

Pleasant Grove City Council Minutes
June 10, 2008
7:00 p.m.

PRESENT:

Mayor: Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee G. Jensen

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Deon Giles, Leisure Services 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

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Tanner Giles.

3. OPENING REMARKS

Opening Remarks were given by Tony Holman.

4. APPROVAL OF MEETING'S AGENDA

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

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

5. BUSINESS:

A. PUBLIC HEARING TO CONSIDER FRED BILLINGS' REQUEST TO VACATE LOTS 1 & 2 OF AMANDA ACRES, PLAT "A," AND TO CREATE A 5-LOT, (LOTS 3, 4 AND 5 BEING FLAG LOTS) SUBDIVISION, KNOWN AS AMANDA ACRES, PLAT "B," LOCATED AT APPROXIMATELY 1120 NORTH 380 EAST, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. BIG SPRINGS NEIGHBORHOOD

Director Young said this item has come before staff several times and has had several challenges to overcome. Much of what was decided was, as he put it, "steered by other developments in the area."

The applicant, Mr. Fred Billings, would like to develop his property at approximately 1120 North 380 East in the R1-8 zone. The area is comprised of approximately 1.90 acres. He is asking for the Council to grant a final approval of the five-lot subdivision proposal with three of the proposed lots as flag lots.

Mr. Billings would like to make good use of his vacant property and turn it into sellable lots that would be compliant with the zone. Several factors have gone into the creation of this proposal, including the review of several vicinity plan scenarios, and the development of the adjacent property to the west called Larsen Acres Subdivision (plat B).

The subject property is within the Low Density Residential District. Even though the zoning does not fall within this current land use category, the zoning is ok, because it was already under the current zoning when the City changed the land use designation. The surrounding area is predominantly zoned according to a Medium Density land use, so this is not a unique situation.

The subdivision proposal is in the R1-8/single family residential zone, and complies with all zoning regulations. The proposed lots are, for the most part, much larger than what is required. All three flag lots could meet the R1-15 zoning requirements, which are compliant with the current land use designation. All regulations, under the chapter governing flag lots, are met with this proposal, including the submittal of a vicinity plan.

The subdivision is designed to keep two existing homes. These front 380 East and include the applicant's home. It creates three flag lots in the vacant, undeveloped property to the west. The first order of business, in addressing a flag lot proposal, is to review the recommended vicinity plan.

There were several vicinity plans considered for this and the surrounding properties. The property owners that play a key role in the development of all this vacant property are the Gordon's property to the north, Larsen's to the south and Mary Ryan's Larsen Acres Subdivision Plat B to the west. In short, with the approval of Mr. Ryan's subdivision to the west, and with no future stub connection to 300 East, the Gordon and Larsen properties would be the only remaining access points to create a City standard-sized street. To date, Mr. Gordon will not accept the possibility of a City road going through his property that would lead to the Billing's property. Additionally, Mr. Gordon will not negotiate with the Billings in sharing in the responsibility. The Larsen family has also not been willing to discuss the issue.

Staff has applied these circumstances to the vicinity, and with no through route available to the west or the south, and the refusal of the property owner to the north to partner a development, the applicant is left with a flag lot development as the only realistic solution for the Billings to develop their property.

Access to the common stem is to be via 380 East, which is located between the two existing homes. Each flag lot is to have a minimum 25 ft. frontage to the common stem. Engineering has given a positive recommendation to approve the preliminary plat as a flag lot development due to the conflicts and restrictions the applicant is facing with the vicinity.

Mayor Daniels asked what kind of distance from 300 East all the way through to the back lots of 360 East to 1100 North. Director Young explained that there would be a distance of 400 feet. In hindsight, he said it would have been good to have had an access going straight through. However, there is now a building lot in that area, and the road is no longer possible.

Mayor Daniels asked if there were any questions from the Council to staff.

Council Member Boyd asked if there was anything west between 1100 North and the property. Director Young said no, there wasn't.

The applicant then came forward. Mr. Billings explained that what staff had presented really was all that was possible. He said that the neighbors (the Gordons) did not want to develop their property for what they characterized as several years. He then indicated that his property is landlocked, so to speak, and they worked hard with staff and the Planning Commission to come up with a solution.

Mayor Daniels said this was interesting, because the Council had recently heard from the owners of Larsen Acres in that their neighbors didn't want to develop, either. He said it wasn't four months until those same neighbors came in ready to start development.

Mrs. Billings said that the Gordons have assured her that they don't want or have to develop at this time.

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 further comments from the Council. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve Fred Billings' request to vacate lots 1 & 2 of Amanda Acres, Plat "A," and to create a 5-lot, (lots 3, 4 and 5 being flag lots) subdivision, known as Amanda Acres, Plat "B," located at approximately 1120 North 380 East, in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone, with the following condition: (1.) All final Engineering, Planning, Fire Department requirements are met, and completed prior to recording the Final Plat. Also, with the following findings: (1.) The proposal does not conflict with the General Plan for this area: (2.) The proposal complies with all the requirements for a subdivision in the R1-8 Zone: (3.) All Flag Lot provisions have been met. (4.) On May 8, 2008 the Planning Commission approved the Preliminary Plat, based on the Vicinity plan provided by the applicant. A public hearing was held. Council Member Jensen seconded and the motion

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

B. TO CONSIDER THE ADOPTION OF A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE UTAH COUNTY MAJOR CRIMES TASK FORCE.

Following Mayor Daniels reading this item, Attorney Petersen came forward and explained that this is basically authorizing Mayor Daniels to sign an interlocal agreement renewal with the Utah County Major Crimes Task Force. She said that Pleasant Grove has been participating with the task force for as long as she could remember. There are no new terms and very little financial needs from the City. She said the small financial amount that is needed is already allowed for in the City budget.

Mayor Daniels said that Chief Paul has said that Pleasant Grove officers have gleaned a lot of benefit by participating with the task force over the years. He also said they do come during Strawberry Days and patrol around the carnival for crowd control. Attorney Petersen said that those from Pleasant Grove that do serve on the task force have felt it has been of benefit to them. She added that officers are on a two-year rotation with the task force.

Mayor Daniels asked if there were any comments regarding the agreement. There were none. He then asked for a motion.

ACTION: Council Member Jensen moved to approve Resolution No. 2008-012, approving and authorizing the execution of an interlocal agreement for the Utah County Major Crimes Task Force. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Call, Jensen, Atwood and Boyd voting, "Aye."

C. DISCUSSION WITH WASHBURN AND ASSOCIATES REGARDING ISSUES SURROUNDING A POTENTIAL ANNEXATION APPLICATION FOR PROPERTIES ON THE EAST BENCH

Director Young explained to the Mayor and Council that staff and the Design Review Committee has been working with Mr. Washburn regarding a potential filing with the City for development on the East bench. He said an annexation has been discussed, but there are several concerns and issues.

Mr. Washburn wanted to come before the Council and make sure that they were prepared to discuss his proposals before going forward with an actual application.

Next, Director Young said that in researching past dealings between the City and other proposals for the east bench area brought out several details. He said the 1999 proposed Gourley annexation took in part of the area, and was denied. In 2000 to 2001 Granite Heights came in with a proposed subdivision which had serious concerns including: (1.) soil testing and analysis, as well as; (2.) tension cracks; (3.) faults; (4.) rock fall zones; (5.) steep grade concerns on roads; (6.) service provision of water and; (7.) wildlife corridors in that area. That annexation proposal was also denied. This information was provided to Mr. Washburn, he said.

In the Utah geological report, there was concern expressed about slope stability and the possibility of a renewed landslide. Such a possibility is of concern in that there could be damage to the aqueduct and other structures in that area.

Director Young then noted that Mr. Washburn and his associates are working to try to resolve these concerns.

Mayor Daniels then commented that he remembered seeing pictures that showed the shift of strata in the fault lines in that area. Administrator Mills said yes, the pictures were presented by Acting City Engineer Thurgood when a detention pond for the secondary irrigation system was proposed for that area.

Mr. Washburn then came forward. He said he knows there is a long history in the area he is proposing development. The most important, he said, is the geological data. Although preparing the area and the structures would be very expensive, Mr. Washburn said he believes it can be done. Pilings would stabilize the structures and the hill, he said. The area would be from about 200 South to 250 North. There would be access to the Bonneville Trail.

He next said that he has been very active in contacting the neighbors in that area. These include Dr. Nimer's family, amongst others. He said they are all behind his efforts to develop the area.

"At some point the property will be developed," he explained. He said he feels the best way is to bring the property into the City, and provide a new water tank for the area. He went on to say that himself and his partners are willing to step forward and put the money into new tests and geological surveys. He told the Council that they are not going to go to various geological testing firms "shopping" for desired results.

He said the main reason he was before the Council was to see if the various obstacles that have been sited in the past could be overcome.

Attorney Petersen said at this point she would like to advise the Council on the legal issues involved. First, she said that when an annexation declaration policy plan was crafted prior to Director Young, Community Development and a prior City Council didn't want to entertain the annexation because of numerous potential problems with the area. She said that area was omitted for many reasons from being annexed into the City.

Secondly, Attorney Petersen explained that at the actual annexation stage, the Council has the discretion to say yes or no for any reason to the applicant. The Council has a lot of discretion when entertaining an annexation request.

Mr. Washburn said they are willing to work with the City.

Council Member Call said he would like to talk about the tank that Mr. Washburn had mentioned for the area. He asked if this area would receive not only culinary, but also secondary water. Mr. Washburn answered that they would have to look at the water concerns as they went through the development process. He said they recognize that the City now has a secondary system that spans through almost all of the neighborhoods.

Mr. Washburn said he would like to explain that they were anticipating the proposed development of that area with very low density. He said there would be CC&R's with the development. Also, it would be designed so that the homes would blend into the background. Everything would also be designed towards being environmentally friendly.

Council Member Boyd asked how many acres were involved. Mr. Washburn said it would be 90 to 100 acres.

Mr. Washburn said the primary access would probably be 250 North. He said the grades for the roads in that area would be challenging—but that was just what they considered part of the overall price tag.

Mayor Daniels then reminded everyone that the Councils over the years had already been through numerous concerns with that area. Engineers had done studies for the City, and, as mentioned earlier, were recommending not putting a water facility in that area. He said there are substantial geological fractures every so many feet. He said he has walked the area, and the fractures are visible. Additionally, he said that material comes down off the mountain. He then noted that if the soils were disturbed in that area, it could be like the recent situation in Cedar Hills where the homes started to move down the hill.

The Mayor also said that trying to get emergency vehicles into such a steep area might be impossible during the winter months. Also, trying to keep the roads clean would be difficult, and would cause concerns with safety. He then explained that the Council is obliged to watch over the health, safety and welfare of the citizens. If the City did enter into such a proposed development, he said he was afraid it would cause problems for years to come.

Mr. Washburn then explained that they are not trying to shop for a geologist that will tell them what they want to hear. He said their intent is to find out what soils are in the area, and stabilized by looking at very large steel spears that would go down to bedrock and hold the soil in place. He then said they knew it was their burden to see if it could be done.

Council Member Atwood then mentioned that there were pylons that had been built into buildings in Salt Lake behind the capital, and they didn't hold the soils. Mr. Washburn said the area behind the capital is different than Pleasant Grove's east bench. Council Member Atwood said he would like to have definitive information prior to making any decision.

Mayor Daniels then reminded everyone that there is a substantial process to be able to cross the various water companies' aqueduct right-of-ways.

Administrator Mills then told the Council that there were several questions to be answered about the future liability to the City if there was a development in that area. He said building lift stations for the area would be cheap. The real expense would come when there was future problems with water and sewer in the area. He said that once the area is developed, the water and sewer problems become the responsibility of the City. If there was a break due to the movement of the ground, he said the City would have to step up. He said this could be very serious if those residents lost the ability to receive potable water in the area due to earth movement, etc.

Another thing, he said, is that the City must be very careful to keep the area so that the water shed is protected so that the City's wells can continue to be recharged. He said the prime area for this recharging is between Battle Creek and Grove Creek canyons.

Director Giles then added that the Division of Wildlife Resources is really looking at that area with the sheep winter range for game to be preserved.

Mayor Daniels said without actually saying no, the concerns for the liability to the City in the future might make this a hard case to convince the Council that the area was serviceable by the City. Council Member Atwood said that once a lift station is put in, it is a big headache for the City.

The Mayor told Mr. Washburn he was certainly welcomed to spend his money anyway he wanted to. However, he said that this was "really a tough one." Mr. Washburn said that he appreciated the Council's time.

6. COUNCIL & STAFF BUSINESS

- Council Member Jensen reminded the Council that there would be a ribbon cutting and grand opening for Fox Hollow Golf Course at 7:30 a.m. on Wednesday, June 18, 2008. He said that City staff and the Council were invited. He said that June had been busy at the course with \$25,000 in receipts already. There are 20 tourneys scheduled, and the new clubhouse had hosted its first wedding. He also mentioned that his work scheduled had changed, and he was now unable to attend the Utah Lake meetings. Mayor Daniels asked Council Members Wilson and Atwood to check their schedules to see if either of them can start attending.
- Council Member Boyd reminded everyone that the Heritage Festival was coming on Saturday, September 13, 2008. She noted that a Danish theme would be used this year, with help from the Little Denmark neighborhood.
- Mayor Daniels said he had received a press release that had gone out for the John Q. Hammons Company that the new hotel and convention center was slated to be opened by Fall of 2009. He said Hammons is also planning to build two more hotels within two years after the initial hotel and convention center opens.
- Director Giles reminded everyone that all City employees were invited to the "sod-laying party" up at the new recreation center on Locust St. He said they were planning to start at 7 a.m. and would be laying about 87 pallets of turf.
- Attorney Petersen wanted to inform the Council that the June 17, 2008 special Council meeting would be held for the approval of the bond. The meeting will be held at 5:30 p.m. She also told everyone that there is a "New Years" (new fiscal year) party on June 30, 2008. She said flyers with times, etc, will be coming around to the departments.

15. ADJOURN

ACTION: At 7:55 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Call, Wilson, Jensen, Atwood and Boyd voting, "Aye."

This certifies that the City Council Minutes of June 10, 2008 are a true, full and correct copy as approved by the City Council on July 1, 2008.

Signed _____
Mary Burgin, Deputy Recorder