pleasant Grove City asked Alpine School District for a deed restriction, which means that if they purchase the subject property, they are not to re-sell or use it for residential development for at least 20 years. The school district agreed to these terms and indicated that their intentions with the property are long-term. Administrator Darrington informed the public that the City would ensure proper recording of the property sale. A closing date still had yet to be determined.

In response to a question raised by Mayor Daniels, Administrator Darrington explained that negotiations with the school district began in December 2013. Rob Smith, a representative from Alpine School District, explained that a Master Plan for Pleasant Grove High School was prepared in 2004, which was a precursor to the bond in 2006. The school district obtained a piece of the Battle Creek Park during the property swap as mentioned by Administrator Darrington. Mr. Smith provided additional history on previous discussions that occurred regarding the park. Keith Aldridge interjected comments relative to the matter.

Administrator Darrington spoke about the Use Agreement with Alpine School District and explained that the tot lot has already been relocated, as previously stated. An aerial map was presented to show the layout of the park. He noted that the restroom facilities are in rough shape and the City has discussed investing money into cleaning them up. Park maintenance will be the school district's responsibility and will include maintenance of the restrooms, pavilion, mowing, and other custodial needs.

As previously mentioned, the schedule will be maintained by the City and shared with the school district. This will help coordinate use between various entities and eliminate potential scheduling conflicts. Pleasant Grove City will also be responsible for preparations and repairs of the pavilion and restrooms for private rental events. The City will be entitled to keep any rental fees collected. This provision will be reviewed by staff on an annual basis to monitor the efficacy of the program.

Administrator Darrington stated that the school district has agreed to move any culinary and secondary water lines as part of the agreement and tree removal will take place in order to replace a sewer line. He also explained that signs and markers have been placed to aid in construction as well as identification of ownership and uses of the park. Administrator Darrington read a priority provision listed in the agreement. The provision specified that Alpine School District events have first priority, Pleasant Grove and other City recreational events have second priority, and the public has third priority. Facilities will be used free of charge with the exception of the pavilion. The school district agreed that an existing parkway and walkway will be accessible during their events.

City Attorney, Tina Petersen, explained that the City is required to obtain fair market value for anything they divest. In other words, preferential treatment cannot be given to people or entities. She stated that in the interest of transparency with the public, the City is divesting over nine acres and only selling 4.5 of those acres. Attorney Petersen then identified the property that will be sold on an aerial map. She mentioned that the City will not be receiving any financial compensation for the softball field at this point. However, over time the Alpine School District's tax participation agreement with the doTerra incentive package will net the City much more than the property's value. Therefore, Pleasant Grove City and its taxpayers will receive fair market value for that piece of property. Attorney Petersen then stated that a legal description including all nine acres of property will be recorded with the County.

Rob Smith identified himself as the Assistant Superintendent in the Business Services Department of the Alpine School District. He expressed his appreciation for the relationship the Alpine School District has with Pleasant Grove City. He explained that many years ago he and Dave Holdaway set forth a process to improve Pleasant Grove High School. The high school was constructed in 1959, and he presented photos of the school before significant work commenced. Additions included a band room that was constructed in the 1990s, a new classroom in 2006, improvements to

the athletic complex, and additional parking. These significant improvements comprised Phase I, and have not only been available to the school district but to the community as well.

Phase II occurred in 2011 with a separate bond. Mr. Smith presented photos of those projects, some of which are still underway. The project includes significant improvements to athletic facilities, a new field house, a fire lane around the building, and other improvements to accommodate the 2,000 students that attend Pleasant Grove High School. Mr. Smith explained that in order to accommodate the new field house, the school will remove the tennis courts that were built in 1959. Even though the courts were maintained and resurfaced several times over the years, four courts was not enough space to run the school's programs. Mr. Smith expressed gratitude to the City for allowing them to use the tennis courts at Discovery Park. He noted that they will be using it again this fall or until the new courts are completed. Pleasant Grove High School is a 5A school and will ultimately provide eight tennis courts, thereby allowing them to host tournaments and run tennis meets at one site in one night.

Mr. Smith then presented plans for Phase III of Pleasant Grove High School's rebuild. In addition to the new fire lane around the building there will be ADA access from the new parking facilities as well. The last phase will occur in 2016. During this phase they will hopefully rebuild the rest of the school provided that local constituents are in favor of the plans. In conclusion, Mr. Smith stated that the master plan has been in effect for many years and similar projects are taking place at the high schools in American Fork and Lehi. He emphasized that the improvements are assets to the community.

Mayor Daniels opened the public hearing. He stated that the center of the property is the main focus of the discussion and that other sections as shown on the map have already been previously determined.

Les Langford gave his address as 500 Melanie Lane, which is behind the baseball diamond. Mr. Langford explained that there was a walkway with trees that bordered the old baseball diamond. In the 1990s, when ownership of the property transferred to the school district, all of the 20 trees were removed. The softball fields were extended and the trees were replaced with fencing and billboards. Mr. Langford requested that within the User Agreement that a section be included to specify that for every tree the school district removes they replace it with a new tree. He stressed that Pleasant Grove is the "City of Trees" and this legacy needs to be continued. Mr. Langford pointed out that the old baseball diamonds have turned into a junk yard with weeds. He implored the City to make sure that any new facilities are maintained. Lastly, Mr. Langford felt that the corner of property located at Melanie Lane and Cherry Hill Drive should be sold and maintained as open space.

Mr. Smith informed Mr. Langford that the master plan calls for 40 new trees. The park will also remain, including the play lot and pavilion. There was continued discussion relative to the presence of junk cars on the old baseball diamond. Mr. Smith agreed to address the situation. Mr. Langford added that he has sent several letters to various school officials on the matter.

Barbara Langford gave her address as 500 South Melanie Lane and stated that she has worked for Alpine School District for the past 25 years. She explained that they have lived in their home for 34 years and when they moved to Pleasant Grove they fell in love with the area. Mrs. Langford relayed a story about a situation that occurred after the baseball diamond was constructed. She was

in her backyard pulling weeds when a baseball flew into her yard and nearly hit her in the face. Furthermore, the kids who were playing ball came climbing over her fence to look for the ball.

At the time, Mrs. Langford had written letters to Tony Onifretti, who worked for the City's Parks and Recreation Department as well as the principal of Pleasant Grove High School. She explained that Mr. Onifretti responded to her letter by stating that signs were posted indicating that players were not to hit the ball out of the park. Mrs. Langford remarked that this was clearly a mute plea, since hitting the ball out of the park is the primary goal in baseball. Over the years, several hardballs have come flying into their yard and thankfully no windows have ever been broken. However, they have had to replace fences many times. Mrs. Langford stated that this matter is also very concerning to her because she has grandchildren and she fears for their safety. In conclusion, she explained how disappointing it has been to see the park become run down. She pointed out that the park is the only place for the children who live at Cherry Hill to play.

Mr. Smith added that he was made aware of these types of issues this year and there is a similar situation occurring at Timpanogos High School. To mitigate the problem a 50-foot netting was installed to catch balls during games. After each game, the netting is lowered. This has significantly decreased the likelihood of balls flying into neighbors' yards.

Chris Stevenson gave his address as 360 Melanie Lane, which is the last house on the left, next to the pavilion. Mr. Stevenson expressed concern with getting the "cart before the horse", in terms of construction taking place without having any agreements in place. He commented on some of the pictures shown as part of the presentations and felt that there wouldn't be any reason for the City to maintain the property where a road might potentially be built. Mr. Stevenson was of the opinion that Melanie Lane and Cherry Hill Drive should not be connected by an adjoining road.

Mr. Stevenson asked Mr. Smith if he could speak with him more about the plans to relocate playground equipment. He noted that the equipment currently is 345 feet away from his fence line. Late at night he will shoot a spotlight on the area to communicate to children that they need to go home. He stressed that the playground equipment needs to be closer to the parking lot and requested that a privacy fence be installed. Mr. Smith was willing to negotiate the location of the equipment.

Andy Weight gave his address as 425 South 1100 East and asked the school district to address whether there have been any similar situations in the past where the district has owned property that was managed by the City. Mr. Smith responded that there are several communal parks within the district, some of which are owned by the City, and others that are owned by the district. He explained that when school is not in session, those parks are used for community use. Therefore, they view this as less of an ownership issue and more a matter of who assumes maintenance responsibilities. The joint use agreement establishes these types of relationship boundaries.

LaRae Allridge gave her address as 380 South Melanie Lane and stated that she loves the park, and was instrumental in its construction. At the time that the matter was first put on the election ballot, several citizens wanted the City to purchase the property, but were not supportive of the park. Ms. Allridge recalled that she went around the City collecting signatures for a petition in support of it. Once the park was approved, a rule was established that no cars would be allowed in the area.

She expressed concerns with the addition of the proposed parking lots, and how new traffic flow will affect the safety of the children who frequent the park.

Mayor Daniels wanted to know how the net parking from the previous lot to the new lots would change. Mr. Shane Taylor from Alpine School District responded that there will be 20 new stalls, but mainly because the lot will be better organized. Furthermore, the area will not be a thoroughfare anymore either, and in fact, will be further away from Ms. Allridge's house. It was also noted that more green space has been dedicated, and will, therefore, be less broken up by a parking lot that was used as a street to get through neighborhoods. Alpine School District confirmed that there will be no way for traffic to divert up to the park, with the tennis courts to the north, the pavilion, and trees. Mr. Taylor stated that the school district is saving as many trees as possible and will be replacing some of the dead trees as well.

Terry Taylor gave her address as 1730 North 270 West and expressed her excitement for the new tennis courts. She stated that her son played tennis for Pleasant Grove High School and was the 2005 State Champ. She wanted to know what type of design would be used for the courts, and Mr. Taylor replied that they will be top of the line in quality, with plenty of space for spectators. Ms. Taylor requested that there also be plenty of room at the end of each court. Mr. Taylor explained that the courts will meet the standards as set forth by the Utah High School Activities Association. He also noted that standards for baseball fields have changed due to safety issues.

Ms. Taylor requested that trees be planted further away from the courts due to the debris that they can cause during inclement weather. She also wanted to know if the courts would have lighting. Mr. Taylor stated that there would be none. Mayor Daniels remarked that there are a lot of needs in the City and they are paid for by the citizens. When the City gets to a point that it has resources and facilities that cannot be maintained, difficult choices need to be made. In general, the City is looking for ways in which to reduce spending at this time. Mr. Taylor added that Lehi had lights at their tennis courts and recently took them down due to complaints from residents as well as the cost associated with maintaining them.

Marilyn Shrader gave her address as 375 South Melanie Lane and expressed concern with the southeast corner of Battle Creek Park. She stated that it has become an eyesore and has been used as a dumping ground. She noted, however, that it is a valuable piece of real estate and the City should do something about it. The property should either be better maintained by the City, or turned over to Alpine School District.

Mark Bezzant thanked Rob Smith and Chuck Bearce for representing the Alpine School District, and acknowledged their wonderful attitudes of cooperation. He also thanked Administrator Darrington for his integrity on the matter. Mr. Bezzant spoke about a piece of family property, which years ago they felt needed to be sold to the City for more park space. He also elaborated on trees that were planted to honor Pleasant Grove's veterans. He reiterated other comments made during the public hearing. Mr. Bezzant suggested that the proposed agreements be extended for longer than 20 years.

Mayor Daniels asked Mr. Smith if the agreements could be extended for longer than 20 years. Mr. Smith replied that the time frame was suggested by the City and he did not have an issue extending that time frame. An alternative time frame was discussed. Attorney Petersen added that

it cannot extend over 99 years. Mayor Daniels spoke with Mr. Smith about the possibility of the school district acquiring the corner portion of the subject property. Mr. Smith explained that prior to making a decision, he would want to discuss the matter with the school district's architect as well as with the school community council.

A question was raised as to why the City would want to maintain the corner portion of the subject property. Administrator Darrington explained that that the City's intent was to preserve the area for a potential road in order to create a lot, which in turn would be sold. There was further discussion on the matter.

Jacob Sutch gave his address as 391 South 300 East and felt that the City has lost another park. He commented that Battle Creek Park is one of the only parks in Pleasant Grove that he is comfortable taking his children. One of the reasons he likes the park is because his children can play on the playground while he walks around and he is still able to keep his eye on them. He explained that this is not something that he can do at Discovery Park. Mr. Sutch also requested that the agreements be very specific with regard to parking so that it is very clear to the public where they can and cannot park and whether it is a shared use. Mr. Smith stated that all of the facilities will be available for public use. There was additional discussion regarding safety for pedestrians. Ms. Taylor requested that the community be given an opportunity to provide input on a landscape plan.

Mayor Daniels summarized comments and concerns as they were expressed throughout the public hearing. He remarked that the school district is exempt from City ordinances. He noted that he has worked with Mr. Smith and other district representatives for many years. He complimented them for their willingness to coordinate with the City.

There were no further public comments. Mayor Daniels then closed the public hearing.

Council Member Stanley acknowledged that Alpine School District has been great to work. However, he also felt that there were some items missing in the usage agreement and that additional time should be given to review and modify the language in the agreement. He suggested, for example, that dispute resolution terms be included, should this same spirit of cooperation between the two entities cease to continue in the future for any reason.

Mayor Daniels asked Mr. Smith how delaying action on these matters would affect the school district. Mr. Smith stated that the item will go before the school board next week. Furthermore, all construction is currently on hold until an agreement is reached. Mayor Daniels asked how much the delays are costing the citizens. Mr. Smith did not have exact figures but stated that the biggest issue is that the facilities are not ready according to the schedule announced by the school district. Mr. Smith excused himself from the remainder of meeting and stated that Mr. Chuck Bearce would speak on his behalf.

Mr. Bearce explained that vacating contractors for an extended period of time could result in them beginning other projects elsewhere. Significant expenses caused by delays could be incurred if the contractors leave and the district needs to bring them back at a later date. The exact cost would be determined by how busy they are. It was noted that the summer time is the busiest season for them. It was also noted that there have already been some costs accrued due the tennis courts not being available.

Council Member Boyd suggested that during the Executive Session, the Council discuss the potential road connection and whether the City should divest itself of the corner piece of property. Attorney Petersen explained that the divesting of the property is a matter that can be discussed during an Executive Session; however, discussions about the road connection are not appropriate for an Executive Session.

Council Member Andersen preferred to have a first class restroom at the park and referenced comments stated by Mr. Mark Bezzant. Administrator Darrington explained that staff asked the school district to replace all of the fixtures and essentially remodel the entire restroom. However, their response to staff was that they don't have the budget to make extensive improvements at this time. There was continued discussion about the Sales and Use Agreements and the Council agreed that there weren't very many issues related to the Sales Agreement. Most of the concerns pertained to the Use Agreement. Administrator Darrington suggested that the Council pass the Sales Agreement tonight and take another week to tie up loose ends with the Use Agreement.

Mr. Bearce remarked that the Use Agreement is a living document and stated that Alpine School District meets with all of their communities on a regular basis. Those documents change along the way, because the needs of the cities and school district change. Therefore, he felt that one week would be sufficient time to iron out any missing details of the agreement. Council Member LeMone asked Mr. Bearce how the school district has involved other communities in the past during the planning process. Mr. Bearce explained that typically they work with professional landscape architects who recommend where certain facilities should be located and have experience in planning parks. He suggested that a meeting be held with the PTA and Community Council, where other members of the public are invited to attend. Furthermore, the meeting could be hosted at Pleasant Grove High School.

Council Member Stanley reiterated his previous comments that the agreement should provide the City with more leverage. Mayor Daniels responded that the relationship between Pleasant Grove City and Alpine School District spans decades and there are many cooperative agreements that are already in place. Each one of those agreements relies on the faith and trust between both public entities, that both parties will be able to work through issues. Mayor Daniels stated that he could agree that more leverage could be necessary if the City was working with a one time, private party; however, the Alpine School District will not be going anywhere anytime soon. Furthermore, the school district answers to the same public.

Council Member LeMone agreed with Mayor Daniels and felt that the comments made during tonight's discussion were reflective of a spirit of cooperation and willingness to work together. It was noted that there is a site plan already prepared for the park and the 40 trees mentioned have already been bought and paid for. Mayor Daniels asked if the City could publish that site plan on their website. Mr. Bearce agreed to send a copy to Administrator Darrington for distribution.

Mayor Daniels reviewed the actions that will be taken tonight and noted that a decision on Item 8 will be postponed. He expressed his hope that no impediments to moving forward have resulted from tonight's discussion and that the public feels confident that their elected officials will follow through on the items that have brought forward. Mayor Daniels pointed out that there is nothing further to discuss relative to the undecided parcel with the Sales Agreement, because it will remain

unchanged. Therefore, he didn't feel it was necessary to go into an Executive Session at this time. However, discussions will eventually take place on how all can work together to ensure proper use of the land, without using it for a road.

- 7) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-023) AUTHORIZING THE MAYOR TO SIGN A SALES AGREEMENT WITH ALPINE SCHOOL DISTRICT FOR A PARCEL OF PROPERTY APPROXIMATELY 4.509 ACRES LOCATED AT 850 EAST 200 SOUTH (BATTLE CREEK PARK) AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Administrator Darrington.*

ACTION: Council Member Boyd moved that the Council adopt a Resolution (2014-023) authorizing the Mayor to sign a Sales Agreement with Alpine School District for a parcel of property consisting of approximately 4.509 acres located at 850 East 200 South (Battle Creek Park) and providing for an effective date and time restriction of 99 years. Council Member LeMone seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, Boyd, LeMone and Andersen voted "Aye". The motion passed unanimously.

- 8) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-024) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH ALPINE SCHOOL DISTRICT FOR THE COOPERATIVE USE AND MANAGEMENT OF BATTLE CREEK PARK AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Administrator Darrington.*

ACTION: Council Member Meacham moved that the Council continue Resolution (2014-024) to a date uncertain. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

- 9) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-025) AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED IN FAVOR OF ALPINE SCHOOL DISTRICT FOR A PARCEL OF PROPERTY APPROXIMATELY 4.509 ACRES IN BATTLE CREEK PARK LOCATED GENERALLY AT 850 EAST 200 SOUTH AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Administrator Darrington.*

ACTION: Council Member LeMone moved that the Council adopt a Resolution (2014-025) authorizing the Mayor to sign a Quit Claim Deed in favor of Alpine School District for a parcel of property approximately 4.509 acres in Battle Creek Park located generally at 850 East 200 South and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, Boyd, LeMone, and Andersen voted "Aye". The motion passed unanimously

- 10) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-026) AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED IN FAVOR OF ALPINE SCHOOL DISTRICT FOR A PARCEL OF PROPERTY APPROXIMATELY 1.695 ACRES IN BATTLE CREEK PARK LOCATED GENERALLY AT 850 EAST 200 SOUTH; ALSO KNOWN AS THE SOFTBALL FIELD; AND PROVIDING AN EFFECTIVE DATE.** *Presenter: Attorney Petersen.*

ACTION: Council Member Andersen moved that the Council adopt a Resolution (2014-026) authorizing the Mayor to sign a Quit Claim Deed in favor of Alpine School District for a parcel of property approximately 1.695 acres in Battle Creek Park located generally at 850 East 200 south; also known as the softball field; and providing for an effective date. Council Member Boyd seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, Boyd, LeMone, and Andersen voted "Aye". The motion passed unanimously

11) **TO CONSIDER FOR ADOPTION A RESOLUTION (2014-027) AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED IN FAVOR OF ALPINE SCHOOL DISTRICT FOR TWO PARCELS OF PROPERTY APPROXIMATELY 1.78 ACRES AND 1.22 ACRES RESPECTIVELY IN BATTLE CREEK PARK LOCATED GENERALLY AT 850 EAST 200 SOUTH; AND PROVIDING AND EFFECTIVE DATE. Presenter: Attorney Petersen.**

ACTION: Council Member Stanley moved that the Council adopt a Resolution (2014-027) authorizing the Mayor to sign a Quit Claim Deed in favor of Alpine School District for two parcels of property approximately 1.78 acres and 1.22 acres respectively in Battle Creek Park located generally at 850 East 200 South; and providing for an effective date. Council Member Meacham seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, Boyd, LeMone, and Andersen voted "Aye". The motion passed unanimously.

Mayor Daniels asked for a motion to go into executive session.

ACTION: At 9:15 p.m. Council Member LeMone moved that the Council move into an Executive Session to discuss the sale of real property. Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen
Cyd LeMone
Ben Stanley
Jay Meacham
Cindy Boyd

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Degen Lewis, City Engineer
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Kathy Kresser, City Recorder

Mayor Daniels asked if there were any further comments or discussion, being none he called for a motion to go out of executive session and reconvene in regular session.

ACTION: At 10:05 Council Member Andersen moved to adjourn executive session and reconvene in regular session. Council Member Stanley seconded and the motion passed with the consent of the Council.

12) Discussion with Kent Bouie regarding a proposed development in the Grove Zone.

Mr. Kent Bouie distributed handouts to the Council and presented an aerial map of the subject property. He identified portions of the DMB Subdivision, located at the southwest corner of Pleasant Grove Boulevard. Next, a map of the general division of land use was shown. Mr. Bouie stated that less than 50% is used for office space. The subject property has been divided into parcels A1 and A2, which comprises about nine acres. Lot 3 is where the Synergy Building is located, and any decision-making relating to Lot 4 will be determined by the guidance given by the City.

Mr. Bouie further explained the land use of the DMB Subdivision and stated that 49.8% is used for office space and 50.2% is used for retail. Initially, he was in favor of having more office space due to the growth that is occurring in Northern Utah County. Mr. Bouie described a development he oversaw at Fashion Place Mall a few years ago. He stressed the importance of the relationship between retail and offices. Mr. Bouie commented that there are some exclusions for types of retail users within the City's ordinance and he provided insight on the direction that food service retail business are starting to take. He noted that food services are becoming more fast, casual businesses that capitalize on the level of convenience that they provide.

Mayor Daniels asked if Mr. Bouie was proposing restaurants that are a combination of drive-thru and sit-down establishments. Mr. Bouie suggested Noodles and Company, Starbucks, and Cafe Rio as potential businesses. He noted that the new proposed development will mirror the layout and parking plan of the Scheels. The office component has a footprint of 24,000 square feet, and is a five-story building. There will be five more parking stalls than the City's minimum requirement, with an 18% common area. All of the components will ultimately be sold as single investment projects. There was continued discussion relating to cross parking easements.

Mayor Daniels remarked that the Council previously discussed potential developments in the Grove Zone and determined that the ratio of offices to retail space should be at a 50/50 percentage ratio. He asked Mr. Bouie if he intends to develop the land and construct the buildings prior to selling them as individual projects. Mr. Bouie responded in the affirmative and explained that he would like to establish Cross Parking Easements as part of the process. Administrator Darrington added that City staff can assist with the development agreement.

Mayor Daniels asked Mr. Bouie if he was aware of the restrictive covenants that Mr. Baker entered into with McDonalds. Mr. Bouie indicated that he had no knowledge of them. Mayor Daniels explained that there is a specific list of competing interests that are not allowed in the area and was not aware whether it pertained to the subject property. He suggested that Mr. Bouie become familiar with the aforementioned document. It was noted that it is a public document on file with the County.

13) TO CONSIDER FOR ADOPTION ORDINANCE (2014-029) TO AMEND TITLE 8 SECTION 8 SUB CHAPTER 38 OF THE PLEASANT GROVE MUNICIPAL CODE "PRESSURIZED IRRIGATION PENALTIES" PROVIDING FOR AN

ADDITIONAL PENALTY ON A FOURTH VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Administrator Darrington.

Administrator Darrington described the nature of the proposed ordinance amendment, which encompasses much of the discussion that occurred during the past several Council Meetings. Council Member Stanley expressed concern with the broad implications of distributing meters to repeat offenders. He was not, however, opposed to the \$500 fine associated with the 4th offense. Council Member Meacham asked if a usage chart or scale also needs to be implemented. Administrator Darrington replied that in previous discussions it was determined that a separate rate would not be created. The meter would be used by residents and the City in terms of how many gallons are being used. If the City decides to implement meters City-wide in the future, alternative expenses will be discussed.

City Engineer, Degen Lewis, commented that the installation of meters for repeat offenders will serve as a monitoring tool. Council Member Meacham asked if an allowance could be made for a bond or otherwise held in escrow for future meters. Mayor Daniels asked if all research has been conducted on the overall meter proposal. Administrator Darrington responded that staff has a cost estimate, however, it has not been formally presented to the elected officials.

The Council continued discussing each of their standpoints on the implementation of the 4th offense as presented. Council Member Stanley reiterated some of his previous concerns and felt that the Council could discuss appropriate revisions to the way the City handles its secondary water. Council Member Meacham also had concerns with the implementation of meters for four-time offenders, but was in favor of the proposed fine of \$500. Council Members Andersen, LeMone, and Boyd were all in favor of penalties as presented and felt that the meters would be a beneficial measuring tool for repeat offenders. Mayor Daniels asked the Council if they felt this was the best long-term direction for the City. Council Member LeMone remarked that this is a good step to take while the City is in a drought situation.

ACTION: Council Member LeMone moved that the Council adopt Ordinance (2014-029) to amend Title 8 Section 8 Sub Chapter 38 of the Pleasant Grove Municipal Code "Pressurized Irrigation Penalties" providing for an additional penalty on a 4th violation; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken. Council Member Stanley voted "Nay" and Council Members Meacham, LeMone, Boyd, and Andersen voted "Aye". The motion passed 4-to-1.

ACTION: Council Member Boyd moved that the City Council Work Session Meeting run past 11:00 p.m. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

14) Discussion about the future ownership of 100 East.

Administrator Darrington explained that the City has been communicating with UDOT and Utah County regarding ownership of 100 East as they will be the entities which will help fund a potential solution. The City had discussed signing over North County Boulevard to UDOT so that they could have ownership of Pleasant Grove's portion of the road. In exchange, the County agreed to take 100

East. The County has since indicated that they will take the road but will not make any changes to it because they have neither the money nor the desire to move forward.

Administrator Darrington explained that most of the City's discussion has occurred with the Mayor of Cedar Hills, as well as their City Administrator, the UDOT Regent Director, Larry Ellertson of Utah County, and Mayor Daniels. There was discussion about whether or not cities would take the road and a potential funding mechanism by which they would move forward with the process. It had been determined that funding would be provided by way of matched funding from UDOT and Utah County, as well as up to \$10 million in preapproved funds from Mountainland Association of Governments (MAG). Improvements to the road would include having at least three lanes, as well as a mill and overlay. Throughout the discussions, Cedar Hill indicated that they are not interested in ownership of the road.

Administrator Darrington stated that about three weeks ago, a meeting with Utah County and UDOT occurred and a proposal was presented whereby the County would keep the road. They would then take the approved MAG funding and use it for all of the necessary improvements, and have long-term ownership of the road. Pleasant Grove City would help with maintenance by snow-plowing and repairing pot holes and signs.

Administrator Darrington reported that the County was not completely on board with the proposal and this is where the matter currently stands. He suggested that a letter be drafted by Pleasant Grove and Cedar Hills which states their desire to have the road remain under the long-term ownership of the County and have them take the MAG funding and carry out the project. This letter had not yet been drafted, however, a Council Member from Cedar Hills emailed staff indicating that they are working on a petition for their residents to sign, which will be submitted to UDOT. They also asked if Pleasant Grove would like to be included in that petition process.

Council Member Meacham pointed out that in order for UDOT to use the MAG money to make improvements, the City would still need to come up with their own dollar amount to install the water line. Administrator Darrington and Attorney Petersen replied that UDOT wasn't going to install the City's water line anyway, and noted that the larger issue is that of the long-term ownership of the road. Council Member Meacham asked if both cities have to agree on the matter. Engineer Lewis replied that he has inquired of the project director if Pleasant Grove could take their portion of the road up to the canal, and the director stated that this would not be possible.

Administrator Darrington asked the Council how they would like to proceed. Council Member Boyd explained that as she has spoken with members of the Cedar Hills City Council, they have been adamant about not wanting ownership of the road. Mayor Daniels added that the funds designated for the project will cover about 10 years' worth of maintenance with nothing left afterwards. Cedar Hills expressed concern with what will happen after those 10 years have lapsed.

Administrator Darrington was concerned that UDOT will divest themselves of the road, thereby forcing the cities to take it. Attorney Petersen added that UDOT has an agreement with the County and was of the opinion that they would go to the County before approaching Pleasant Grove and other cities. There was further discussion and Mayor Daniels asked Administrator Darrington if he could prepare a document outlining the potential options.

15) Discussion on agenda items for the July 15, 2014 City Council Meeting.

Administrator Darrington asked the Mayor and Council to review the agenda for the following week. He noted that he would be excused from the meeting along with Director Lundell and Director Young.

16) Neighborhood and Staff business.

There was no further neighborhood or staff business.

17) Mayor and Council Business.

There was no further Mayor and Council business.

18) Signing of Plats.

There were no plats to sign.

19) Review Calendar.

There were no calendar items to review.

20) Adjourn.

ACTION: Council Member LeMone moved to adjourn. Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 11:07 p.m.

Approved by the City Council on August 5, 2014.

Kathy T. Kresser, CMC, City Recorder

(Exhibits are in the City Council Minutes binders in the Recorder's office.)