

**Pleasant Grove City Council Work
Session Minutes
July 27, 2010
6:00 p.m.**

PRESENT:

Mayor: Bruce Call

Council Members:

Jeffrey D. Wilson

Val Danklef

Cindy Boyd

Kim Robinson

Lee G. Jensen

Planning Tech:

Mary Burgin

Others:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Lynn Walker, Public Works Director

Deon Giles, Leisure Services Director

Ken Young, Community Development Director

Richard Bradford, Economic Director

Degen Lewis, City Engineer

Libby Flegal, NAB Chair

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

Mayor Call called the meeting to order at 6 p.m. and welcomed everyone.

1. CALL TO ORDER:

Mayor Call called the meeting to order.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cindy Boyd.

3. OPENING REMARKS

The Opening Remarks were given by Council Member Wilson.

4. NORTH POINTE SOLID WASTE PRESENTATION.

Mayor Call said that this item will be heard at a later date.

5. DISCUSS PROPOSED ORDINANCE FOR CHICKENS.

Administrator Darrington explained that the issue of having chickens in residential areas has been brought to the attention of the administration and the City Council by area residents. The uses they were requesting would include egg production and meat that could be provided by keeping chickens. Currently the ordinances only allow chickens in the rural zones. He said there was a discussion about a month before this meeting as to what the administration would like to allow and not allow in the City. In researching the issue, he said that Planner Allen was able to call and email other cities for further information. After the research, the administration worked together and crafted a proposed ordinance. He asked that staff and the Council Members look it over, and let them know if there would be any corrections or changes to the proposed ordinance.

Administrator Darrington then told those present that they had received a packet of information that will help them to become more acquainted with the ins and outs of the chicken issue. He said the last 7 pages of the handout were the actual ordinance.

Mayor Call asked if the Planning Commission had seen the completed ordinance. Planner Allen said they hadn't seen this packet. Administrator Darrington said that now that the proposed ordinance was ready, it was first being seen by the Council. It would then go to the Planning Commission.

Planner Allen indicated that in the first 6 pages of the packet, there is a summary of information as to what other cities are doing in reference to chickens. There is also a list of cities that have not considered or denied chickens in residential areas. In the first chart, he shows the cities that are nearby Pleasant Grove. He said the second chart is comprised of outside areas.

He said there are three distinct categories. He noted that the ordinance that has been crafted for Pleasant Grove seems to best fit with the second category.

Next, Planner Allen said that as they look at their tables he had prepared, those cities that come the closest to what Pleasant Grove is looking for is in the second category.

Administrator Darrington noted that from time to time, there is research done by comparing other city's and their experience. He said this gives them an idea how other cities in Utah have handled certain issues. This includes compensation, various ordinances, etc. He said they can use the information as reference material and can get an idea of what other cities are doing.

He said they created a list of those cities that do have an ordinance that allows chickens. There was a Council Member that had requested a list of these cities.

Planner Allen said he will go through one of the cities so they can understand how the chart works. He said they would start with Lehi City. They allow a maximum of 6 chickens on a residential lot. In Salt Lake City, the "no" means that they are not determining the number of chickens based on lot size. He said that they say that it doesn't matter the size of the lot—everyone gets the same number of chickens; no matter what size the lot. He said the City of West Point's ordinance says lots must be a minimum of 9,000 sq. ft. St. George requires a minimum of

10,000 sq. ft. He said Pleasant Grove currently starts with a minimum of 15,000 sq. ft. Also, West Point has it permitted in one of their zones, and it requires a CUP in another zone. Mayor Call asked what the asterisks stood for. Planner Allen explained that they refer you to the summary of each regulation. He said each is a little bit different to look at. Most ordinances in the chart have been adopted in the last 6 months. He has another study on file that spans cities all across the United States. He compiled the concerns from all of these cities, and will address those with the Council. Planner Allen then said that he would be glad to answer any questions the Council might have at this time.

Mayor Call noted that after seeing the comparisons, he wondered why the 15,000 sq. ft. lot was decided upon. Administrator Darrington indicated that they started with a higher, somewhat arbitrary number. He said that if the City Council wants to, they can make that number smaller. Council Member Boyd said that a 15,000 sq. ft. lot eliminates about 2/3 of the community from having chickens. Director Young agreed that it will eliminate a large part of the residential community.

Council Member Robinson asked how many square feet that acre would be. She was told it would be a 14,000 sq. ft. lot. Planner Allen said that the applicant, Linda Butler, had requested the minimum be a 10,000 sq. ft. lot. He said this would be just under 1/4 acre.

Mayor Call asked if Planner Allen was the one who contacted the cities. Planner Allen said yes, it was. He then asked him why he thought that there was such an interest in people having chickens in the last year or two.

Administrator Darrington said that his feeling was from the fact that citizens have been approaching the Council Members and the Administration. He said it seems to have been driven by the recently increased interest. Planner Allen said that it has been his observation that the economy has also driven the interest in most of the people. Director Young agreed. He said it has really been a, "wave" that has gone across the nation for the past 2 years. He noted that it has come from the east coast.

Planner Allen then asked the Council to turn to page 6. He said that listed are some cities that are considering adopting ordinances concerning chickens in residential areas. Administrator Darrington indicated that West Valley City has denied it twice, but is now looking at it for the third time.

Mayor Call said that as he has thought about it, it seems to him that the more stipulations that are in the ordinance, the more work that is being created for staff. As he was reading through some of the citizen comments that have been sent in, he said that one of the comments said that the police really can't enforce it, as they don't know the size of lot the chickens are currently allowed in. He said that he feels that if those that enforce the ordinance are looking for 6 chickens, maximum, it would be better to enforce. He added that you can count chickens a lot faster than you can measure a lot.

Planner Allen then observed that Community Development does feel more comfortable handling the enforcement of this proposed ordinance, instead of animal control.

Administrator Darrington said that maybe they should briefly review in that they are determining the number of chickens per lot size. He said it would be in a contained lot area. Initially, they were going to require a CUP, but decided that would become quite cumbersome. Instead, it is being suggested that people pay a one-time permit fee that will have their address and other information. This way the City will know their location and other information. He said that if there are any problems, the City will be able to show that the applicant signed an agreement with the City to comply with the code. He said he suggests that the permit process should be through Community Development, not through animal control. Mayor Call said he felt the idea of a one-time fee was a good idea. This would mean that staff and code enforcement would not have to be checking every year to make sure they have re-registered.

Administrator Darrington explained that tied into the fee would be a coop inspection. He said the structure would have to meet the setbacks. Planner Allen said that the coop is considered an accessory structure.

Council Member Boyd commented that she didn't want to see extra work created for staff. She said that the more tight the City is, the more work for City workers is created. She also said that there is not a charge for people having horses, goats, etc. She asked why they felt it was necessary to charge a fee for chickens. Mayor Call said it was because of the on-site inspection that needs to take place for chickens.

Council Member Boyd said the only problem with the inspection of the coop is that most coops are able to be moved around. She asked if staff would need to come out every time the homeowner moved the coop. Mayor Call said they probably would not. Administrator Darrington said that if the setbacks started to infringe, most neighbors will call and complain.

Mayor Call asked about the \$50 one-time fee. Administrator Darrington noted that the \$50 fee was an arbitrary number. He said if the Council has a better number, he would appreciate that input.

Council Member Wilson said his only problem is the lot size for the number of chickens. Planner Allen asked if the Council would like to lower the size of the lot. Council Member Robinson said that she agrees with the Mayor in that she could count chickens much easier than trying to determine the lot size. Administrator Darrington asked that they just set a number.

Planner Allen said that the majority of Pleasant Grove's residential areas are either R1-8 or R1-9 as the minimum size.

Attorney Petersen noted that the City has a zone RM/7 which is 7,000 sq. ft. She said that is too small for chickens. She said that generally, anything smaller than 8,000 sq. ft. is too small.

Council Member Boyd said she liked the idea of only permitting over 10,000 sq. ft. she said anything under that, it would need to come in with a Conditional Use Permit.

Administrator Darrington said that they are trying to get away from the Conditional Use. He said that it would just generate more work. He said that if it is a permitted use, it makes the process more streamlined.

Mayor Call suggested that there be a one-page handout for those that wanted to register their flock.

Engineer Lewis observed that the City requires that there only be 2 cats or 2 dogs on smaller lots. Mayor Call said it would probably be simpler to require it not be on lots any smaller than R1-7.

Mayor Call then asked if anyone at the meeting had any experience with owning chickens. He said he was asking if they knew if there was a big difference between owning 4 or 6 chickens.

In the discussion regarding the size of lots and the setbacks, Director Young suggested that it be referred to as a 7,000 sq. ft. lots—not R1-7. He reminded them that even though a zone might be R1-7, all of the lots are probably not 7,000 sq. ft in size.

Council Member Boyd said she would like to hear from residents as to what they would feel comfortable with in regard to the number of chickens in a residential area.

Mayor Call said that even though this was not a public hearing, he did appreciate those that were in attendance. He then indicated that he and the Council would like to have them come forward and share their thoughts in a short format.

Mr. David Edgecombe at 441 E. 900 N. came forward and said that the area that he lives in they have mostly half acre lots or larger. He commented that several of his neighbors do have chickens. He said that he thinks it would be a mistake to only allow 6 chickens in his area, when with these larger lots; they could easily support 12 to 15 chickens.

Mr. Aaron Stubbs said he lives in an area of the city where he has an acre lot. He said he has several neighbors that already have chickens. In reality, he said that he doesn't even know they are there. He noted that there is no odor and they really don't bug him at all.

Mr. John Bastian at 597 E. Center said that he has done research on the chicken issue. He said that American Fork has not addressed the chicken issue. They have had no complaints from the neighbors of those that do have chickens. He said either allow chickens or don't allow them. He added that any kind of regulations will upset people.

Ms. Linda Butler said she is on 900 South. She said that her lot is one half acre. She said that she had 4 chickens, but currently has none. She explained that someone with a larger family would want more chickens so they could produce more eggs. Others would be fine with 2 or 3 chickens. She said there are variables besides just lot size in determining the number of chickens. Most people that she talks to say that 5 to 8 chickens could be kept on a typical city lot (which is about 1/3 acre).

Council Member Robinson noted that Ms. Butler had provided a lot of information for this presentation. She said one book, in particular, said that 2 to 4 hens could provide enough eggs for an average household. She then asked if someone gets to 15 chickens, "are you retailing them?" Ms. Butler added that the average household in the summertime will obtain about one egg per day, per hen. In the wintertime, she said that the chickens will provide 3 times that number. Their production is geared to the amount of light they receive during the day.

Mayor Call said that no-one, as yet, had responded with a 8,000 sq. ft. lot. He said he would like to hear from those people.

Mr. J.B. Armstrong at 559 E. Center St. next came forward. He said he knows a couple of people that currently have chickens on their ¼ acre lots they are on. The chickens are kept in a coop on the side yard of the home. They have about 10 chickens. As far as he knows, there have been no complaints with these neighbors.

Council Member Robinson said that originally, the production would be eggs only—no meat. Administrator Darrington said that it had been decided that if the chickens were slaughtered, that it not be done on-site.

Attorney Petersen then commented that her “gut feeling” was that if the owners were raising the chickens for meat, they probably would not take the chickens somewhere else to be slaughtered. Administrator Darrington explained that if they are raising them for meat, they should not slaughter them on site. Planner Allen said several of the other cities have not even considered the issue of using the chickens for meat.

Mayor Call asked if there were any other questions from the Council or from the public.

Mrs. Edgecombe at 441 E. 900 N. said she would recommend that the Council consider only allowing hens and not roosters. Mayor Call said that the Council agreed on that point.

Mr. Aaron Stubbs asked if any other animals are being considered. Mayor Call said no, not at this time.

Mr. Armstrong said that in the crafting of an ordinance that maybe the City needs to take into consideration that there doesn't seem to be a pressing need for regulation or registration fees to be taken by the City. He said it doesn't sound as though there have been complaints that those that already have chickens are creating a nuisance.

Mr. John Bastian came forward and said that people that would like to have chickens are people that are trying to save money. However, if the City decides to have a large fee up front, these same people will be upset. He said he is aware that Salt Lake City has a, “per chicken” fee. He said he thinks this would be a better idea.

Ms. Carol Williams said that she lives at 515 Loader Ave. With the country going green, she feels that the chickens would fit in as long as they were regulated according to the size of the lot.

Mayor Call asked if anyone had any other comments. No one came forward. He then said he would bring the discussion back up to the Council and Staff.

Planner Allen said that in another study that Ms. Butler had shown him, 25 cities across the U.S. it was found that there was a recommended amount of birds permitted per household. Next, it pointed out the regulations and fees required. Also, the nuisance clauses related to chickens and the recommendation regarding the slaughtering of the birds as well as coop restrictions. He said that he feels confident that these points have been addressed.

Mayor Call said that the only things that they probably want to discuss now would be how to simplify and to reduce the lot size allowable for the chickens.

Council Member Boyd suggested that perhaps the easiest way to allow numbers would be to allow 7 chickens for a 7,000 sq. ft. lot; 8 for an 8,000 sq. ft lot and so on. Mayor Call said that would be difficult due to the fact that many people have a different sized lot than the zone they are in. She said that limiting people to only 6 chickens—even those with much larger lots—is probably not a good idea. She said that as it goes up with the size of lot, it would top out at 12 chickens.

Mr. Edgecombe at 441 E. 900 N. said that he is in R1-8, but he is mostly surrounded by people with one-acre lots. Mayor Call said he didn't realize there were that many one-acre lots in that area.

Mayor Call commented that not unlike most pet owners, people can be considerate or sometimes not so considerate of their neighbors with their dogs and cats. Attorney Petersen said that is why there needs to be regulations. Administrator Darrington added that there could be some nuisance issues, so their needs to be code in place to protect everyone.

Engineer Lewis said that the Code Enforcement officer, Jeff Rich, has had people get rid of their chickens. Attorney Petersen said that some neighbors have complained, and code enforcement has responded.

Council Member Wilson commented that he has a quarter acre lot, and he can't really see him having 10 chickens. The other Council Members agreed. He said he does support people having chickens, but thinks that 6 per lot is plenty in a residential area. Planner Allen said he agrees. He said that most areas that regulate chickens in a residential area is usually limited to 6 chickens. Director Young mentioned that it would be determined upon lot sizes, not zones. He then asked if it was okay if staff started at a 7,000 sq. ft. lot. They said yes, that it would be good to at least make that recommendation.

After further discussion, Mayor Call suggested that staff work out the details, then present their further findings. He asked if those present felt that the subject had been sufficiently discussed. The Council said that yes, they did feel it had been. He thanked Planner Allen and Ms. Butler for their research.

6. DISCUSS THE CREATION OF A DOWNTOWN REVOLVING LOAN FUND TO ASSIST BUSINESSES WITH PART OF THE COST OF IMPROVING STORE FRONTS.

Following Mayor Call reading this item, Director Bradford indicated that this program is happening in 3 cities in Utah. He said that Utah County is matching the funds for these loans. Pleasant Grove has had 5 business facades improved this year. This is helping businesses to have a little more incentive to upgrade their properties.

Mayor Call asked how it is funded. Administrator Darrington said that part of the funding is from capital funds. He said the capital monies will be set aside. He said that the EDI monies cannot be used for this fund, so it was decided that they should set aside the capital funds. The City guarantees these revolving loans, but does not do the actual funding of the loans. This is

done by a lending institution. He said that if all goes well, the City will never have to actually spend a penny.

Director Bradford then explained that with the City cooperating in this way with the loans, the money will go further and last longer. He said that they had looked at doing this as a direct loan. He said if the bank knows that the City is guaranteeing 20% of the loan, which should be incentive enough for them to make the loan. The City would not have to fund the loans unless they went into default. He said that one advantage to this method of loaning the money is that he does not have to be treated as a loan officer. When a client comes to the City about improving their facade, they send them back to their bank with a letter that indicates that upon approval, the City will back the loan. He added that approval will need to come from the City Council.

Mayor Call said that there is probably a minimum amount that the City can require from the applicant. He said for example, a requirement as to how long the business has been in existence.

Mayor Call asked if this kind of guaranteeing of loans is legal. Attorney Petersen noted that she isn't sure if the City can actually guarantee such a loan. She said she will check into this.

Council Member Boyd said that she had read where Provo City was working with residents to improve their properties. She said that if they stayed in the homes for 15 years, the loans were forgiven. She wondered if the same kind of program would work with the businesses. She felt this would help to keep the businesses in the area for a long period of time.

Director Bradford explained that if a business came in and put a \$10,000 front on their store. This would mean that the City would be into the improvement by guaranteeing \$2,000. The bank would be into it for 60% and the owner would be into it for 20%. That would be the breakdown for 100% of the cost of the improvement. He said if the owner then sold the building, or close it down, the bank may call the loan. If the owner is in bankruptcy, the city is stuck with guaranteeing their 20% of the loan. If the owner can sell the property, the City's guarantee goes away.

Attorney Peterson said that it would not work for the loans to be forgiven. She said that at first, there would be money available, but with increased loans, the monies would go down. She said if the loans were forgiven, new money would constantly have to be added to the fund.

Director Young added that if there was a 10 to 15 year time, then the loan was forgiven, the loan would probably be paid off by then, anyway.

Mayor Call asked if this funding was for the Downtown businesses only.

Administrator Darrington said that the discussion regarding these loans was whether or not they would be used for only the facades. He said that for instance, if a business needed an ADA compliant bathroom. He said the decision was to stay with making the businesses look better, and he said they really didn't want to get away from that goal. He said they might be exceptions. He also said that this wouldn't only be in the downtown area. Certain criteria have been set for the loans. He then explained that the money is to go to specific projects.

Please Note: Council Member Jensen arrived at 7:09 p.m.

Director Bradford then said that there was one more item that they would like to present to the Council. He indicated that Majestic Meadows is a beautiful addition to the City. However, he said that the area to the east of the Majestic Meadows project could really use a facelift. He said that the funds that were being discussed could be generated to benefit those buildings with facelifts. By creating a State St. urban renewal area, funds could be generated to replace the facades across from Majestic Meadows. Administrator Darrington said it could perhaps be used for redevelopment or even the replacement of some of the buildings.

Council Member Danklef noted that some of the buildings would have to be completely relocated. He said he is thinking of the metal fabrication business, in particular. Director Bradford said that 10 to 30 years down the road, the zoning could be changed in that area. This would do away with the front yard storage. He added that these are all things that an RDA can deal with. Other blighted areas can also be helped.

Director Bradford asked the Council to please look at the map provided. He said that a red line defines the boundary of an area that needs façade improvements that will make the city cleaner and safer and create more jobs. As a staff, he said that the economic development committee feels that they are on track, with the support of the Council; they will take it to the next level. He said if the Council is in favor of the direction they are going, they will proceed with other studies, etc.

Administrator Darrington said that this is a large RDA area. He said that they prefer the RDA as opposed to a CDA. He said RDA's can use eminent domain. Also, with the RDA, blight has to be declared on 50% of the area. New housing cannot be part of an RDA. The overall idea is to get a larger area, which could include a park. He said that any money that is used to set this up, they will front via the general fund; but they can pay themselves back once the RDA starts generating funds. This way, the cost to the general fund is nothing. Now, the City would have incentives and funding mechanisms that would help businesses want to locate along State St. or in other parts of the town that they would like to see renewed or revitalized.

Council Member Jensen asked why the lines on the map seem to go all over. He said they seem to go all over the place. Director Bradford answered that in the creation of the RDA project area, the study is parcel by parcel. For instance, an LDS Church would not be involved in the RDA, so the lines would go around it. For several reasons, he said there are several properties that don't qualify for the blight criteria. He said that the study is not quite complete as to what properties qualify, so the map is not yet set in stone.

Engineer Lewis then asked if the Burbs, Warburton's, etc, would be included. Administrator Darrington said that the boundaries in that area will probably be adjusted. He said politics, the Alpine School District and other factors will play into the boundaries of the proposed RDA area.

Council Member Boyd said that someone said to her that they were interested in going into the Majestic Meadows development, but were holding back on their decision until it was known what would be going into the area across the street. She said this will be a positive thing that will help to bring businesses in.

Mayor Call then asked if the Council was good with the direction that this proposal was going. The Council Members said yes, they felt it was a positive move.

7. DISCUSS BIKE LANE IMPLEMENTATION/ON-STREET PARKING

Engineer Lewis indicated that in 2009 when the Transportation Master Plan was adopted, there were things other than cars that were considered. This included equestrians and pedestrian use, as well as bicycle lanes. Every collector in town had a bicycle lane planned for those roads. He said as one looks at the adopted standard cross-sections of streets, etc, if there is a dedicated bike lane, the parking will have to go away. He said this would include 1100 North. This would mean that no one could park on the street on 1100 North—and he said that people will call the City and complain. He said, therefore, he was wondering if the Council thought that perhaps the on-street parking should remain as it is.

Mayor Call said does this mean that these streets will lose their on-street parking. Engineer Lewis said yes, they would have to go to the side streets. This would include 1300 West, etc. He said this could become a big change for most residents.

Council Member Boyd then asked if the TMP is showing biking lanes on all roads. Engineer Lewis said no, just on collectors. She then asked if the trails map shows the bike lanes. Director Giles said yes, it does. Engineer Lewis then explained that the trails that are on the map are the trails up in the foothills, as well as along the boulevard and a few other locations in town. Council Member Boyd said that some of the trails are actually roads in the city, and she wondered how that would coordinate with the proposed bike lanes. She asked if they can double up in use.

Mayor Call then observed that in some areas of town, adding the bike lanes will be easy; and in some areas it will be more difficult. He then asked if it was an all or nothing proposal in that all of the collectors had to have bike lanes—or not have them. Engineer Lewis indicated that no, the plan can change. He said that if the City was going to promote alternative means of transportation, there would need to be some kind of network, however. He then explained that he wanted to bring this to the Council now, as they are ready to paint the roads.

Council Member Jensen asked if there is some kind of marking so people will know it is a bike lane. They said yes, there is a bike symbol that can be painted occasionally in the lane. It would be marked near each intersection. These would include such intersections as 1300 West, 900 West, etc.

Council Member Jensen then asked about enforcement. Engineer Lewis said that in the example of the home on 200 South and 100 East, there are vehicles consistently parked in the bike line. He said the enforcement does need to be stepped up.

Engineer Lewis next suggested that the Council needs to decide on the specific streets the bike lanes will be painted on, as well as possible additional width for those lanes in some areas. The only way around that is to give the lane an additional width to accommodate everything. Or, he said that on some of the 2-lane collectors, it could accommodate all of the uses. He said that the

lane can have chevron-like paintings on it. This provides a buffer in the lane for the uses. He said that UDOT does not recommend that the line be less than 4 feet from the curb.

Mayor Call referred to the Council and asked what they wanted to do. He noted that he can see there being issues with people on 1100 North with people not being able to park in front of their homes. Council Member Boyd said that people have parked on that street for a long time. She added that there has been room for them to park. She then observed that at this point, it seems to be between the, “park-ers and the bike-ers” in some areas of the City. He also explained that if the cars are parked, and a cyclist rides by and a door is opened, it can be a dangerous situation.

Director Walker then told the Mayor and Council that from the perspective of his crews, not allowing parking on the streets really helps during snow clearing in the winter months.

Engineer Lewis said an added benefit from having the bike lanes on the collectors is that people tend to drive faster on these roads. He said that the bike lanes have a traffic calming effect.

Council Member Boyd asked which roads would be considered collectors. Engineer Lewis listed 1000 S, 700 S, 200 S, 500 N, 1100 N, etc. He then said that bike lanes are not purely recreational. He said that people use those lanes for commuting on the bicycles, also.

Mayor Call observed that some of those road are fairly dense with residential--like 200 S. He said that code-wise, they need to have a certain amount of off-street parking. The Mayor asked if there would be a way to just designate some roads to have the bike lanes.

Engineer Lewis said that there needs to be some kind of network so that the bike lanes can work. He added that several roads that will some day be wide enough for the bike lanes are not currently ready to become part of that network.

Council Member Jensen then observed that a bike safety program doesn't make sense if the bike lanes are currently a patchwork around the city. He said it would make sense to “ease into it.”

Engineer Lewis then indicated that on a collector, both parking and a bike lane can be provided. An example of this would be 1800 North, where both uses could be provided. However he said that west of 600 West, there was not yet enough completed road to provide both.

Mayor Call then said that suggestion had been made by Council Member Boyd that perhaps Engineer Lewis could email a map of roads and sections of roads where there would be no parking; and where the bike lanes could currently be striped. He said this would allow the Council Members to drive around and see for themselves how the system would tie together. They could see how much patchwork would be involved; as well as how much would actually tie into each other.

Council Member Jensen then suggested that there be something in the newsletter that would define those roads that were bike lanes for the residents to refer to.

Council Member Danklef observed that even big cities struggle with this. For example, he said that Provo has it starting and stopping in their city as well. He said that cities have to do the best they can with what they have.

It was asked when the striping needed to be done by. Director Walker said it was ok to do the striping late in the fall.

Administrator Darrington then said that this item would be on the August 17, 2010 City Council agenda.

8. DISCUSS SECONDARY WATER CONSERVATION

Administrator Darrington explained that a one page insert is planned to go out with an upcoming newsletter. He also explained that the new criteria will be presented to the Council in ordinance form the following week. Odd number (address) houses will need to water on Monday, Wednesdays and Fridays; even numbers on Tuesday, Thursday and Saturdays. No watering will be allowed on Sundays. The first violation will be a door hanger. The second violation will be a reconnect fee of \$50. The third violation will be a reconnect fee of \$200. He said he doesn't anticipate very many of these. This will begin the conservation that is currently necessary. This will come into effect on Wednesday, August 4.

Council Member Boyd asked if the public work's crews that will be policing this. Director Walker said yes, he currently has summer crews that will assist with this.

9. REVIEW AND DISCUSSION OF PERMITTED USES IN THE GROVE ZONE, INTERCHANGE SUB-DISTRICT

Administrator Darrington said this was a follow-up from a discussion that had taken place a month before. He said he would appreciate it if the Council would look at this issue in ordinance form to see if they were all on the same page. As he was reading through his notes as he was putting this together, he said he still had some minor questions.

He went on to say that number one would be the size of the zone. He said the talk is to reduce the size of it from where it is now down to 700 South, which would be the northern boundary of that zone. What is currently the interchange (that is north of 700 South) will probably be made a Commercial Sales sub district. He said this will be the next zone that will be reviewed and discussed. It will be a lot more liberal than what is potentially planned for the interchange. There is one piece of property that is south of 700 South that is a possible location for a restaurant that Dennis Baker is working on. He said it would be right by Central Bank.

Number two, he said, would concern a frontage strip on P.G. Blvd. that will have even more restrictive zoning to make sure that this area is set aside for retail use. It hasn't yet been decided how wide that strip will be; or what will be allowed or not allowed. What has not yet been decided is whether or not big boxes are going to be allowed in that area. He explained that a big box is anything over 100,000 sq. ft.

There are design standards in place, he noted. Even if there are some uses that are still not decided upon, the buildings will potentially look nice. He said that if the Council would look at the left-hand column of the handout he had given them, they are looking at permitted uses. If the Council wants some conditional uses added, he said that these are permitted uses, but have conditions put on them. For instance, he said a tavern and bar with a hotel and restaurant is one of the allowed uses. He said it might not be a bad idea to make this a conditional use permit so

that certain conditions can be put on that use. He added that there might be some recommendations on some specific conditional uses for that area.

Council Member Danklef then asked if the conditions would be only with the hotel and restaurant. Administrator Darrington said that it has been expressed that the City would not be interested in a stand-alone bar or tavern.

In talking about some of the smaller permitted uses in that zone, he said that gift shops, florists, etc, that are part of a larger development would be welcomed. He said the danger is if these smaller uses are not part of a larger development, they would then become strip malls. The next step would be for staff to know how to word this kind of zoning code.

He suggested that the Council look through the allowed uses. He said in reference to the taverns and bars should only be with hotels or restaurants. Also allowed would be what are called quick-service restaurants. He said these are different than fast-food, and would be more like Bajio restaurant. Mayor Call noted that these kind of restaurants are known as fast/casual restaurants where people can dine-in.

After a brief discussion, Director Bradford explained that the definition of various restaurants, etc, are in a guidebook dictionary from the International Council of Shopping Centers. He said these international terms are already done with this book. He observed that it would save everyone a lot of time by using these already defined terms.

Administrator Darrington noted that if there was anyway to zone out strip malls, they will do it. Planner Allen indicated that if stand-alone structures are not allowed; strip malls could be exactly what would come in.

In the middle of the handout, Administrator Darrington noted that there is listed what will not be allowed on commercial frontage. He said that the car dealerships can be away from the commercial frontage, as is the location of the BMW dealership.

Administrator Darrington then listed such uses as office space, banks, professional offices, legitimate theater, etc, would be an allowed use. Those uses that would not be right along the road in that area would include gas stations, fast food, governmental services.

He said that the City staff will hold tough to these standards, and will let those that want to come in know that the City has certain standards. He said that the property owner in that particular area will know that the Council has a specific plan. He then explained that some have asked that the City loosen up the zoning in that area, but the vision for that area is pretty much set. He added that the City can survive without the sales tax in that area.

Mayor Call said that he feels that staff and the Council are very much unified in that vision.

Council Member Jensen asked if specialized services, such as medical services could be in that zone. Administrator Darrington said yes, but not on the commercial frontage.

Administrator Darrington then asked what the opinion of the Council was on a big box. He added that a mid-box is 45,000 to 100,000 sq. ft. The feedback staff received last time was that a mid-box sized store would be okay.

Council Member Boyd asked what examples of the big box and mid box would be. Administrator Darrington said a mid box would be a Kohl's and a big box would be like Macey's or Costco-size.

Council Member Jensen said that lifestyle malls do not have anchors. Administrator Darrington said that a local example of this kind of mall would be the Riverwoods. He said they do not have an anchor. Director Bradford confirmed that the definition of a lifestyle malls is that they do not have anchors.

Council Member Boyd then asked if it would be possible that there could be an agreement with some mid-sized boxes that they would be attached to a lifestyle-type mall. Council Member Danklef then observed that it might not always be possible for those that would or could come in and develop.

Council Member Jensen then said that he wondered if he understood correctly that a large store could come in and develop; but it would have to be 100,000 sq. ft. or under. Administrator Darrington said that was correct.

Council Member Boyd said that she had a question. She said that what if the City allowed a big-box in that area. She said it would be the first to come. She asked what they would get after that. She observed that the City would not get the life-style mall, but would get a strip-mall; much like the one in Lehi that surrounds Costco.

Council Member then asked Director Bradford what would happen if Dillard's or Nordstrom were allowed to come in. He asked if they attract large scale development. Director Bradford explained that when a mall comes in, the whole package comes in. He said the difference is an anchored mall vs. a stand alone big box. Council Member Boyd said she would not like to see a stand-alone big box in that area.

Director Young said that sometimes businesses like JC Penneys will be a stand alone. He said that the City cannot say that they want one store over another. He said the City can only regulate it by size. He said that businesses like Dillards and Kohls used to be only in malls, and are now stand alones in several areas. Council Member Boyd said an example of that is The District in South Jordan.

Administrator Darrington then said that the trend now seems to be a big box with a mid box coming in at the same time. He said that Costco and Lowes are the power center in the development in Lehi. In front of these are several quick-service restaurants.

Council Member Boyd said that she would like to not see any kind of strip mall come in. She said she would like to make sure that that possibility be eliminated.

Administrator Darrington indicated that the decision that needs to be made would be whether there should be general sales tax generated in that area—and if a lifestyle mall would be a stretch.

Council Member Danklef then said that he feels that Costco and Walmart probably won't try to come into that area, as there are already those stores in close proximity. Council Member Robinson said she doesn't want to see the City eliminate potential development in that area. She said that retail changes, and she wouldn't like to see the City cut itself off from potential development. She then observed that the City seems to be eliminating itself from even entertaining proposals.

Council Member Boyd asked how many acres were on the interchange. Director Young said about 150 acres.

After further discussion, Administrator Darrington asked if the Council would be okay if a big box came in that area, and much like the Meadows in American Fork, other retail establishments would follow. He said he feels that there does need to be concern that perhaps the message being sent is that Pleasant Grove isn't interested.

Council Member Danklef said that he is okay with a big box as long as they can bring others with them. Administrator Darrington explained that when a Walmart comes in, it is never just that one store. He said others do follow and in-fill around the Walmart, as it has in Lindon.

Engineer Lewis noted that stores such as Costco do provide the traffic to make the other properties interesting. He said they are never alone, but as a whole development. He added that it is good if they come in and plan with the City.

Administrator Darrington said that the City just needs to make sure that anything like a strip mall is not the initial development.

Council Member Jensen said that the Council probably needs to carefully consider the fact that plans will change if Hammons is unable to develop as they were originally going to do on the interchange. "We may need to rethink ourselves if Hammons isn't coming in," he noted. He said if Hammons doesn't come in and bring the hotel, the restaurants, etc, that were originally planned, then it should change how the Council is looking at this area. He asked if the Hammons development would have been considered the anchor.

Mayor Call said yes and no to Council Member Jensen's question. He said that yes, the Hammons projected development opened up the City's vision of what that area could be. However, he said that the vision of that area is not dependent on the Hammons development. Once the Council could say that they had a vision of what could go in down there, it has helped the City to maintain that standard, he noted.

Council Member Jensen said that he doesn't know how the City can turn down a big box. He said, for instance, if Sam's Club wants to come in, it would also bring in other stores such as Big O and other businesses to that area.

Director Bradford then said he would like to clarify a definition. He said the Meadows development in American Fork is probably the best example of what is called a “Power Center” in the state. It does have anchors, which are big boxes.

Administrator Darrington noted that the small power centers with the big box and mid box would be more of what could go in around the Pleasant Grove interchange area. He said that there is not enough room there for a development the size of The Meadows.

Council Member Jensen asked what the responsibility of the Council would be to say no to potential development. He said that tax revenue needs to come in to provide the services the City needs. He said that the majority of that area is still empty ground that currently does provide property taxes; but does not collect revenue from retail. He said that he understood that the Omniture Company was looking at the interchange area, but ended up going somewhere else.

Mayor Call said it seems to him that the City has gone one way and said that there is just a certain small area. Currently, if a company like Sam’s Club wants to locate in that area, they would be shown the area to the north of 700 South. He then asked that if the City can say no to a big box, but if someone comes with a proposal, would the City change the rules.

Administrator Darrington then said he is concerned that someone will get a copy of the current zoning, and go ahead and start to make plans according to the current zoning.

Engineer Lewis said that the area does have design standards in place. He said that in the interchange zone, there are not driveways where some would like to have them. This would exclude some because of the roads and how they are planned in that area. He noted that if the City holds firm to that standard, it will weed out certain amount of those looking at the area because it doesn’t match their business model. He said if they look at property down the road a bit, it will meet the business model that they are looking for.

Administrator Darrington then agreed that the design standards will help to weed out some of the contenders. He said they might end up in the Commercial Sales sub district—which he said is actually okay to direct them that way.

Council Member Robinson asked Director Bradford if companies like Omniture notify cities and ask for their zoning criteria. Director Bradford said that will usually work through a developer. She then asked if the developer would inquire of the city regarding the zoning. Administrator Darrington said some do and some don’t. She asked if they would work with the City on the zoning. Administrator Darrington said that some of the developers have been in the game long enough that they can come directly to the City Council and sometimes talk them into changing the zoning in an area. Director Bradford said that Woodbury is a company that develops projects and works directly with the cities.

Mayor Call then observed that there needed to be direction given to staff in how to proceed with this item. He asked if the Council Members were in favor of allowing big boxes in the interchange area. Council Member Wilson said yes, he would be. Council Member Jensen said he would if the big box was part of a larger development. Council Member Boyd said she was still a bit on the fence with her decision. Council Member Danklef said yes, he would be in favor of a big box coming in.

Administrator Darrington then indicated that this would need to start with the Planning Commission. He said they would probably have recommendations. He said they will also get going on the Commercial Sales District.

Council Member Jensen then said he would appreciate it if Director Bradford would give a definition of a motel. He said he has always thought of a motel as in Motel 6. However, he wondered if staff was actually thinking of something closer to a cross between a motel and a hotel for that area. Director Bradford said that limited service Limited service would lack a restaurant, etc. A hotel would have an integrated restaurant.

Council Member Robinson indicated that she had gone to a new restaurant in Alpine called The Blue Lemon. She said she would like to see some alternative restaurants coming into the area.

10. ITEMS FOR THE AUGUST 3, 2010 CITY COUNCIL MEETING

- a. To consider for adoption an Ordinance **(2010-11)** amending Title 8 Chapter 8 Subsection 38 “Pressurized Irrigation” of the Pleasant Grove Municipal Code providing for additional penalties and reconnection fees for violating provision of said title and providing an effective date. **(CITY WIDE IMPACT)**

Administrator Darrington said this ordinance would be providing authorizing resolutions in regard to the adoption of additional penalties, etc. for the violation of provisions for the pressurized irrigation.

- b. To consider the request of Kathleen Mitchell for approval to amend Willow Creek Subdivision, Plat A, by adding land to their lot (lot#19); located at approximately 1170 West 810 North, in the R1-8 (Single Family Residential) zone. **(MUD HOLE NEIGHBORHOOD)**

Planner Allen explained that Kathleen Mitchell with the Willow Creek subdivision is seeking approval to get a subdivision amendment. She wants to take adjacent property and add that to her lot to make the property contiguous.

- c. To consider for adoption a Resolution **(2010-043)** authorizing the Mayor to sign a boundary line agreement between Robert V. & Joy Ann Lloyd, Joint tenants and Pleasant Grove City for a parcel of land located at approximately 100 North 900 East for the Monson Water Tank. **(MONKEY TOWN NEIGHBORHOOD)**

Attorney Petersen explained that this item would be an authorizing resolution for a boundary line agreement.

- d. To consider for adoption a Resolution **(2010-044)** authorizing the Mayor to sign an agreement with Gary Johnson regarding the placement of banners at the Pleasant Grove Community Center located at 547 South Locust Ave., to allow businesses to advertise on the banners. **(SCRATCH GRAVEL NEIGHBORHOOD)**

Attorney Petersen said this item was for the Council to approve banners being placed up at the Community Center.

- e. To consider for adoption a Resolution **(2010-045)** authoring the Mayor to sign a local aid agreement with the Utah Department of Transportation (UDOT) for federal aid for an environmental study (EA/EIS) to review the potential connection of Geneva Road (SR-114) and 100 East in Pleasant Grove, Utah. **(STRING TOWN NEIGHBORHOOD)**

Attorney Petersen said this was for the Mayor to sign a local aid agreement with UDOT for federal aid for an environmental study.

11. MAYOR, CITY COUNCIL AND STAFF BUSINESS

- Administrator Darrington complimented Director Young on his work as the “architect” of the City’s utility newsletter. He said that there is going to be a naming contest take place for school kids in the area to name the newsletter. The Council can choose from among the suggested names. It’s projected that the contest will take place in September or October.

Next, Administrator Darrington reported that he had met with the CAPP (Capitol Projects, Inc.), which is the Washington DC team of lobbyists that represent the City. Projects involving the City were discussed in the meeting. It was also discussed as to which Utah representatives will now be in office. He said that discussions took place as to what the City needs to prepare with the idea of getting appropriations directly. He said that Senator Bennett will no longer be in office; and Mike Lee has said that he is not interested in earmarks. This means that whatever is earmarked, it will need to be done now. They will look at some federal grants as to what is available. He asked that the Council please have the projects listed that they would like to see addressed.

Council Member Jensen inquired about the City’s future financial arrangements with CAPP. Administrator Darrington explained that once the meeting ended and the CAPP members left, they would like to go to a more grant-based payment system. He said this will be addressed at the next budget session.

Administrator Darrington then indicated that there has been a want ad running on the City website for a fulltime position for a fire fighter. He said that under the Safer Grant, there has to be a minimum number of full-time fire fighters—and this will just be a replacement, not a new position. Also, he said that if they hire from within, that position will not be refilled. Chief Sanderson then explained that the minimum number of fire fighters on the Safer Grant is 10. Currently, the department has a total of 60 part-time fire fighters.

- Council Member Boyd indicated that she would like to take some time to discuss the project that is about to take place with the old Manila Church on 2600 North. She then introduced Randy and Vicki Bott and their daughter, Jenny Johnson. She said they are in the process of purchasing the building. They then want to refurbish and renovate the church. She said she and Attorney Petersen have drafted a letter that will help the Botts

and the LDS Church better understand what the church can be used for once it is renovated.

Council Member Boyd then read the letter to the Council. It stated that the building was constructed in 1895. As funding becomes available, the refurbishing and repurposing of the building will take place. There is a great deal of sentimental value with the building, and it will now be preserved through their efforts. They would like to see the building fulfill community needs and provide a variety of uses. The renovation will benefit not only the Manila neighborhood, but then entire city. Council Member Boyd then asked that the Council please sign the letter.

Council Member Boyd then asked the Botts to come forward and introduce themselves to the Council.

Mr. Randy Bott indicated that the couple had done this kind of a project before in Millville, Utah. As his wife Vicki has gone to the Mt. Timpanogos Temple, she has passed the old building, and had fallen in love with it. He said that they are working with architect Curtis Miner, as well as a structural engineer. Because they have done this before, he said they are not novices at this kind of project. Randy said that he is an engineer. He currently teaches religion at BYU. He told the Council that it is very important that the historical perspective of the building is maintained. There is some zoning that he said he knows will need to be addressed with the building. He noted that they don't have endless funds. He complimented Pleasant Grove City, as well as the local historical commission in being extraordinary to work with. In working with various cities as a civil engineer over the years, he is grateful that staff and the Council have been so amiable to see the project take place.

Mrs. Vicki Bott then came forward. She expressed her love for the building, calling it the "Old Lady." She said it is a great piece of work, but needs, "a new dress." She said their vision is for it to be an arts center, as well as a pre-school.

Jenny Johnson indicated that she and her family are in the process of moving to Pleasant Grove from California. She said that she felt like home when coming here. She said she would like to see a feeling of community come back to the building. They are planning the arts center, preschool, adult classes, a gift shop, a dinner theater, ballroom and possible reception center.

Mayor Call said it was very exciting to be part of this project. Administrator Darrington added that he doesn't foresee the zoning being a problem. He said it would have to go to the Planning Commission, then the City Council for approvals. Director Young explained that the need for regulations will be the actual uses they are planning. He said if the Botts are making structural changes, they can be permitted. Mr. Bott said he would submit a list of uses to Director Young.

Council Member Boyd said that on a different note, she was wondering if permission had been given for recycle bins in the parks. Administrator Darrington said that they said they could customize about anything the City wants. However, he said that trying to just have people throw plastic bottles into a container in the park is a bit tricky. People tend to

through all of their garbage into the same container, and the recyclables cannot be contaminated with food, etc. Council Member Boyd said she would just like to at least see some blue recycle cans in the downtown park during the Promenade. Director Giles said that Parks Superintendent Rasmussen has spoken with other cities, and it is a huge nightmare to try to separate the trash once the event is over. Administrator Darrington said that he would follow up and at least get more garbage cans for events.

Council Member Boyd then asked what dogs are allowed in the park. She said that during the Promenade that people bring their dogs. Director Giles said that dogs are allowed, but they have to be on a leash.

- Council Member Danklef said he had two items. First, he said that people were wondering when the City was going to stripe the roads. He said that when people work in the Temple, and come home in the dark, it is difficult for them to see the road as they drive down streets that are currently not striped. Director Walker said he is ready right now, but he needs to know which streets will be striped for bike paths before he begins. Engineer Lewis said that 2600 North would be fine to stripe right now. Director Walker indicated that it will be painted within the week, then.

Second, he had a neighbor approach him and said that she had heard from a City official that Pleasant Grove City was insolvent, and would soon be filing for bankruptcy. He said this was in relation to the Manila water issue. He wondered where the City and Cedar Hills was at with Manila Water.

Administrator Darrington said he had met with Cedar Hills and Manila water officials. He said that the Manila water officials would like to dissolve the company. There are four criteria being discussed, and he said that Pleasant Grove is having problems with two of the four. He said that the two cities need to now meet and discuss the 4 criteria that the Manila water company is requesting. At this point, the two cities could then meet with the water company. He said that there will be hoops to jump through, but the process has started.

Council Member Danklef then noted that rumor has it that Cedar Hills would like to do all of the collection of water for Manila Water. After further discussion, Council Member Danklef said that he can see there is still some problems and issues.

He next said that there is concern about getting secondary water out to the residents, as well as the sewer connected. Mayor Call said they don't have secondary water because there is not a tank to feed the secondary water to those residents.

Administrator Darrington said that he and Mayor Call had recently met with Cedar Hills officials to try and see if they could work something out. He said that Cedar Hills has the utilities in the ground. Pleasant Grove residents are currently paying 8 times the regular rate to tie into those utilities, and he said they are trying to come to an agreement so the residents no longer have to do that. He added that the Cedar Hills officials were not happy with this discussion.

He noted that it will be an item in an upcoming work session to discuss various options that can be presented to Cedar Hills in a future meeting. He said he would like to see the cost of putting in the sewer and pursuing some older proposals that need to be discussed. Currently, he said there are no plans for the sewer or the secondary water in that area. The only way those plans change will be if the City Council tells staff that they want them to put secondary and sewer out in that area. He said that there has never been that discussion since he has been with the City.

Council Member Danklef said that he feels it is now to the point where those discussions need to take place. He said he is aware of people that were sued when then didn't want to hook into the sewer. He added that if the City is going to go to that extent, then the City needs to find a way to provide the sewer for those that want to hook into it.

Attorney Petersen then explained that it is state law that if a home is within 300 ft. of a sewer line, they must hook into it.

Council Member Danklef asked that his email address be updated on the website, etc.

He next said that he had received emails regarding the Lion's Club. Mayor Call said there had been complaints from the neighbors regarding noise, etc. He noted that Chief Paul has been pro active and has spoken with the neighbors, and the issue has been dealt with.

- Council Member Robinson said she would like to thank the Bott family for their efforts in renovating the Old Manila building. She said that area is just rich with history. She noted that she does not want to see that area get "squashed between the politics of Pleasant Grove and Cedar Hills." She wondered if the Botts were going to use the word Manila in the name of the facility. Mrs. Bott said that the whole complex will be called Stonegate because of the stone walls in the building. There will be a Manila Heritage Center Museum in the complex.

She next asked what had happened to the advertising on the banners that were to go up at the new Community Center. Director Giles said it was proceeding forward. Attorney Petersen then explained that there was an authorizing resolution that was very basic that would be coming before the Council. Council Member Robinson then observed that she thought it would work out well to help finance the replacement of exercise equipment at the Center.

Council Member Boyd then said she would like to address Council Member Robinson's comment about Pleasant Grove vs. Cedar Hills. She said that she hasn't seen any issue. She said that is why in the letter that in preserving the building, it would become an asset to not only Pleasant Grove, but to neighboring cities.

- Mayor Call said that an email had been forwarded to the Council regarding the Lion's Club. He said that there had been neighbors that had complained due to the parties that were in the building that were getting out of control. The problem, thanks to Chief Paul, is being resolved. Attorney Petersen then said that there had been problems in the building a few years ago, also. She said that the rental of the building was at that time

tightened up, and it seemed to help. The Mayor asked if there was any other business. There was none. He then asked for a motion to adjourn.

12. EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(D))

This item was cancelled.

13. ADJOURN

ACTION: At 8:56 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with all Council Members voting, "Aye."

This certifies that the City Council Minutes of July 27, 2010 are a true, full and correct copy as approved by the City Council on Dec 14, 2010.

Signed _____
Mary Burgin,
Planning Tech