

Pleasant Grove City Council Minutes
March 19, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd
Lee G. Jensen
Cyd LeMone
Jay Meacham
Kim Robinson (excused at 7:10 p.m.)

Excused:

Marc Sanderson, Fire Chief

Staff Present:

Scott Darrington, City Administrator
Dean Lundell, Finance Director
Tina Petersen, City Attorney
April Harrison, Arts and Culture Director
Lynn Walker, Public Works Director
Mike Smith, Police Chief
Degen Lewis, City Engineer
David Larson, Assistant to the City Admin
Ken Young, Community Development Director
Deon Giles, Leisure Services Director
Kathy Kresser, City Recorder
Cody Jolley, Fire Captain

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah at 6:00 p.m.

1) CALL TO ORDER

Mayor Call called roll for the Council and noted that Council Members Boyd, Jensen, LeMone, Meacham, and Robinson were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout, Cody Mayland.

3) **OPENING REMARKS**

Opening Remarks were given by Council Member LeMone.

Council Member LeMone reported to the residents that the City has started the new PROUD Campaign. It is focused on being dedicated to excellent customer service. PROUD stands for Personable, Respectful, Optimistic, Understanding and Dedicated. The Council Members and staff discussed how to be dedicated employees and team members to the residents. They specifically spoke about the City's definition of dedication, which is that they are "committed to providing the highest level of service within the City." The Council views the residents as their friends and customers, and they do all in their power to ensure that the residents of Pleasant Grove receive the highest level of service at all times.

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

ACTION: Council Member Meacham moved to approve the meeting agenda. Council Member Boyd seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting "Aye."

5) **CONSENT ITEMS**

a) **City Council and Work Session Minutes**

There were no minutes to be approved.

b) **To consider for approval paid vouchers for (March 8, 2013)**

ACTION: Council Member Boyd moved to approve the consent agenda items. Council Member Robinson seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting "Aye."

6) **OPEN SESSION**

Council Member Robinson described the Get Up and Move Program and reported that it encourages community members to be active and healthy. Reese Demile was recently announced as the winner of the challenge who contributed his winnings to start a youth fitness program where he led children for nine weeks in various fitness challenges. The program is not focused on weight loss, but rather on an active and healthy lifestyle.

Council Member Robinson invited several of the children who participated in the Youth Fit program to attend the City Council Meeting. She introduced Reese, Bailey, Chloe, Ashley, Rachel, and Mackenzie and stated that they have all gotten into the spirit of healthy living.

Council Member Robinson thanked Bryce at The Park City Nike Store for providing shoes for the children at the completion of the program. She also thanked Robert Price and David Price with Republic for donating money to provide shoes to all of the children who participated.

Council Member Robinson reported that Miss Pleasant Grove attended the award ceremony and helped present the new shoes to the children. She stated that a story on the event was to be published in *The Salt Lake Tribune* the following Thursday.

Mayor Call invited the public to address the Council.

Boy Scout, Matthew Green, gave his address as 238 North 850 East, and reported that he thinks there needs to be a stop sign on the corner of 300 North and 600 East. He stated that this is the only through street running north and south that does not have a stop sign. He considered this to be very dangerous because cars drive very fast on 600 East. He was especially concerned about high school students walking home from school in the afternoon. Mayor Call stated that there are formulas used with traffic patterns to determine the best location for stop signs. He requested that Chief Smith look at the intersection and determine if it meets the criteria for a stop sign.

7) **BUSINESS**

a) CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE (2013-4) AMENDING SECTION 10-15-30-I: MINIMUM FLOOR AREA, OF THE PLEASANT GROVE CITY CODE, TO ALLOW MORE FLEXIBILITY IN PERMITTING NEW HOMES CONSTRUCTION IN RESIDENTIAL ZONES. (CITY WIDE) (CONTINUED FROM THE MARCH 5, 2013)

Community Development Director, Ken Young, reported that the Council met with Attorney Peterson to discuss where the group stands on this proposal. He created an updated amendment based on that meeting, which the Council Members had copies of. Henry Walker Homes is developing the homes in question, in the R-1-8 Zone. Director Young reported that the changes Henry Walker Homes' desired in the ordinance revision were highlighted in green.

Director Young reported that the lots on the cul-de-sac barely meet the minimum lot size requirements. Because the lots are odd shaped, it makes the buildable area difficult to work with. Henry Walker Homes has specific house plans that they normally use in their development, and they have requested that they be able to build what they normally do in these types of subdivisions. Henry Walker Homes looked at the Council's amended proposal and said it still would not work for them, in regards to the R-1-8 Zone. They are now requesting that the R-1-8 Zone be handled the same as the R-1-7 Zone. In the past, this has been the break point where the minimum square footage jumps up. This change would not affect the minimum floor area for a single level home, only the floor area of a multi-level home.

Mayor Call thought this was similar to what the Council had discussed at the previous meeting. They talked about the R-1-8 Zone being 700 square feet for a single-level home and 1,600 square feet for a multi-level home. Henry Walker Homes had a floor plan that was 694 square feet, leaving the home six feet short of the 700 square-foot requirement. The Council indicated that they would have to fix the floor plan and meet the requirement.

Director Young indicated that the developers would still have to make some adjustments, which they did not object to. Council Member Boyd requested that they specify that these changes will

be City wide and not just for the developer. She explained that this is the best outcome for the City. Mayor Call reminded the Council that there are no changes to single-level homes and the overall square footage increase to multi-level homes will require building on top of garage.

Mayor Call opened the discussion to the public.

Kurt Jenkins gave his address as 1340 East 150 North, and thanked Council Member Boyd for explaining that this would be a City-wide change. Mayor Call explained that in the past in the R-1-8 Zone, homes were required to have at least 1,000 square feet. This creates a potential problem when a smaller multi-level home is built in a confined space; however, the intent is to have more than 1,000 square feet over multiple levels in the home. He indicated that the Council planned to approve this change to the ordinance.

Director Young reported that staff made a slight verbiage change to the ordinance under the RM-7 Zone. The change states that all single-family detached and two-family dwellings will be subject to the new requirement. The previous verbiage addressed duplexes separate from the singly-family multi-level home. Combining the two will make it easier to follow and more consistent. Council Member Jensen asked if the ordinance included the verbiage and the chart. Director Young confirmed that it did. Council Member Jensen pointed out that in the explanation it addresses minimum square footage requirements, but not in the chart. Mayor Call asked Director Young to update the chart to match the verbiage.

There were no further public comments. Mayor Call closed the public hearing.

Mayor Call reported that Ordinance 2013-4 is an ordinance of Pleasant Grove City, Utah, County, Utah, amending Title 10, Chapter 15, Section 30, Subsection 1 regarding the minimum floor area in one and two-family dwellings, with Henry Walker Homes as the applicant.

ACTION: Council Member Meacham moved to approve Ordinance 2013-4 with the word “minimum” added to the headers on the chart, and modifying the R-1-8 Zone to have a main floor minimum square footage of 700 square feet, and a minimum total square footage of 1,600 square feet. A public hearing was held. Council Member Robinson seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

Mayor Call informed the Henry Walker Homes representative that the Council has approved the change to the R-1-8 Zone for a two-story home to have 700 square feet on the main level with a minimum of 1,600 square feet of total living area above ground. He confirmed that it is a City-wide ordinance change.

b) TO CONSIDER FOR APPROVAL A RESOLUTION (2013-07) AMENDING SECTION XIV “BENEFITS” SUBSECTION 1 “WORKERS COMPENSATION” OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND ADOPTING WORKERS COMPENSATION RELATED FORMS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Peterson reported that Resolution 2013-07 is a proposed amendment to the Personnel Policies and Procedures Manual. It was initiated as a result of information provided by the insurance company to the City Recorder regarding their policy for the handling of claims. Their policy conflicted with what was in the City's manual. The purpose of the Worker's Compensation resolution is to make the manual consistent with their request and add specific forms that the insurance company would like the City to use in the event of a Workers Compensation claim.

The major difference is that the old policy allowed individuals to seek medical attention at any medical facility as long as they immediately disclosed how, when, and where the accident occurred. This has been modified to state that individuals have to seek medical attention only through designated providers that are Workers Compensation friendly. The providers are Work Med and Timpanogos Regional Hospital. Emergencies can be treated at any medical facility.

Council Member Meacham asked if the ordinance needs to be changed if the City changes carriers. Attorney Peterson stated that that is not necessary unless the City's policy changes. The only ordinance change being made is to define where people can go for Workers Compensation claims. Council Member Meacham suggested making the wording more generic so that if in the future the City uses a different insurance carrier they will not have to modify the ordinance again. Attorney Peterson thought it was better to have specifics included in the policy since in the event of an incident, if the Workers Compensation Coordinator is not in the office, the individual involved would not know where to go for treatment.

Council Member LeMone asked how many Workers Compensation claims are received each year. Attorney Peterson did not know but stated that that information was available in the City's Administrative Office.

Mayor Call read the resolution in its entirety.

ACTION: Council Member LeMone moved to approve resolution 2013-07, a Resolution of the City Council of Pleasant Grove City, Utah County, Utah, amending the Personnel Policies and Procedures previously approved by the City Council, specifically amending Section XIV "Benefits" Subsection 1 "Workers Compensation" and adopting Workers Compensation related forms and providing for an effective date. Council Member Jensen seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting "Aye."

c) CONSIDERATION OF APPROVAL OF A FINAL PLAT CALLED BAYLIE'S BEND PLAT B, AN AMENDED 8-LOT SUBDIVISION LOCATED AT APPROX. 700 WEST 2490 NORTH IN THE R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE. (NORTH FIELDS NEIGHBORHOOD)

City Engineer, Degen Lewis, reported that Baylie's Bend is a subdivision plat that was originally approved as a 12-lot subdivision, located at approximately 700 West and 2490 North. As the developer proceeded and had the improvements installed he requested a revision when the economy turned. There was not a lot of interest in the lots at the price he had hoped to sell them

for. The developer reported that he has an interested buyer for two of the lots who wants to combine them into one. Staff indicated that phasing the 12-lot subdivision plat would be acceptable.

The applicant had a three-lot subdivision plat approved and planned to wait on the remaining eight lots. The original plat was approved subject to the portion of the City's ordinance that allows lot size averaging. In this particular zone a 20,000 square-foot minimum is required. There are three lots, one with an existing home and two with homes being created, that are less than the requirement. By adding the area of all 12 lots and dividing it by twelve, the developer still exceeds the required 20,000 square-foot minimum. It was noted that the overall density of the subdivision was not changing.

Engineer Lewis explained that this particular ordinance prohibits lot size averaging from occurring over phases or multiple plats. When staff granted approval, they gave the developer faulty information. The developer recorded the three lots and has since moved forward. In this particular instance the new lots have a new owner who is bringing forward the proposed eight-lot subdivision in an effort to finish the project.

The developer installed and was granted approval for the sewer and water lines and infrastructure needed for the lots. The new Plat B, Lots 8, 1 and 6, are less than 20,000 square feet. The ordinance states that lot size averaging can occur on any subdivision plat, but there cannot be more than 25% of the lots that are less than the minimum. In this case three out of the eight lots do not meet the minimum, which takes the subdivision over the allowed 25%.

Engineer Lewis stated that this subdivision meets every requirement other than the minimum square footage requirement. The only solution was to approve the plat subject to the condition that the applicants seek a waiver to the requirement from the Board of Adjustment stating that lot size averaging cannot occur over multiple plats.

Council Member Meacham asked if the lot lines could be adjusted. Engineer Lewis stated that there is not enough square footage remaining to make substantive adjustments. Council Member Boyd asked for an update on the width of the road. Engineer Lewis reported that the ordinance specifies that a lot cannot be less than 18,000 square feet. After the City added an easement to 2600 North, Lot 1 was reduced to 17,800 feet. The City went back to what was originally required, which was a 66-foot right-of-way in order to get the lot size back to what it needed to be. He stated that when the time comes for the City to widen 2600 North they will address the width at that time. In order to simplify the process, the City plans to do the road dedication at the 66-foot wide right-of-way. They are providing for a two-foot sidewalk back of sidewalk easement, which would allow them to still install a six-foot walk without making any major alterations. This was consistent for the plan for all of 2600 North.

The Council discussed the possibility of arranging the lot lines in order to make at least two of the three lots meet the 20,000 square-foot requirement. Engineer Lewis stated that the new developer has the added complication of homes already existing on Lots 1 and 2.

Council Member Jensen asked in light of the ordinance change that the Council made earlier in the meeting regarding home size requirements, if the owners will be notified of the changes in the event they are looking for smaller homes. Engineer Lewis stated that the developer was in attendance at the public hearing and was aware of the ordinance change. He noted that they do not normally advertise after an ordinance change has been made.

Council Member Boyd asked if the Council can fix the developer's problem or if it has to go to the Board of Adjustment. Attorney Peterson confirmed that it has to be heard by the Board of Adjustment because what asked for is a variance and the Board of Adjustment has jurisdiction over those. The Board of Adjustment has the power to grant the variance. The Council could help the developer by informing the Board that this was not a self-imposed situation. She stated that after looking at the facts and the criteria that the Board of Adjustment must consider, this seemed like it would have a good chance.

ACTION: Council Member Jensen moved to approve the final Plat known as Baylie's Bend Plat B subject to the condition that the Board of Adjustment grants a variance prohibiting lot size averaging over multiple plots or phases of a project. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting "Aye."

d) DISCUSSION WITH ZANE MORRIS, DEVELOPER OF THE THORNEBERRY RESIDENTIAL COMMUNITY, REGARDING POTENTIAL EXPANSION OF THE DEVELOPMENT.

Director Young reported that they have begun the initial process with Thorneberry to obtain approval of an expanded site plan. As staff reviewed the request, they determined that this might be a more complicated case than anticipated since the proposed expansion does not meet the current zoning requirements. There was also concern because the expansion of the project, or Phase 2, was previously applied for and denied by the Planning Commission in 1998.

Director Young explained that the request currently includes two buildings with 48 units. The property is immediately adjacent to the east. Currently a single-family home exists on the property that is owned by Dean Gray and located on Center Street. This follows the original development concept plan proposed when the project was first presented. For the Thorneberry development and the owners, this represents completion of their originally anticipated project.

Director Young stated that there are issues involving the current zoning. He explained that the property is in a commercial zone. Therefore, residential development on property that faces Center Street is not allowed. The addition of this project would consist of a multi-family development without commercial attachments. Currently in the Downtown Village Zone, multi-family dwellings must be attached to commercial property. It must be either in the same building, or on the same property.

Director Young explained that if the Council decides to vote in favor of the proposal, there needs to be an amendment to the Downtown Village Zone Code to allow for multi-family housing that is not attached to commercial. A suggestion was made to limit this to existing projects only. It

was noted that there are currently no other projects in the Downtown Village Zone where this would be applicable.

Council Member Jensen asked if this would prohibit another developer from doing something similar at some point. It was reported that as long as commercial is involved there will not be a problem going forward. One suggestion was made to overcome the situation.

Director Young stated that the parking requirement was much less when the original approval was granted. In order to approve the request, it would also require an amendment to allow parking to be less than 2.5 per unit. The developer proposed 2.0 stalls per unit.

Director Young stated that before taking Thorneberry through the entire process, they would like feedback from the Council. Mayor Call reminded the Council that this is not an action item, and is only meant to serve as discussion to address concerns or questions. Director Young stated that should the Council feel this is something they may look at favorably, there is already a public hearing scheduled.

Thorneberry developer, Zane Morris, presented a summary of the project status. He explained that the area was originally part of the Transit Overlay Zone and was to be tied to light rail, shared parking, and a five-story office building that the City planned to use for their offices. It was to be located on the corner where the car wash was approved. There was to be shared parking with the office, the apartments, and the future light rail and mass transit stations. After the Transit Overlay Zone fell through, the City built the Senior Center which was where a large portion of the parking was originally planned. He stated that the original plan was obviously no longer possible.

Mr. Morris reported that they presented an alternative plan that showed four small office buildings where the car wash and the proposed Greenhouse Counseling Center are. He reported that Mr. Gray, who owned the residential property, pulled out of the sale of his property because the original plan fell through when the light rail and office building were not built. He wanted to wait and see what happened later. For this reason Thorneberry's request was denied. He stated that the Council supported their original plan.

Mr. Morris explained that the Gray property would not have great commercial value because of its location. Dean Gray's son, Glenn, was present and reported that the property has been on the market for 15 years. He noted that they have had no interested buyers. Mr. Morris stated that they believe what is proposed is the best use of the ground. He recognized that the City has gone to 2.5 parking stalls per unit because they have had parking issues with other projects. He explained that one of their buildings has only one-bedroom units, which require less parking than a multi-bedroom building. He claimed that they will not have issues with cars parking on the street. They plan to loop the road through the complex, which will improve the current parking situation.

Glenn Gray reported that he grew up in the area and that this would be a good development and completes the area. Mr. Gray stated that his daughter lives in the home currently and they have a few cows on the property as well. He noted that the property has little frontage.

Council Member Jensen stated that there is nothing to prevent the back portion of the parcel from having apartments developed on it, and leaving the frontage on Center Street commercial. The two acres could be split, thus preserving the frontage on Center Street and still allow the back portion of the property to be built as requested by Thorneberry. Mr. Morris remarked that that was not the way it was designed to work. In order to meet the parking requirements he claimed they would need the whole property. He discussed the matter with the owners of the office building next door to see if they needed any of the frontage; however, their development is too far in the process to make changes. Council Member Jensen suggested constructing only one building instead of two, which would allow for future commercial use on the frontage. Developer Morris explained that the economics would not work as well for them.

Mayor Call stated that Thorneberry should decide if it would be worth it to them to build one building instead of two if the approval was contingent on that. Mr. Morris agreed to discuss it. Council Member LeMone confirmed that each apartment building has 24 units for a total of 48. One building is a one-bedroom building and the other features 12 two-bedroom units and 12 three-bedroom units. In response to a question raised by Council Member LeMone, Mr. Morris confirmed that the senior living area was part of Thorneberry.

Council Member Boyd stated that a recent approval was granted for a project fronting Center Street and developing housing there. They have stayed true to the zoning with residential and commercial and she stressed the importance of adhering to the zoning requirement. She explained that it was zoned in that manner because they were seeking a specific look and feel for the City.

Council Member Jensen agreed with Council Member Boyd and added that he thinks Thorneberry's development would make the commercial piece of the Gray property more appealing and easier to sell to a commercial developer. He thought 100 feet of frontage would be enough to make other developers happy. Director Young stated that the required minimum frontage is 50 feet. The greenhouse frontage is 96 feet and roughly 200 feet deep and 5,100 square feet in size.

Council Member LeMone stressed the importance of the City's vision. She did not believe Thorneberry's request fits that vision. The Council agreed that there would be no problem developing one of the buildings, but the building with frontage should be commercial.

8) NEIGHBORHOOD AND STAFF BUSINESS

Director Young reported that there was a good turnout for the open house held for the Bike Trail Master Plan. There were roughly 80 people in attendance. There were interactive exercises and great feedback was received.

Director Young stated that the consultants would like a list of those interested in attending the upcoming field trip. It is being paid through a grant and will include a flight trip to Boulder, Colorado, where they have a trail system and bike park. The grant will pay for eight people. The target dates are May 1 to 3. The desire was to take as many Council Members as are

interested. It will be a one day trip. Mayor Call confirmed that it is funded through the grant and will not be paid for by the City or its citizens. All Council Members were interested in attending, but the Mayor was not available.

Leisure Services Director, Deon Giles, stated that they have begun filling the pond, and Fish and Game will begin restocking it. They also recently finished removing the last of the gold fish. New water would be in on Friday. He also reported that a job offer was made and accepted by Clint Warnick to serve as the Recreation and Aquatics Manager. Mr. Warnick will begin work on April 1. He is currently the Recreation and Aquatics Manager of the Daybreak HOA in South Jordan. He was expected to have a two-week transition. Mr. Warnick will be introduced to the Council at the April 2 Meeting. Mayor Call recommended making a 100-day plan for him.

Director Walker reported that the secondary water turn on date will be between April 15 and May 1.

Chief Smith stated that the Citizens Academy start date will be May 2 and be held two Thursdays per month. They typically take 20 students and will end the training before Strawberry Days. He invited the Council Members to attend.

Attorney Petersen reported that Fire Captain, Cody Jolley, has been working on a Wild Land Fire Fighting Plan that will be presented mid-April. It will provide an opportunity for the City to have some of their equipment that is not needed on a daily basis used by the state. The City will be reimbursed for the use of the equipment.

Administrator Darrington reported that an updated Parks Master Plan and associated impact fees will be included on next week's agenda. There will also be budget items to discuss. The Work Session scheduled for April 9 was cancelled in order for the Council Members to attend the school district meeting.

Director Young stated that the public hearings for the ordinance amendments will be addressed at the April 2 meeting relative to the multi-family housing discussion. He stated that a review will take place the week prior.

Director Lundell reported that a kick-off meeting for the Blue Energy project was held, and they are ready to proceed. A budget amendment will likely be needed for the project to be approved at the end of the year.

Arts and Culture Director, April Harrison, reported that the City has received several grants. One is a \$400 Spanish grant for the Day of the Child, a Spanish celebration. There is also a Community and Library Improvement grant that will be available soon. A sizable donation was also anticipated from the Theil and Ed Roberts Family.

Council Member Jensen stated that the RAP sheet has been very useful and he thanked Director Young for keeping it updated. Council Member Boyd added that the commercial portion was fantastic.

Council Member LeMone reported that the Miss Pleasant Grove Scholarship Pageant is scheduled for the following Saturday at 7:00 p.m.

Council Member Meacham reported that he will not be able to attend next week's meeting. Mayor Call reported that staff is working on figuring out how to invite people to the Gary Green Greenhouse groundbreaking. He also noted that Alicia's Cupcakes won Cupcake Wars and her business has picked up greatly since then. She will be on the show again sometime in April.

Council Member LeMone asked if they are still planning on doing a ribbon cutting for the shops near Cocolito's. Mayor Call responded that they are working on it. Council Member LeMone stated that *The Daily Herald* is doing a "Best of Utah Valley" survey and have asked that surveys be completed for City businesses the Council would like to be highlighted. She agreed to provide the link to the Council.

9) **SIGNING OF PLATS**

No plats were signed.

10) **ADJOURN**

ACTION: At 7:16 p.m. Council Member LeMone moved to adjourn the meeting. Council Member Jensen seconded. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, and Meacham voting "Aye."

This certifies that the City Council Minutes of March 5, 2013, are a true, full and correct copy as approved by the City Council on April 16, 2013.

Kathy T. Kresser, CMC Deputy City Recorder

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