

**Pleasant Grove City
City Council Special Meeting Minutes
Monday June 23, 2014
4:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members:

Dianna Andersen
Cindy Boyd
Cyd LeMone
Ben Stanley
Jay Meacham

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Degen Lewis, City Engineer
David Larson, Assistant to the City Administrator
Kathy Kresser, City Recorder

The City Council 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, Boyd, LeMone, Meacham and Stanley were present.

BUSINESS:

- A. TO CONSIDER FOR ADOPTION A RESOLUTION (2014-020) AUTHORIZING THE MAYOR TO DECLARE CERTAIN SIGNIFICANT PARCELS OF REAL PROPERTY LOCATED GENERALLY AT 200 SOUTH 850 EAST IN THE BATTLE CREEK PARK AS SURPLUS PROPERTY AND DECLARING THEIR INTENT TO TRANSFER SAID PROPERTY TO ALPINE SCHOOL DISTRICT BY DEED AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter:*

Administrator Darrington

Attorney Petersen commented that before we get into the discussion of declaring these parcels of property as surplus she wanted to inform the Council why this process is taking place. Several years ago the State Legislature found that there were instances where municipalities were divesting themselves of significant parcels of real property and not taking public input. In some cases there were allegations that doing so was not in the best interest of the public. Each municipality was required to adopt their own ordinance defining significant parcels of property, for Pleasant Grove

the Mayor and Council decided that anything over \$100,000 will require that we give public notice, hold a public hearing and give the public an opportunity to be heard on the proposed transfer.

Mayor Daniels questioned that this is the result of other cities. Attorney Petersen replied that this is the result of a State statute that mandated local ordinance. Different municipalities set the amount to determine what their threshold would be for defining significant parcels of property. The Mayor then asked if it was determined by a dollar amount and not by parcel size. Attorney Petersen answered in the affirmative.

Administrator Darrington pointed out on a map the area that is being declared as surplus, the area that has already been committed to be traded for the recreation center, and the softball field that we agreed to deed to the School District for the doTerra incentive and the parcel that the City is going to keep. He indicated that we are still working on the legal description and that might take a while to get from the engineers. The current legal description that we have is close to what is needed but in essence if we have a map that the public can look at then that is sufficient for the resolution.

Continuing on he said that if the Council agrees to declare the property as surplus then we can start the noticing for the public hearing, but no action will be taken on the sale of the property until after the July 8th meeting.

Administrator Darrington reported that there has been a press release prepared but has not been released because we are still waiting for a map to go with it. We are hoping to have the map by this afternoon and as soon as he gets a map ASD will review it to make sure that they approve. After that we will work on the use agreement and the sales agreement and have them ready for the July 8th meeting after the public hearing.

Next he said that he has asked ASD to stop work on the park, but they are continuing to work on property that they own so if you do see work being done or someone asks they are working on their property.

Council Member Meacham asked out of the 6.21 acres how much of that is in the doTerra deal. Administrator Darrington answered that it was a little over 2 acres. Attorney Petersen pointed out that it is the softball field.

Council Member Boyd asked for clarification on the sales contract does it contain the entire 6.21 acres or just the 4.45 acres. Administrator Darrington answered that the sales agreement is for the 4.45 acres. The other 1.76 acres has been is for the property exchange for the rec center and the doTerra incentive. She then asked if both parties have done an appraisal on the property. Administrator Darrington replied that the City has done an appraisal and it came out to be just over \$100,000 per acre.

Council Member LeMone asked about the markers in the park, are they going to be moved for construction. Administrator Darrington responded that one has been moved but the other 3 are not affected.

Mayor Daniels asked about the property east of the yellow/gold hatched area, it looks like there is parking and the tennis courts that are not hatched. Administrator Darrington reported that that is property that ASD already owns it was exchanged for the rec center. Mayor Daniels asked if that

exchange has already been taken care of. Administrator Darrington replied that it will be taken care of with the deeds.

Council Member Meacham asked why that exchange hasn't already been taken care of. Administrator Darrington replied that he didn't know, but when everything is said and done it will all be taken care of.

After a discussion on the price per acre of the Mayor asked when you have property that is appraised at one price and you sell it at a lower price what is the process. Attorney Petersen responded that you have to articulate what public benefit you will be getting for the reduction in price. In the sales agreement we can articulate that we are divesting ourselves of the property for below fair market value because the value will be made up in the use, meaning that we will continue to schedule the pavilion for public use.

A discussion was held on the scheduling and maintenance of the pavilion and park was held. Administrator Darrington commented that all of these issues will be addressed in the use agreement.

Mayor Daniels mentioned that the interesting thing about the School District is that the City has no control over what they do by State law, we are fortunate to have the relationship that we have with them where they are willing to work with us.

Mayor Daniels asked if there was any further discussion, being none he called for a motion.

ACTION: Council Member Stanley moved to adopt Resolution (2014-020) authorizing the Mayor to declare certain significant parcels of real property located generally at 200 South 850 East in the Battle Creek Park as surplus property and declaring their intent to transfer said property to Alpine School District by deed and providing for an effective date. Council Member Andersen seconded. A voice vote was taken with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voting "Aye".

Mayor Daniels commented that with ASD being able to move construction to another area of the park it sounds like it lessens the timing nature of this. Administrator Darrington replied that it does, the stop work was just for the area that we didn't have an agreement on.

Mayor Daniels asked for a motion to adjourn.

2) **ADJOURN.**

ACTION: At 2:45 p.m. Council Member LeMone moved to adjourn. Council Member Boyd seconded and the motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 2:45 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.)