

**Pleasant Grove City Council Minutes**  
**July 15, 2008**  
**7:00 p.m.**

**PRESENT:**

Mayor: Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Lee G. Jensen

Bruce Call

Excused:

Cindy Boyd

Mark K. Atwood

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Richard Bradford, Economic Director

Degen Lewis, City Engineer

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

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

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Director Clay.

**3. OPENING REMARKS**

Opening Remarks were given by Administrator Mills.

**4. APPROVAL OF MEETING'S AGENDA**

Mayor Daniels asked if there were any changes to the agenda. There were none.

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

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

**MINUTE REVIEW AND APPROVAL:**

1. Work Session Minutes for June 25, 2008
2. City Council Minutes for July 1, 2008
3. To consider approval of Partial Payment No. 1 to Whitaker Construction Co. for the 700 South Sewer Improvements Project.
4. To consider approval of Change Order No. Six and Partial Payment No. Thirteen to HDX L.C., a Dunn Company, for the Pressure Irrigation System – Schedule 6 Project.
5. To consider approval of paid vouchers (July 10, 2008)

Mayor Daniel asked if everyone had an opportunity to review the consent items. They said they had. He asked if there was any discussion. There was none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve the consent items. Council Member Call seconded and the motion passed unanimously with Council Members Jensen, Wilson and Call voting “Aye.”

Mayor Daniels welcomed Lindon City’s Mayor Dain, City Administrator Ott Dameron, Police Chief Cody Cullimore and City Recorder Debbie Cullimore for attending the meeting. The Mayor said they were in attendance to make a presentation to Pleasant Grove in appreciation for the many years the City had provided emergency services to Lindon City. The Mayor then observed that as cities grow, change is inevitable. He said the growing pains are sometimes a bit painful, but they work out with time.

Mayor Dain then came forward and presented Mayor Daniels and the Council with a plaque. The plaque read:

“Lindon City, Presented July 2008 to Pleasant Grove City Police Department, Fire/EMS Department and Dispatch Services.”

“In sincere appreciation for the many years of dedicated and professional service rendered in the protection of our lives and property.

The citizens, elected officials and staff of Lindon City thank you”

“There is no greater calling than to serve your fellow men. There is no greater contribution than to help the weak. There is no greater satisfaction than to have done it well.” Walter Reuther

Mayor Daniels thanked The Lindon officials for the presentation. He then said that this was now a new day, with new traditions starting for both cities.

## **6. OPEN SESSION**

Mayor Daniels explained that the open session was a time when people could come forward to express their concerns regarding issues generally not on the agenda. He asked that they state their name and address.

- Mrs. Carla Erb identified herself as the Chair of the Library Board. She said she wanted the Council and Mayor know about the upcoming activities in the Library:

First, she said there was a silent auction going on with four quilts that are on display at the Library. She said that the quilts are beautiful and were designed by very talented quilt makers. Bids for the silent auction will be taken until August 30, 2008 at 6 p.m.

Next, the 20<sup>th</sup> anniversary of the opening of the current facility the Library is in will be celebrated in the Downtown Park on July 28, 2008 from 6 to 8 p.m. She said that there will be free ice cream and cake. There will also be free inflatable “jumpies” for the kids to participate in. She also thanked the local sponsors of Bank of A.F, Macey’s, and others.

She next told the Council that the library has received over 400 recipes for their recipe book they will be selling as a fundraiser. She said they will be for sale at the Heritage Festival on September 13, 2008.

Mrs. Erb then explained that all of the fundraisers proceeds will go to a new electronic marquee at the Library. She said Library as well as recreational activities will be advertised on the new marquee.

## **7. NEIGHBORHOOD ADVISORY BOARD REPORT**

There was no business to report from the Neighborhood Advisory Board.

## **8. BUSINESS:**

### **A. SANTAQUIN CITY “ORCHARD DAYS” ROYALTY PRESENTATION.**

Mayor Daniels welcomed the members of the Santaquin City Royalty. Ms. Hannah Goudy, the queen, and Ms. McKenzie Westover the second attendant, told the Council that Santaquin’s Orchard Days was coming up soon. They invited the Mayor and Council to attend the festival.

Ms. Goudy said there were new activities this year. She said that The Concert in the Park on July 26, 2008 at 7 p.m. will feature the group, “Joshua Creek.” Ms. Westover then told the Mayor and Council that their rodeo will run August 1 and 2, 2008, in the Santaquin arena. She then gave the Mayor and Council 10 free tickets for the rodeo. She and Ms. Goudy then said there will be fireworks, a grand parade and many other activities that will include the whole family. They then said that their area was well known for their excellent fruit. They then presented the Council and Mayor with candied apples.

Mayor Daniels and the Council thanked the royalty for coming to Council meeting and bringing the information about their celebration.

Mayor Daniels said that he wanted to announce that Miss Pleasant Grove, Whitney Merrifield, had just the night before been crowned the 1<sup>st</sup> attendant at the Miss Utah Pageant. He said she had won the talent portion of the pageant. He also said he felt this was a tremendous accomplishment on Ms. Spinder's part, and a great honor to the City.

**B. TO CONSIDER APPROVAL OF TRAIL SIGNS FOR MAHOGANY PARK. UNITED WAY TO PROPOSE AN INTERACTIVE TRAIL SIGN SYSTEM FOR PARENTS AND TODDLERS IN THE MAHOGANY PARK UTILIZING THE CURRENT TRAIL SYSTEM.**

Mayor Daniels introduced Ms. Barbara Leavitt from United Way of Utah County. She came forward and explained that United Way works with a group called, "Born Learning." This group comes into a community and provides signs for a trail that encourages literacy for toddlers. As the children and a parent, grandparent, neighbor, etc, walk along the trail, the child is encouraged to look at the world around them.

Ms. Leavitt then said with the high birthrate in Utah County, there should be a lot of support from communities in the area in having a stimulating trail marked just for children. Then she noted that there will be 10 signs, and a group of volunteers from United Way will come to the City and paint the signs for the trail. They will also stencil instructions, etc, on the ground. She said the City will sink the polls that will hold the signs. This will take place on September 4, 2008, which is United Way's "Day of Caring." Each year, a group from United Way will return to paint and do general upkeep with the signs on the toddler trail.

Mayor Daniels thanked Ms. Leavitt for her presentation. He asked if there were any questions. Council Member Jensen asked if there was information regarding the trail available in Spanish. Ms. Leavitt said yes, Spanish information was available.

Mayor Daniels asked if there were any further comments regarding this item. There were none. He then asked for a motion.

**ACTION:** Council Member Call moved to approve trail signs for Mahogany Park. United Way to help install an interactive trail sign system for parents and toddlers in the Mahogany Park utilizing the current trail system as an educational amenity to the park. Council Member Jensen seconded and the motion passed unanimously with Council Members Jensen, Call and Wilson voting, "Aye."

**C. TO CONSIDER APPROVAL OF APPLGATE HOME CARE HOSPICE'S DONATION OF PLAQUE AND TREE TO BE LOCATED IN THE CITY CEMETERY.**

Attorney Petersen indicated to the Council that this item was being brought before them due to the fact that Director Giles had been approached by Applegate Home Care Hospice's staff. She said they expressed to him that they wanted to honor those that had been in their care with a tree and a plaque somewhere in the cemetery. They will be donating a flowering pear tree. It and the plaque will be located near Memorial Gardens, near the east lawn.

She then explained that such a gift's placement does fit within the parameters of the permanent plaques and monuments policy of the City, as Applegate does service residents of the City and the tree and the plaque are to honor City residents who have significant ties to the community.

After a brief discussion, Administrator Mills noted that Applegate picks a community each year to present the plaque and tree to. He said that they will, most likely, present a plaque and tree to another community next year.

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

**ACTION:** Council Member Jensen moved to approve Applegate Home Care Hospice's donation of plaque and tree to be located in the City Cemetery. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**D. TO CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL COOPERATION AGREEMENT FOR NPDES PHASE II STORM WATER PUBLIC EDUCATION AND OUTREACH BEST MANAGEMENT PRACTICE COMPLIANCE.**

Administrator Mills came forward to explain to the Mayor and Council that this program is part of a mandatory program across the nation. He said it is an educational program for school-age children (4<sup>th</sup> grade) regarding the City's storm drain system and how it works. He said all of the communities in Utah join together cooperatively, according to the population. Pleasant Grove's share of the cost will be \$3,300.

Council Member Jensen asked if there was a schedule as to when the presentations take place in the schools. Administrator Mills said no, that the elementary, Jr. High and Sr. High teachers are given the information, and they give it to their classes according to their own schedules.

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

**ACTION:** Council Member Call moved to approve Resolution No. 2008-021, authorizing the Mayor to sign an Interlocal Cooperation Agreement for NPDES Phase II Storm Water Public Education and Outreach Best Management Practice compliance. Council Member Wilson seconded and the motion passed unanimously with voice votes from Council Members Wilson, Jensen and Call voting "Aye."

**E. TO CONSIDER ADOPTION OF A RESOLUTION OF THE GOVERNING BODY OF PLEASANT GROVE CITY AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE FEDERAL SAFE ROUTES TO SCHOOLS PROGRAM INVOLVING GROVECREST AND MANILA ELEMENTARY SCHOOLS.**

Administrator Mills explained that he had recently met with school representative and Director Walker last year to find out the most pressing sidewalk needs for funds from the State and

Federal governments. He said at that initial meeting, Manila and Grovecrest Schools were determined to have the most pressing pedestrian walking needs met for their students.

He said the grants were awarded last winter, and then an engineer needed to be selected. He said that JUB Engineer Mark Christensen was selected for the project. He said that now the design work will start, and hopefully, next Spring (of 2009), the work will start on the projects for the two schools. However, Administrator Mills explained that in order to continue to move the work forward, a resolution needs to be passed by the Council so that the Mayor can sign the cooperative agreement with UDOT.

Mayor Daniels said this sounded like a fairly simple item. He asked if there were any questions. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Resolution No. 2008-022, a Resolution of the Governing Body of Pleasant Grove City authorizing the Mayor to sign a Cooperative Agreement with the Utah Department of Transportation (UDOT) for the Federal Safe Routes to Schools Program involving Grovecrest and Manila Elementary Schools. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Wilson, Jensen and Call voting "Aye."

**F. PUBLIC HEARING TO CONSIDER ROBERT LITTLE'S REQUEST TO AMEND TRACK #5 OF THE WARNICK SUBDIVISION AND TO CREATE A 2-LOT SUBDIVISION KNOWN AS LITTLE SUBDIVISION, PLAT "A," LOCATED AT 3154 NORTH 1450 WEST IN THE RR (RURAL RESIDENTIAL, 21,780 SQ. FT. LOT AREA) ZONE. (MANILA NEIGHBORHOOD)**

Director Young asked that this item be continued until a date certain; which would be the City Council meeting on August 5, 2008.

**ACTION:** Council Member Jensen moved to delay the Public Hearing considering Robert Little's request to amend track #5 of the Warnick Subdivision and to create a 2-lot subdivision known as Little Subdivision, Plat "A," located at 3154 North 1450 West in the RR (Rural Residential, 21,780 sq. ft. lot area) zone to the date certain of August 5, 2008 City Council meeting. Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**G. TO CONSIDER APPROVAL OF A LOT LINE ADJUSTMENT FINAL PLAT FOR LOT 3 OF VALLEY VIEW HEIGHTS SUBDIVISION, PLAT "A," AND THE LEO AULT PROPERTY LOCATED AT 984 SOUTH LOADER DRIVE. (SCRATCH GRAVEL NEIGHBORHOOD)**

This item, Director Young explained, is to consider approval for a lot line adjustment Final Plat for Lot 3 of Valley View Heights Subdivision, Plat "A," and the Leo Ault property located at 984 South Loader Drive. The applicant is Mr. Leo Ault. The involved acreage is 1.33 acres and the zone is R1-9.

The applicant has requested the approval of a Lot Line Adjustment Plat between his property and the neighboring Lemone property, which is Lot 3 of the Valley View Heights subdivision. This

plat does not constitute a subdivision, as no new lots are created, as provided Pleasant Grove City Code Section 11-7-6, and by Utah State Code Section 10-9a-608. No new streets or accesses are proposed or required with this request. The result of the lot line adjustment is a transfer of the backyard area of the Ault property, which is currently almost  $\frac{3}{4}$  of an acre, to the Lemone property. Both new lots will meet the lot size requirements.

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

Council Member Call asked if with the current vicinity plan, if the planned street could run to the north of the property. Director Young said that the street would actually run to the backside of the property.

There was no more discussion from the Council. Mayor Daniels then called for a motion.

**ACTION:** Council Member Jensen moved to approve a Lot Line Adjustment Final Plat for Lot 3 of Valley View Heights Subdivision, Plat "A," and the Leo Ault property located at 984 South Loader Drive. Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

Mayor Daniels then said he noticed a gentleman in the audience seemed to want to speak. The Mayor asked him if wanted to say something about this item. The man said yes, that he was at the meeting to represent the applicant. Mayor Daniels invited him to come forward and address the Council.

He then identified himself as Mr. Francis Bush with the land surveying company of Oak Hill. He said he was at the meeting to represent the applicant, Mr. Leo Ault. Mr. Bush then went on to explain that according to state code, there was no land use being violated. He said that two adjacent land owners can exchange property. He said that the land use authority, or Pleasant Grove City, needs to approve the land exchange.

Director Young said that what Mr. Bush had said was correct. He noted that with the state statute, this kind of exchange is not done through a plat process, as it is done through the City.

Attorney Petersen then explained that the State has different requirements for this scenario than the City has. The City has additional requirements in that in order to amend the plat, lot line adjustments must be shown in the subdivision.

Mayor Daniels then said that a motion and second had been made. He asked if the Council wanted to go forward, or withdraw the motion and second. He told Mr. Bush that the motion had been made and seconded according to the recommendation of staff. He said if Mr. Bush represented the applicant, then the option remained the same. He then asked Mr. Bush what he would like to do.

Mr. Bush said he wanted a clarification showing the proposed future dedication of Loader Drive on the lot line adjustment.

Director Young then said that perhaps the ordinance could be interpreted to allow the lot line adjustment without going through the entire platting process; or amend the ordinance to allow Mr. Bush to do it the way he wanted to. Attorney Petersen said that this was not the right forum to discuss that without prior notice.

After further discussion, Mayor Daniels asked those that had made the motion and seconded what they wanted to do. They opted to withdraw the first motion and second.

**ACTION:** Council Member Wilson moved to continue this item to August 5, 2008 City Council Meeting, a Lot Line Adjustment Final Plat for Lot 3 of Valley View Heights Subdivision, Plat "A," and the Leo Ault property located at 984 South Loader Drive. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**H. TO CONSIDER STEVE HAMPTON'S REQUEST FOR FINAL PLAT APPROVAL OF A 2-LOT SUBDIVISION KNOWN AS WILLIAMSON ESTATES, LOCATED AT APPROXIMATELY 327 NORTH MAIN, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. (OLD FORT NEIGHBORHOOD)**

Director Young reported that this was rather a simple item where one lot was being proposed to be split into two lots. The applicant was Steve Hampton and the address was 327 North Main. The property is zoned R1-8 and is comprised of .45 acre. The request is the approval of a two lot subdivision final plat.

Lot 1 of the proposed subdivision complies with all of the requirements of the R1-8 zone. In order to meet the necessary side yard setback for the existing home on lot 1, the lot line between the two lots had to move to the south. Doing so made the lot width and the lot size nonconforming for lot 2. On March 16, 2006, the applicant obtained a variance of approximately 917 sq. ft. for the lot area. He also got a variance of approximately five feet for the lot width of lot #2.

Both the existing home on lot 1 and the future home on lot two will get access and frontage on Main St. All the properties surrounding the proposed subdivision have existing homes on them. The Erickson, Barney and Maxfield properties to the west could potentially subdivide in the future, but any development would require all of them to work together. It does not appear that the current proposal will have any negative impact on the future development to the west. The engineering department has reviewed the proposed preliminary plat for this sub division.

Council Member Jensen asked which lot had the existing home. Director Young said it would be the northern lot. Council Member Call said he noticed it had been two years since the Board of Adjustment had granted the variances on the lot. Mayor Daniels explained that the variance goes with the lot; no matter who owns it.

Mayor Daniels then asked there were anymore comments. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Steve Hampton's request for Final Plat approval of a 2-lot subdivision known as Williamson Estates, located at approximately 327 North Main, in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone. Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**I. TO CONSIDER MIKE PIERCE'S REQUEST FOR FINAL PLAT APPROVAL OF A 5-LOT SUBDIVISION KNOWN AS OLSSON SUBDIVISION, LOCATED AT APPROXIMATELY 2100 NORTH 600 WEST, IN THE R1-20 (SINGLE FAMILY RESIDENTIAL, 20,000 SQ. FT. LOT AREA) ZONE. (NORTH FIELDS NEIGHBORHOOD)**

Director Young came forward and informed the Mayor and Council that they were probably very familiar with the workings of this particular request. He said that the applicants are Mr. Robert Olsson and Mr. Mike Pierce. The approximate address is 200 N. 600 W. and the acreage is 4.80 acres. The gentlemen are requesting the approval of a five lot single-family residential subdivision.

The Planning Commission recommended approval of a zone change from RR to R1-20 on the subject property on May 25, 2006. The City Council approved the zone change on June 20, 2006.

At the June 22, 2006 Planning Commission meeting, public input was given concerning the completion of 2100 North. Also, a letter from the Private Property Ombudsman was presented that stated his opinion about the requirement for the 2100 North extension. Staff recommended that the item be continued so that additional information could be gathered and a legal opinion received from the City Attorney. All of that was done and the preliminary plat request was approved on July 13, 2006.

In addition to the Planning Commission approval, the applicant was required to go to the Board of Adjustment to seek variances for the lot sizes of lots one and two. Those variances were granted at public hearings held on August 17, 2006 (lot one) and September 21, 2006 (lot two).

Final plat approval has been delayed while the applicant and the City worked out a development agreement detailing the completion of 2100 North through to 600 West. The Development Agreement was signed by the Applicant on June 6, 2008 and the City on July 1, 2008. With the development agreement signed, the applicant is moving forward with final plat approval.

The proposed subdivision complies with the General Plan. The property is zoned R1-20. With the exception of lots one and two, which received variances for the lot width, the subdivision complies with the requirements of the R1-20 zone. The proposed subdivision shows lots one and two with frontage on either 600 West or 2100 North and access on 2100 North. Lots three, four, and five will have frontage and access on 600 West. The applicant and City have entered into a development agreement that will allow 2100 North to be extended through to 600 West. The connections of 2100 North is important in the overall transportation connectivity of the local populace.

The City Engineer has given a recommendation to move forward with final plat approval with the condition that all final engineering comments be addressed prior to the recording of the plat. On August 17, 2006 and September 21, 2006 the applicant obtained lot size variances for lot one (2,598 sq. ft) and lot two (2,923 sq. ft.). At a public hearing held on July 13, 2006, the Planning Commission approved the Olsson Plat "A" Subdivision preliminary plat.

After further discussion concerning access from the lots to 600 West, Council Member Jensen said it was his understanding that lot #2 could not access 600 West. Mayor Daniels said that was correct. Council Member Jensen said that didn't quite make sense to him. Council Member Wilson and Attorney Petersen said that was because 600 West was very difficult to get out on because it was so busy. Mayor Daniels said that with the addition of 2100 North, it will help the residents to be able to back out of their property easier. Council Member Jensen said he now understood why the lots were going to use 2100 North instead of 600 West.

**ACTION:** Council Member Call moved to approve Mike Pierce's request for Final Plat approval of a 5-lot subdivision known as Olsson Subdivision, located at approximately 2100 North 600 West, in the R1-20 (Single Family Residential, 20,000 sq. ft. lot area) zone; with lots 1 and 2 having no new access onto 600 West. Also, with the following conditions: (1.) That all final planning and engineering comments be addressed prior to the recording of the plat; (2.) That a note be included stating that lots one and two are required to access 2100 North; (3.) The signed warranty deed must be provided and all terms of the development agreement met prior to recording of the plat. Additionally, based on the following findings: (1.) The proposed subdivision complies with the goals, policies and objectives of The General Plan; (2.) The proposed subdivision complies with the requirements of the R1-20 zone; (3.) The preliminary plat was approved by the Planning Commission on July 13, 2006; (4.) The variances for the lot widths of lots one and two were approved by the Board of Adjustment on August 17, 2006 and September 21, 2006; (5.) On July 1, 2008 the applicant and Pleasant Grove City entered into a development agreement concerning the completion of 2100 North through to 600 West. Council Member Wilson seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**J. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-15-10, "CLEAR VISION AREA; CORNER LOTS," FOR THE PURPOSE OF REDEFINING THE CLEAR VISION BOUNDARIES ON CORNER PROPERTIES WITHIN THE CITY, AND PROVIDING THE CITY ENGINEER WITH ADDITIONAL LEVERAGE TO REQUIRE EXTENDING THE CLEAR VISION AREAS IF NEEDED, BASED ON THE LATEST VERSION OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) "A POLICY ON THE GEOMETRIC DESIGN OF HIGHWAYS AND STREETS." (CITY WIDE IMPACT)**

After Mayor Daniels read this item, Director Young came forward and told the Mayor and Council that this was a public hearing for the Council to approve amendments to Section 10-15-10 of the City Code. He said this amendment was being recommended by staff. Amendments are proposed to this section of the code, per the request of the City Engineer, due to concerns that have arisen with protecting the Clear Vision Area, and making sure all safety precautions are addressed. The issue is regarding safety concerns, and therefore, the request complies with the overall General Plan.

He next explained that Planning supports the City Engineer's request to amend this ordinance to ensure additional safety where deemed necessary.

Engineering believes the ordinance needs to be updated according to the recommendations given in the latest version of the American Association of State Highway and Transportation Officials (AASHTO), which published an article entitled, "A Policy on Geometric Design of Highways and Streets," which suggests that the City Engineer is to have the capability of increasing the Clear Vision Area if deemed necessary. The current ordinance does not give the City Engineer this authority, so the text change proposed allows the City Engineer to review cases where items are placed in or near the Clear Vision Area, and based on certain safety standards, the City Engineer may require expanding the Clear Vision Area; or alter the installation of landscaping, fencing, etc.

Engineer Lewis came forward and gave the member of the Council and the Mayor a map. He said that he had received a call concerning an area in Country Lane Estates, off of Center and 100 East. He said that in order to see a vehicle coming, you would need to a vision of at least 280 feet down the street. In going out and checking the site out, he said he found that one would need a distance of 280 feet down the street to see well enough if a car was coming. The current code only requires 10 feet distance. He said this inhibits public safety in some areas, as it is not a long enough distance. This change would bring it into the same distance that is nationally required.

Council Member Jensen noted that perhaps this was being changed simply as a matter of public safety. Attorney Petersen said that if a fence is causing a hazard to public safety, the City can ask people to take it down.

After further discussion, Mayor Daniels opened the discussion to a public hearing. No one came forward. He then closed the public hearing and brought the discussion up to the Council. They had nothing to add. He asked for a motion.

**ACTION:** Council Member Call moved to approve Ordinance No. 2008-16, amending Section 10-15-10, "Clear Vision Area; Corner Lots," for the purpose of redefining the clear vision boundaries on corner properties within the City, and providing the City Engineer with additional leverage to require extending the clear vision areas if needed, based on the latest version of the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on the Geometric Design of Highways and Streets;" and that "3 feet to 30 inches" be stricken, with only "3 feet" remaining; also, with the following findings: (1.) Recommendation received from the City Engineer based on guidance from the latest version of the American Association of State Highway and Transportation Officials (AASHTO), which published an article entitled, "*A Policy on Geometric Design of Highways and Streets*," which recommends that City Engineer's have additional authority to govern the clear vision areas on corner lots. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**K. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-15-38, "FENCING STANDARDS," FOR THE PURPOSE OF CLARIFYING THE MAXIMUM HEIGHT ALLOWED FOR SIDE AND REAR YARD FENCING; AND TO ADD PROVISIONS FOR FENCING ALONG BOUNDARIES WITH SIGNIFICANT DIFFERENCES IN GRADE; AND FOR FENCING AROUND NEW DEVELOPMENTS THAT ARE ADJACENT TO PROPERTIES WITH LARGE ANIMALS, FOR THE APPLICANT, PLEASANT GROVE CITY STAFF. (CITY WIDE IMPACT)**

After Mayor Daniels read this item, Director Young commented that this public hearing for an ordinance amendment was first studied by staff. He said that City Staff were the applicants. He said they were asking for the Council to approve an amendment to Section 10-15-38, regarding the City's Chapter on Fencing Standards.

City Staff is requesting to amend the fencing standards chapter of the City Code, due to discovering gaps in the text which do not address particular situations where fencing would be involved. Additionally, with the purpose to add a couple of new sub-sections for greater clarity to the document.

Staff has found several problems with the current ordinance that relate to nearly every category or topic of this Chapter. The following is a summary list of those problems found: (1.) Side and rear yard fencing do not consider the installation of fencing where a significant grade difference exists between adjacent properties; (2.) Current rear yard fencing provisions allow for a resident to propose a fence greater than six (6') feet in height, but without a maximum limit; (3.) Mitigation of double frontage lots with a pre-cast concrete wall should be a requirement and not a choice; (4.) No provision exists for side yard fences that abut a side drive entry; (5.) Ordinance does not give proper fencing consideration to where new developments abut properties with large animals; (6.) Ordinance did not consider a regulation for persons who might wish to construct a second interior fence where one already exists on the property line.

Additionally, staff has provided solutions for each listed problem or concern, and believes that these changes thoroughly address the issues and scenarios the City currently faces, and may face in the near future.

Council Member Call then commented that in thinking of one particular lot, he wondered if a concrete wall might not be the best thing to recommend. This lot, he said, has its back end on 200 South, and fronts on a cul-de-sac. If the owner had a 6 ft fence, and ran that along 200 South, he said it would look out of place.

Director Young said that was a good point. He explained that this was why there would need to be flexibility in the code.

Attorney Petersen then expressed concern that maybe this item should be discussed when Planner Allen returned. She said it wasn't completely clear what he had intended with some of the points he made regarding this item.

After further discussion, it was recommended that this item be continued until Planner Allen returned.

**ACTION:** Council Member Call moved to continue to a date uncertain a Public Hearing to consider an Ordinance amending Section 10-15-38, "Fencing Standards," for the purpose of clarifying the maximum height allowed for side and rear yard fencing; and to add provisions for fencing along boundaries with significant differences in grade; and for fencing around new developments that are adjacent to properties with large animals, for the applicant, Pleasant Grove City Staff. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**L. PUBLIC HEARING PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 10-19, "SIGNS AND OUTDOOR ADVERTISING," FOR THE PURPOSE OF PROVIDING SIGNAGE OPTIONS FOR SCHOOLS IN RESIDENTIAL ZONES, AND MAKING OTHER MINOR UPDATES AS NEEDED TO BE CONSISTENT WITH OTHER CHANGES MADE WITHIN THE CITY THAT DIRECTLY AFFECT THE SIGN ORDINANCE, FOR THE APPLICANT, PLEASANT GROVE CITY STAFF. (CITY WIDE IMPACT)**

Director Young indicated to the Mayor and Council that Planner Allen had spent quite a bit of time of this proposed ordinance amendment. He said that Manila Elementary Principal Sorenson had asked that she would like to have a freestanding electric sign in front of the school with a reader box that would communicate timely information to the schools patrons. He said that the attempt was to make this a permitted signage with some restrictions. The request was for the City Council to approve amendments to Chapter 10-19, regarding signage and outdoor advertising.

City Staff was requesting amending the Signage and Outdoor Advertising Chapter of the City Code, due to some changes requested by Staff, by residents and business owners regarding certain signage that was not considered with the first amendment to the Chapter. On April 15, 2008, the Council approved the first amendment to the Chapter, which was more of an overhaul to the outdated ordinance. This new proposal is to wrap-up a few minor issues that were not fully addressed.

Director Young said that if the proposal is in the spirit of making the ordinance clearer, then the proposal is following the spirit of the General Plan. He said that Planner Allen had discovered a few problems with the new signage ordinance. He found two major concerns, which staff has received a formal request to change. In response to these requests, staff has taken the opportunity to make a few other minor corrections, with anticipation of future needs and changes occurring in the City.

As stated earlier, the first formal request was from the Principal Nancy B. Sorensen of Manila Elementary. The school would like to modify the current freestanding sign they have, but current ordinance requires that they must adhere to the current laws for signage. When the sign ordinance was updated, freestanding signs were prohibited from residential zones. This was without giving consideration for schools, which exists primarily in residential zones, so Staff would like to make that change to accommodate all schools, with certain regulations.

The second formal request was made by the Director Deon Giles. The City has encountered problems with allowing temporary signage (banners) within City property. Leisure Services is responsible for maintaining these properties owned by the City, and would like to avoid the possibility of someone staking a banner and breaking an irrigation line. The Department would

like to keep those areas clearer from the jumbled mess of banner signs that have dominated City properties in the past.

The current sign ordinance allows for Leisure Services to approve temporary signs on City property with their approval; however, the Director has asked that the City limit that type of signage to City-sponsored events and programs only. This proposed change can be found on page 6 of the ordinance, under item #2. In order to still provide a way for downtown business owners and other community programs to expose their businesses and extend their advertising capabilities, Staff is proposing that such an applicant can put up a banner or other temporary signage on another person's property, so long as the applicant has obtained that property owner's approval, as well as still meeting all other provisions of the Chapter.

The following is a summary list of other minor corrections Staff would like to make: (1.) Increase the number of garage sale/open house signs from four (4) to ten (10). (2.) Increase the maximum allowed freestanding sign area, for properties under 5-acres, from 150 square feet to 175 square feet. (3.) Provide a separation requirement between freestanding signs and monument signs located on the same frontage. (4.) Increase the sign area of a suspended type sign from 16 square feet to 24 square feet. (5.) Change the Central Business District Zone (CBD) to the Downtown Village Zone, wherever mentioned in the ordinance.

Mayor Daniels then opened the discussion to a public hearing. There were no comments. He then closed the public hearing and brought the discussion up to the Council. There were no further comments, so the Mayor asked for a motion.

**ACTION:** Council Member Wilson moved to approve Ordinance No. 2008-17, amending Chapter 10-19, "Signs and Outdoor Advertising," for the purpose of providing signage options for schools in residential zones, and making other minor updates as needed to be consistent with other changes made within the City that directly affect the sign ordinance, for the applicant, Pleasant Grove City Staff. Also, based on the following findings: (1.) Formal recommendations received from the Principal of Manila Elementary School and the City's Director of Leisure Services; (2.) The acknowledged need to make the ordinance more flexible; (3.) Proposal underway to change the name of the Downtown zoning. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Wilson, Jensen and Call voting "Aye."

**M. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE PLEASANT GROVE CITY CODE FOR, "TEMPORARY USES," FOUND IN TITLE 10 CHAPTER 16. THE PURPOSE FOR THE AMENDMENT IS TO ESTABLISH PROVISIONS FOR SPECIAL EVENTS TO BE ALLOWED FOR A PERIOD OF TIME THAT EXTENDS BEYOND THE CUSTOMARY THIRTY (30) DAY LIMIT FOR TEMPORARY USES. (CITY WIDE IMPACT)**

After Mayor Daniels read this item, Director Young explained that this was for the City Council to discuss the amendments the Temporary Uses Chapter found in 10-16 of the City Code. This would include all commercial related zones. He also noted that it is a "housekeeping" item.

The decision to amend this Chapter of the Code came to Community Development staff as a direct request from Attorney Petersen. City Hall issues what is called a "Special Event

Authorization” permit for activities, uses and functions that are usually in collaboration with existing businesses. They are considered temporary, but these special events typically ask to run their operations longer than the ordinance allows; therefore, Staff is proposing to extend this timeframe by amending the ordinance.

Currently, all uses deemed temporary are not to exceed a thirty day timeframe. City Hall’s Business License Division has created a, “Special Event Authorization,” permit form, which has been reviewed and approved by the City Attorney, and requires the signatures of the Mayor and the Business License Official before the use or event is authorized to proceed. The City Attorney has anticipated that many of these temporary events will need to exceed the thirty (30) day limit, so with the recommendation from the City Attorney, Staff would like to amend the Temporary Uses Chapter to allow for temporary events to be given a seasonal or one hundred and twenty day period of continual operation, as long as the applicant obtains the Special Event Authorization permit and meets all other regulations of the Chapter.

Planning believes this amendment will not only allow for greater flexibility in the duration of some of the community events, but it will allow for increased collaboration amongst business owners, and create a more vibrant City in which to live. Staff has also proposed to add the Grove Zoning District to the list of allowed zones; as well as opening the door for greater flexibility in the downtown area for these types of uses. The proposal is consistent with the purpose and intent of the commercial, retail and industrial land uses impacted by this change.

Attorney Petersen added that this issue came up when several temporary use permits were applied for that wanted to go longer than 30 days, but did not fit into the definitions our seasonal business license permits. These activities included such things as car shows, a weekend BBQ, etc. Instead of having to get a permit every time, this proposed amendment would allow the events for longer than 30 days. For example, there is a commercial business complex that would like to have a car show each weekend while the weather is good.

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

**ACTION:** Council Member Call moved to approve Ordinance No. 2008-18, amending the Pleasant Grove City Code for, “Temporary Uses,” found in Title 10 Chapter 16. The purpose for the amendment is to establish provisions for special events to be allowed for a period of time that extends beyond the customary thirty (30) day limit for temporary uses. Also, based on the following findings: (1.) City Hall has begun a program for “special events,” which requires an ordinance amendment to allow for an extended timeframe the use may be in operation; (2.) The City Attorney has requested the amendment be submitted for review. Council Member Wilson seconded and the motion passed unanimously by voice vote with Council Members Wilson, Jensen and Atwood voting “Aye.”

**N. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE PLEASANT GROVE CITY CODE FOR THE PERMITTED AND CONDITIONAL USES SECTION OF THE GROVE INTERCHANGE SUB-DISTRICT TO ALLOW DRINKING PLACES THAT SERVE ALCOHOLIC BEVERAGES, LIMITED TO BARS AND TAVERNS AS A CONDITIONAL USE; FOUND IN TITLE 10 CHAPTER 14/SECTION 27-3/ITEM C. THE PURPOSE FOR THE AMENDMENT IS TO ALLOW THE OPTION OF THIS SERVICE FOR FUTURE COMMERCIAL DEVELOPMENTS. (SAM WHITE'S LANE NEIGHBORHOOD)**

Director Young explained to the Mayor and Council that this item was a public hearing; to consider adding permitted and conditional uses to the Grove Interchange sub-district zone. The applicant was Pleasant Grove City staff. The request is to adopt land use classifications that would allow drinking places in the Grove Interchange Subdistrict zone.

City Staff has recognized that certain business operations, such as restaurants, hotels, and convention centers typically have or incorporate bars and taverns. The City had previously designed the Grove Interchange Sub-district to accommodate retail operations, but did so without the drinking places allowed.

The following is the code amendment proposed to be adopted into the Grove Interchange Sub-district:

*Permitted:*        5820        Drinking places (taverns within restaurants, bars within restaurants, night clubs within restaurants, hotels and convention centers only)

*Conditional:*    5820        Stand alone taverns, bars, and night clubs

Since the City's position is to encourage commercial growth, with restaurants/eating places, hotels, and other retail business operations, Staff has proposed that drinking places associated with these types of business be permitted, largely in part, because it would be incidental to the main operation, and staff would like to remain consistent with the efforts to streamline commercial growth. A similar use classification is also listed as "conditional," but has been slightly modified. This is for drinking places that are stand alone operations, and not secondary to a main operation. For these, he said, staff believed it was appropriate to go through the Conditional Use Permit process.

The purpose of the Grove Interchange Sub-district states; "Purpose: The purpose of the grove interchange sub-district is to promote the development of a regional center for retail, hotel/convention, and professional office uses with high quality architecture and site design, and to create an attractive gateway from I-15 into the City; creating a unique signature image for the City."

Council Member Jensen asked where such a use will be allowed. Mayor Daniels said that it would be limited to the Subdistrict. Attorney Petersen said the purpose of the ordinance was to alert neighbors of the possible use.

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

**ACTION:** Council Member Wilson moved to approve Ordinance No. 2008-19, an Ordinance amending the Pleasant Grove City Code for the permitted and conditional uses section of the Grove Interchange Sub-district to allow Drinking Places that serve alcoholic beverages, limited to bars and taverns as a Conditional Use; found in Title 10 Chapter 14/Section 27-3/Item C. The purpose for the amendment is to allow the option of this service for future commercial developments, with the following findings; (1.) High end hotels, convention centers and restaurants typically include drinking places as part of the overall operation; (2.) Allowing the use as proposed would have a positive impact on the City's future tax base. A public hearing was held. Council Member Call seconded and the motion passed unanimously by voice vote with Council Members Wilson, Jensen and Atwood voting "Aye."

**O. TO CONSIDER THE ADOPTION OF A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL OF PLEASANT GROVE, UTAH, TO ADJUST THE COMMON BOUNDARY WITH THE CITY OF CEDAR HILLS, UTAH; AUTHORIZING A PUBLIC HEARING THEREON AND PROVIDING FOR NOTICE OF SAID HEARING. THE PETITIONERS INCLUDE: PARCEL NO. 1 (APPROX. 3100 N. CANYON RD.): DANA DUJARDIN AND ANTHONY J. DUPREEZ; PARCEL NO. 2 (APPROX. 3400 N. MAHOGANY DR.): SHELDON M. SADLER, CHRIS W. ROTEN, JAMES V. & RUTH JOHNSON, AARON D. & CRYSTAL A. MICHAELIS, LEWIS M. & DOROTHY L. EDWARDS, JAMES M. & KATHY M. BRANIN, SANDRA T. ROBINSON, TOMMY D AND KRISTIE M. FREEMAN AND DENNIS W. & MARGARET B. EGBERT; PARCEL NO. 3 (APPROX. 3650 N. CANYON RD.): LOGAN R. & ADELE M. JONES, TOWN OF CEDAR HILLS, TOMIE JENSEN AND JERRY NYLE HAMLING; PARCEL NO. 4 (APPROX. 4288 N. 1100 W.): TRACY W. & ALYSSA R. FLINDERS.**

Following Mayor Daniels reading this item, Attorney Petersen came forward and addressed the Mayor and Council. She explained that most of those that are involved in the proposed boundary adjustment are located on 100 East or Canyon Road. This is the first step in the boundary adjustment process. Pleasant Grove and Cedar Hills are indicating that there is a proposed boundary adjustment. If the proposal is approved by both City Councils, there will be a public hearing set for September 16, 2008 at both Council meetings.

This proposed boundary adjustment has been discussed on several occasions, she said. She said the boundary adjustment would involve those that Pleasant Grove cannot service, and would have to have their services provided by Cedar Hills. However, she said there are currently four property owners that have expressed a desire not to go into Cedar Hills. These property owners will have an opportunity to protest, now that the process has started, she explained.

Council Member Jensen said he thought he remembered that the Flinders were going to protest. Attorney Petersen said no, they are already hooked up to Cedar Hills' services.

Mayor Daniels indicated that the approval of this item would begin the ball rolling for a public hearing, etc. He added that the issues involved have been debated several times. He then asked if there was any further discussion. There was none. He then asked for a motion.

**ACTION:** Council Member Jensen moved to approve Resolution No. 2008-023, indicating the intent of the City Council of Pleasant Grove, Utah, to adjust the common boundary with the City of Cedar Hills, Utah; authorizing a public hearing thereon and providing for notice of said hearing on September 16, 2008. The petitioners include: Parcel No. 1 (approx. 3100 N. Canyon Rd.): Dana DuJardin and Anthony J. DuPreez; Parcel No. 2 (approx. 3400 N. Mahogany Dr.): Sheldon M. Sadler, Chris W. Roten, James V. & Ruth Johnson, Aaron D. & Crystal A. Michaelis, Lewis M. & Dorothy L. Edwards, James M. & Kathy M. Branin, Sandra T. Robinson, Tommy D and Kristie M. Freeman and Dennis W. & Margaret B. Egbert; Parcel No. 3 (approx. 3650 N. Canyon Rd.): Logan R. & Adele M. Jones, Town of Cedar Hills, Tomie Jensen and Jerry Nyle Hamling; Parcel No. 4 (approx. 4288 N. 1100 W.): Tracy W. & Alyssa R. Flinders. Council Member Wilson seconded and the motion passed unanimously by voice vote with Council Members Wilson, Jensen and Atwood voting “Aye.”

## **9. STAFF BUSINESS**

- Director Young said that he had sent out an email to other cities to see what successes they had with downtown ordinances. He said that there weren't any really big stumbling blocks, but there are concerns with historic buildings, setbacks, height issues, etc. Mayor Daniels thanked Director Young and his staff for their hard work with the DAB and the Downtown 2020 Plan.
- Administrator Mills said that the Council was in charge of the City employee's summer party this year. He said it will be held on August 20, 2008.

He next related that he had spoken with management at Allied Waste about recycling. He said that they will come and do a presentation to the Council as soon as they are sure what their options will be. They are looking at a mandatory program.

A representative from the State Liquor Commission, Mr. John Freeman, would be coming down to make a presentation to the Council regarding the placement of a State Liquor Store in Dana Point in Pleasant Grove.

Regarding an earlier conversation about being able to back out of one's driveway onto a busy street, Administrator Mills said he had seen a woman trying to back out, and was unable to do it on 600 West. He suggested that maybe there does need to be a serious look on how some of the roads are affecting residents.

## **10. MAYOR AND COUNCIL BUSINESS**

- Council Member Jensen commented that in looking at the P.O's, he had noticed a large difference between bids for the alarm system at the new recreation center. He wondered if perhaps there was a large difference in quality. Director Giles said he would have Manager Nielson check into the Council Member's concern.

## **12. SIGNING OF PLATS**

There were no plats to be signed.

## **13. REVIEW CALENDAR**

Mayor Daniels reminded everyone that the 24<sup>th</sup> of July would be a City holiday. He said the offices would be opened on Friday, July 25, 2008.

The Mayor said that Council Member Atwood had expressed concern about the meat at a very large dinner being as tender as it should be. The Mayor then said that if the meat was cut into thin strips and marinated in a teriyaki sauce, it would take less time to BBQ them, and they would all be very tender and tasty.

On July 22, 2008, the Joint Meeting would be held. On July 29, 2008, the work session would take place.

## **14. APPROVE PURCHASE ORDERS**

Mayor Daniels asked if the Council had reviewed the purchase orders for July 10, 2008.

**ACTION:** Council Member Wilson moved to approve the purchase orders for June 25, 2008. Council Member Call seconded and the vote was unanimous with Council Members Jensen, Wilson and Call voting "Aye."

## **15. ADJOURN**

**ACTION:** At 9:04 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Call seconded and the motion passed unanimously with Council Members Jensen, Wilson and Call voting, "Aye."

This certifies that the City Council Minutes of July 15, 2008 are a true, full and correct copy as approved by the City Council on August 5, 2008.

Signed \_\_\_\_\_  
Mary Burgin, Deputy Recorder