

**Pleasant Grove City  
City Council and Planning Commission  
Joint Meeting Minutes  
March 29, 2016  
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen  
Eric Jensen  
Cyd LeMone  
Ben Stanley  
Lynn Walker

Planning Commission: Levi Adams, Chair  
Lisa Coombs, Vice Chair  
Matt Nydegger  
Ryan Schooley  
Scott Richards  
Jennifer Baptista  
Amy Cardon (arrived at 6:55 pm)

Staff Present: Scott Darrington, City Administrator  
Denise Roy, Finance Director  
Deon Giles, Parks and Recreation Director  
Mike Smith, Police Chief  
Kathy Kresser, City Recorder  
Ken Young, Community Development Director  
Marty Beaumont, Public Works Director  
Sheri Britsch, Library and Arts Director  
Tina Petersen, City Attorney  
David Larson, Assistant to the City Administrator  
Dave Thomas, Fire Chief

Others: Kim Olson, Executive Director of URPA

The City Council and Staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah.

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1) **CALL TO ORDER**

Mayor Mike Daniels called the meeting to order and reported that all Council Members were present. It was also noted that the following members of the Planning Commission were present:

Levi Adams (Chair), Lisa Coombs (Vice Chair), Matt Nydegger, Ryan Schooley, Scott Richards, and Jennifer Baptista. Commissioner Amy Cardon arrived at 6:55 p.m.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member LeMone.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Stanley.

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

City Administrator, Scott Darrington, stated that there will be an Executive Session at the end of tonight's meeting to discuss personnel issues.

**ACTION:** Council Member LeMone moved to approve the agenda with the addition of an Executive Session after the meeting. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

5) **OPEN SESSION**

Mayor Daniels opened the open session. There were no public comments. The open session was closed.

6) **CONSENT ITEMS**

- a) **City Council Meeting Minutes:  
City Council Minutes for the March 08, 2016 meeting.**
- b) **To consider approval of payment vouchers for March 22, 2016.**

**ACTION:** Council Member Jensen moved to approve the consent items. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

7) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

*There were no appointments.*

8) **PRESENTATIONS**

**A) UTAH RECREATION AND PARKS ASSOCIATION (URPA) PRESENTATION OF THE OUTSTANDING PROGRAM AWARD TO THE RECREATION DEPARTMENT.**

Kim Olson, Director of the Utah Recreation and Parks Association (URPA), explained that the URPA is comprised of members that represent professionals from parks and recreation

departments throughout the State of Utah. URPA has over 1,000 members and is also affiliated with the National Recreation and Parks Association, headquartered in Washington D.C. URPA provides training, networking, and other resources for professionals working in the field. Each year, there are over 300 delegates in attendance at the URPA Convention. At the most recent Conference, Pleasant Grove City's Parks and Recreation Department was selected as this year's recipient of the Outstanding Program of the Year Award for the Family Day Hike. Mr. Olson explained that this is a powerful program that unites families and encourages them to get out into nature. He then presented the award to Parks and Recreation Director, Deon Giles.

Vanessa Seeley stated that when the program began there were around 100 participants. She stated that this is the 17<sup>th</sup> year the program has taken place and it has since grown to approximately 800 participants. Each year there is a different theme with various activities to entertain people of all ages. This year's theme is The Hike Awakens and will be a nod to Star Wars.

**9) ACTION ITEMS WITH PUBLIC DISCUSSION**

**A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-6) AMENDING THE PLEASANT GROVE CITY CODE BY ADDING SECTION 10-13F, INDOOR STORAGE OVERLAY FOR APPLICATION IN THE DOWNTOWN VILLAGE ZONE. (Applicant Mark Ryan) *Presenter: Director Young.***

Community Development Director, Ken Young, presented the staff report as well as map of the subject property. He explained that Mark Ryan has requested on behalf of Russell Foulk the ability to develop an indoor climate controlled storage facility on the north half of the Costume Craze property at 350 West Center Street, with frontage on 400 North Street. An application was filed on February 19, 2016, to request the creation of an overlay that would allow land use #6377, Indoor Climate Controlled Storage Facilities, as a permitted use on properties where the overlay applied within the Downtown Village Zone. The Planning Commission reviewed the request in a public hearing on March 10, 2016.

The request to add land use #6377, Indoor Climate Controlled Storage Facilities to the permitted uses of the Downtown Village Zone has been reviewed by staff and by City Attorney, Tina Petersen. It was determined that the best way for this to be accomplished would be through the creation of an overlay that would be limited in its application within the Downtown Village Zone and could only be applied to project areas of two acres in size. Such limitations will greatly restrict the opportunities available for this kind of development in the downtown area. Otherwise, adding the use to the permitted uses would allow such development to occur anywhere in the zone.

Currently, the Costume Craze property at 350 West Center Street and 400 North is the only property downtown that would qualify for the application of the overlay. Director Young explained that over the years staff has fielded various inquiries about the development potential of the property. Proposals have included non-permitted uses such as multi-family residential without being attached to commercial and outdoor storage units, which have not seemed to best suit the use of this property. Uses that are permitted include retail and professional office uses. The access and location of the property do not seem to lend themselves well to these types of development.

Staff observed that an indoor climate controlled storage unit building, designed to appear as professional offices and to meet the Downtown Village design guidelines could be a good fit for the zone and area.

Council Member Stanley asked why the overlay would be limited to a maximum of two acres. Director Young explained that staff did not want to allow this type of use to permeate the Downtown Village Zone. They felt that because this property has special needs it should have special criteria as well. There was further review of the aerial map of the subject property as well as neighboring properties. Director Young noted that there would be access on 400 North, and staff would recommend a secondary access through the bottom portion of the property that connects to 100 North.

Mayor Daniels opened the public hearing. There were no public comments. The public hearing was closed.

Council Member Jensen asked if the Planning Commission voted unanimously in favor of the application. Director Young answered in the affirmative.

**ACTION:** Council Member LeMone moved to adopt an Ordinance (2016-6) amending the Pleasant Grove City Code by adding Section 10-13F, Indoor Storage Overlay for application in the Downtown Village Zone. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

#### **10) ACTION ITEMS READY FOR VOTE**

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-013) AUTHORIZING THE MAYOR TO ENTER INTO A FINANCIAL CONSULTING SERVICES AGREEMENT WITH LEWIS YOUNG ROBERTSON AND BURNINGHAM, INC. TO PROVIDE FINANCIAL ADVISORY SERVICES RELATED TO THE 2016 WATER REVENUE REFUNDING BONDS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

Administrator Darrington explained that the City has engaged Lewis Young Robertson and Burningham, Inc. to serve as their financial consultant relative to the 2016 Water Revenue Refunding Bonds project. He stated that typically for these types of business transactions, consultants prefer to enter into three-year contracts. The Services Agreement that was presented to the Council will allow Lewis Young Robertson and Burningham to officially represent the City on this particular matter. Once the deal is done, they will no longer serve as the City’s financial advisor.

Administrator Darrington explained that the process of selling the bonds generally entails hiring an underwriter, obtaining a bond rating and then selling the bonds in an open market. This past week, the firm indicated that the City could get a favorable rate if they opt to use a private placement with a bank that is interested in purchasing the bonds. If the City chooses to go this

route, they would save the cost of hiring an underwriter, as well as the costs associated with a trip to San Francisco to sell the bonds on the open market.

**ACTION:** Council Member Stanley moved to adopt a Resolution (2016-013) authorizing the Mayor to enter into a Financial Consulting Services Agreement with Lewis Young Robertson and Burningham, Inc. to provide financial advisory services related to the 2016 Water Revenue Refunding Bonds project; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried.

**B) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-014) AUTHORIZING THE MAYOR TO SIGN A GROUND LEASE AGREEMENT WITH VERIZON WIRELESS FOR THE LEASE OF REAL PROPERTY TO CONSTRUCT A WIRELESS COMMUNICATIONS TOWER AT APPROXIMATELY 1500 NORTH 100 EAST (BASEBALL FIELDS AT MANILA PARK); AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen explained that this particular item has been on the agenda several times. Verizon Wireless has run this proposal through their Legal Department and they are now ready for the City to take action. She stated that there is currently a light tower at the Manila ball fields that has been leased by a different communications provider. There is also a co-locator on the tower; therefore, it wasn't possible for Verizon Wireless to fit on the same tower. Verizon Wireless will be purchasing a light pole and constructing their communications equipment on top of it. If the lease is ever terminated, the City will maintain ownership of the light pole and Verizon Wireless will remove their equipment. The City will receive an annual rent amount of approximately \$21,000 for the first five years. After the initial term of the contract, there is an escalator in the rental agreement. Verizon Wireless will have the option of renewing the contract in five-year increments up to four times. The agreement includes a termination clause if the City decides that Verizon Wireless should cease their use of the tower; however, the City would be responsible to pay relocation costs.

Mayor Daniels asked if transformers will be installed at the base of the pole. Staff answered in the affirmative. Mayor Daniels also asked how the transformers will affect fencing and security. Director Giles replied that the base of the pole will be almost identical to what is already in the area. The fencing and hardware will be outside of the diamond toward the parking lot and will not interfere with activities taking place on the fields. Attorney Petersen noted that the design has been approved by the City's Engineering Department. She also noted that the contract states that construction cannot interfere with the ball games.

**ACTION:** Council Member Stanley moved to adopt a Resolution (2016-014) authorizing the Mayor to sign a Ground Lease Agreement with Verizon Wireless for the lease of real property to construct a wireless communications at approximately 1500 North 100 East (Baseball fields at Manila Park); and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

**C) TO CONSIDER FOR APPROVAL A THREE-LOT FINAL PLAT CALLED MALIA'S ESTATES CONSISTING OF APPROXIMATELY 3.8 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 273 WEST 2300 NORTH IN THE R1-20 (SINGLE-FAMILY RESIDENTIAL) ZONE. (NORTH FIELDS NEIGHBORHOOD) *Presenter: Director Young.***

Director Young presented the staff report as well as an aerial photo of the subject property. He explained that the applicant is requesting approval of a three-lot subdivision on property located at approximately 273 West 2300 North in the R1-20 (Single Family Residential) and R-R (Rural Residential) Zone. The subdivision is intended to create three lots rectifying an illegal subdivision. The preliminary plat was reviewed and approved by the Planning Commission on November 12, 2015. The final plat was originally presented to the City Council on February 16, 2016, but an issue arose regarding the Prescott's (owners of Parcel A) willingness to participate. They have since agreed to the plat and are seeking approval.

Lots 1 and 2 will access 2300 North and Parcel A will access Glendon Way. The lots meet the dimension requirements for the R-R and R1-20 Zones. The proposed plat will rectify an illegally created subdivision and allow for buildable lots. The proposed subdivision complies with all requirements of the City Code.

Mayor Daniels inquired as to what changed from the Prescott's vantage point since the item was last discussed.

The applicant, Enrique Escobedo, gave his address as 424 East 760 North. He provided an overview of the conversations that have taken place between him and Mr. Prescott.

**ACTION:** Council Member LeMone moved to approve a three-lot final plat called Malia's Estates consisting of approximately 3.8 acres on property located at approximately 273 West 2300 North in the R1-20 (Single-Family Residential) Zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**11) ITEMS FOR DISCUSSION**

**A) DISCUSSION ON THE GENERAL PLAN UPDATE. *Presenter: Director Young.***

**ACTION:** Council Member Stanley moved to discuss item 11A after 11B. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

*Note: Item 11B was discussed before Item 11A.*

Director Young stated that there have been changes made to specific chapters of the General Plan over the last several years. However, the last time a major overhaul was done on the General Plan was in 2006 and it is now time to review the document as a whole. The City started to review the General Plan in 2011 but ran into difficulties with regard to what exactly was desired for the Downtown area. Second to this activity is the creation of the Downtown Advisory Board. Director

Young explained that the as per State Code, the Planning Commission is charged with the responsibility of the reviewing an update of the General Plan.

Director Young read the following statement from the General Plan:

*“The Pleasant Grove City General Plan, referred to herein as “the Plan”, is the vision of both short and long range goals to guide the growth and development of the City. The Plan focuses on improving the physical environment of the City, as well as the quality of life for the citizens. It is intended to be an effective working tool employed by the City in making community decisions and achieving planning goals.”*

Director Young reiterated that the General Plan can and should be an effective working tool. It should be a guiding document that is periodically amended based on the changing needs of the City. He hoped to look at the format of the plan so that it can better serve this purpose. In response to a question from Mayor Daniels, Director Young explained that normally maps of proposed developments and their respective designation areas within the General Plan are included in the staff report.

With regard to format, Utah State Code calls out three areas that are required for a municipal General Plan. Those areas include land use, transportation, and moderate income housing. Additional elements include community design, economics, parks and recreation, environment, and public services. The current General Plan is set up so that each chapter has a specific goal structure that is specific for each category.

Director Young explained that the third component for tonight’s discussion is public participation in updating the General Plan. There needs to be a minimum level of participation, because a General Plan is only as good as it is bought into by the community itself. Director Young suggested conducting a survey in both electronic and paper form in order to collect data from citizens. Council Member Andersen asked what the goal of the survey would be. Director Young replied that they would want to have an initial discussion with the Planning Commission and City Council to determine what questions should be included in the survey. Administrator Darrington added that the methodology will be such that the City will collect the information they want by asking the right questions.

Director Young noted that the General Plan has nine chapters and is 180 pages long. Mayor Daniels suggested they review a section of the General Plan each year so that over time the entire General Plan has been digested. Council Member Andersen stated that they could possibly do a general overview of the plan and thereafter concentrate on specific sections.

Commissioner Schooley remarked that by reviewing sections individually over the course of several years, they may run the risk of having a disjointed General Plan. Commissioner Baptista commented that the Planning Commission has changed so many ordinances that they are becoming difficult to comprehend. Director Young commented that because the General Plan is a broad guiding document, it is not uncommon for cities to frequently modify ordinances. Administrator Darrington stated that they will create a schedule that will make this process more manageable and

effective. There was brief discussion about how often department heads refer to the General Plan in their daily operations.

**B) DISCUSSION ON FLAG LOTS. *Presenter: Director Young.***

*Note: Item 11B was discussed before Item 11A.*

Director Young explained that this has been an ongoing topic for about one year. Mr. Kevin Peterson has been interested in developing his family's property, which is located at approximately 1250 West 2600 North. The City's ordinances restrict flag lots so that where possible, regular road development can occur. Director Young presented a proposal of how the area could potentially develop and noted that staff accepts alternative vicinity plans when development is proposed for an alternative location for roadways. Last year, Mr. Peterson worked with the City to develop an alternative for the roadway requirement, in which a temporary access would be created rather than a flag lot. In response to a question from Mayor Daniels, Director Young explained that the purpose of tonight's discussion is to redefine flag lots, in general. He stated that Mr. Peterson has explained to staff that in trying to market his property for this type of development he has run into several challenges. Therefore, he approached staff again about doing a flag lot development. An aerial map of the subject property as well as a vicinity plan was presented.

The Planning Commission determined in their March 10<sup>th</sup> meeting that the proposal did not meet current Code but that a proposal to amend the Code that would not deter from its purpose and intent would be something worth considering. Staff met with Attorney Petersen and City Engineer, Degen Lewis, to discuss options for moving forward with Code amendments. Attorney Tina Petersen recommended that a policy discussion be held with the City Council before a proposed text amendment application moves forward to determine if there is interest in amending the Code to open more opportunities in the community for flag lot development. Director Young read the following section of the City's code, which states:

***Section 10-15-14: FLAG LOTS:***

*A. Purpose: To facilitate the best use of interior areas of existing parcels which are no longer used for agriculture, the City may allow the use of flag lots. Flag lots may permit development of the interior of narrow, deep parcels not otherwise accessible using residential street standards. It is not the intent or purpose of this section to encourage odd shaped lots or the inclusion of flag lots in proposed new residential subdivisions merely to maximize the number of lots within the subdivision. Flag lots will be allowed only when it is impossible or impractical to develop interior areas using normal subdivision standards for public streets either at the time of the application or in the foreseeable future.*

*B. Historical Background: City blocks were historically laid out in narrow, deep lots suited to resident agricultural uses. The interior portions of such lots are often without street frontage and are effectively landlocked from any use different from the historical agricultural use.*

Director Young explained that as staff has reviewed the matter they have recommended that the Flag Lot Code and its intent be reviewed by the Council to determine whether there is any room to consider amendments for exceptions. The intent and purpose of the Flag Lot Ordinance is to

limit such development in the community, permitted only in the historical areas of the City, and that standard road development is to be required wherever possible. Staff recommended that any new Code language be very restrictive so that the intent of the ordinance is maintained, rather than opening the door for flag lots to be developed throughout the community. Director Young explained that the following restrictions could be considered if the Council is interested in looking at an exception:

1. Applicable on properties outside of the historical area of the community.
2. Restricted to parcels/lots that are landlocked.
3. Not include previously platted lots.
4. Regular development would require the removal of an existing home in order to be developed with standard public streets.
5. Include some type of unique topographical or geographical feature on the property.
6. Require preservation of the unique features by easement.
7. Require an additional five feet of width to the minimum 25-foot wide flag lot stem for each additional lot created beyond the first lot.

Director Young stated that all of the aforementioned criteria were set up with Mr. Peterson's property in mind as his property falls within the boundaries of these limitations. Mayor Daniels commented that the most important factors for determining the feasibility of a development proposal is whether the property can be accessed by emergency vehicles and snow plows. This issue needs to be specifically addressed when reviewing flag lots. Director Young replied that accessibility in the community is reviewed when assessing standard street development, because it relates to the health, safety, and welfare of citizens.

Attorney Petersen explained that when the flag lot ordinance was originally adopted the City was approached by several residents in the Downtown area who have historical, long and narrow lots, and staff determined that there wasn't a way to access those properties with a regular public street. Accessibility issues were addressed in determining how wide the stem needed to be, as well as the prohibition of parking on the stem, etc. Therefore, there are provisions in the ordinance that deal with health, safety, and welfare issues. Attorney Petersen echoed Director Young's remarks by stating that the Council needs to determine whether to widen the opportunity to have flag lots in the City outside of the historical, deep lots. She pointed out that whatever the Council decides, developers will try to exploit the decision to get that one extra building lot and make more money.

Planning Commissioner, Scott Richards, explained that the contour of the property creates difficulties. He reiterated Director Young's comments that the applicant has had marketability issues, especially because of the drainage on the property. Mr. Peterson mentioned at the Planning Commission Meeting that he has a potential buyer who is looking at Lots 2, 3 and 4. Furthermore, Mr. Peterson's parents live on the front lot and would like to live the rest of their lives in that same

home. He was considering widening the stem even more to better accommodate emergency vehicles.

Planning Commissioner, Ryan Schooley, commented that the Commission agreed that the current proposal does not meet the City's Code; therefore, amendments will need to be considered to accommodate Mr. Peterson's request. The Commission also agreed that any amendments need to be restrictive enough to prevent future flag lot developments in the City.

Planning Commissioner, Amy Cardon, added that it was her understanding that the reason they were looking at the Code was to accommodate Mr. Peterson's proposal. Personally, she did not feel it was necessary to change the existing Flag Lot Code. Commissioner Richards remarked that Mr. Peterson's property is unique in that it is outside of the historical district. He noted that the current Code was written specifically with the historical district in mind; therefore, amendments are necessary if they want to accommodate Mr. Peterson.

Planning Commission Vice Chair, Levi Adams, stated that he was not at the Planning Commission Meeting held on March 10 where the matter was discussed. However, these problems arise often and he argued that perhaps the Code should be amended. Commissioner Cardon remarked that the idea behind the Code is that flag lots should only be allowed when there aren't any other development options. There was continued deliberation on the matter. Council Member LeMone asked how many requests for flag lots are submitted to the City each year. Director Young replied that they are rare with no more than two per year.

Planning Commissioner, Jennifer Baptista, stated that the item came forward to the Planning Commission as a proposal to change the Code. When it was discussed, the applicant expressed concerns with the misinterpretation of certain words. This led to a dispute over what would be impractical requirements. Commissioner Baptista explained that she personally does not have a preference one way or another when it comes to flag lots. However, the applicant has done everything possible and she is not in favor of putting up any additional road blocks for the property owner to develop his land. She expressed concern with the City using guidelines rather than clearly defined requirements as a basis for stopping a development.

Mayor Daniels explained that changing the City's ordinances falls within the purview of the City Council. Prior to adopting amendments, the Council will give guidance to staff based on their concerns. Staff will then review the current ordinance and work with the Commission to develop recommendations for the Council. Mayor Daniels remarked that ordinances need to be well-crafted and make sense for the current time and economy. He opined that the current ordinance is questionable as to whether it is applicable for current needs and desires within the City.

Members of Council made several comments. Council Member Andersen liked that the ordinance specifies that flag lots are only acceptable after all other options have been exhausted. Although she is not opposed to flag lots, she explained that safety has to be the number one priority. Council Member Stanley asked if there are restrictions with regard to parking along the stem. Staff answered in the affirmative. Council Member Stanley also explained that there is ambiguity with the requirement of having developers include some type of unique topographical or geographical feature on the property. The ordinance should more clearly define this requirement. Mayor

Daniels summarized the discussion and indicated to staff that the Council would like to review the ordinance.

Kevin Peterson stated that his parents own the property and built the home they live in over 60 year ago. It is now difficult for them to care for the property so the purpose of developing the land is to relieve them of the burden of maintaining the excess property. Mr. Peterson explained that it has been challenging to exhaust his time and resources, when all he wants to do is provide the type of life his parents deserve. He reviewed the approach that he has had with the City and the various possibilities that they have considered for the property.

Mayor Daniels explained that the Council will be addressing why the City has a flag lot ordinance and whether it is still serving its intended purpose. If not, they will determine what, if any, modifications need to be made in order for it to do its job.

**C) DISCUSSION REGARDING ESTABLISHING A POLICY FOR HANDLING PROCLAMATION REQUESTS BY OUTSIDE ENTITIES. *Presenter: Mayor Daniels.***

Mayor Daniels reported that he receives requests on a daily basis from various organizations regarding Proclamation requests. Therefore, he has turned to Attorney Petersen for guidance.

Attorney Petersen explained that she is seeking input from the Council as to a policy that should be formulated based on this issue. A Proclamation has no force or effect of law; rather, it is simply a statement by the City Council that they are endorsing a special date of recognition or cause. Most cities she canvassed do not have a formal adopted policy but they do have guidelines to which they refer when receiving these types of requests. Such guidelines include whether there is a local connection to the request and whether the requesting organization is an established national group.

Council Member Andersen stated that if a particular request meets the criteria for consideration, the requesting organization should have to formally present their request to the Council. Mayor Daniels commented that those particular requests are easy to review, because if the organization has taken the time to present to the Council, typically they are promoting a specific cause.

Attorney Petersen added that some of the requests the City receives are time sensitive. She suggested that in these cases, Mayor Daniels and/or members of staff forward those emails to the Council for review. Council Member Stanley suggested that the matter be left to the Mayor's discretion. Should a proclamation come forward for an outside organization that a member of the Council would like to support, they can bring the matter forward for discussion.

Before proceeding with the rest of the agenda, Mayor Daniels asked the Planning Commission Members if there were any other items that they wanted to discuss. Several items were mentioned. Chair Adams asked if the Planning Commission could utilize Dropbox for file sharing. Director Young answered in the affirmative and noted that the Commissioners will be receiving invitations tomorrow. Council Member LeMone inquired as to what the City Council can do to help the Planning Commission better do their job. Council Member Stanley asked how a recent training

meeting went. Commissioner Coombs responded that it was a standard training with a lot of information.

Commissioner Baptista stated that during the last joint meeting, she brought up conditional uses and sidewalks. She also brought up these same issues during the training meeting. At the meeting, it was made clear that the City's Waiver of Protest might be an issue. Overall, Commissioner Baptista felt that sidewalks need to be addressed, which is the number one Waiver of Protest that is granted. It was noted that waivers are also granted for sewer and septic residents. Administrator Darrington mentioned that waivers of protest are scheduled to be on the April 19 agenda. Attorney Petersen described the purpose served by Waivers of Protest and stated that staff will be seeking the Council's input on policy changes they deem necessary to the Waiver of Protest process.

Commissioner Baptista remarked that the main issue for her is that the waivers that are being granted follow the land rather than the person making the request. Therefore, they are rewarding people who come in for waivers simply to flip property. She did not feel that this responsibility should be transferred to someone else later. Commissioner Baptista stated that they will grant the waiver if the person making the request can prove hardship; however, this is the same argument that is made with every request. Commissioner Richards mentioned that there is a \$30,000 threshold and it was not known how long that number has been in place. He suggested that the threshold be reevaluated. Mayor Daniels stated that the guidelines will be discussed at the April 19 meeting.

## **12) DISCUSSION ITEMS FOR THE APRIL 12, 2016 CITY COUNCIL WORK SESSION MEETING**

The agenda items for the April 12, 2016 City Council Work Session Meeting were briefly discussed. Administrator Darrington mentioned that there will be a few presentations of various City recognitions; however, the majority of the meeting will be a budget discussion. They will address the current and upcoming fiscal year budgets as well as several fees. Mayor Daniels noted that there will not be a meeting next week and Council Member Andersen will act as the Mayor Pro-Tempore on April 12. Other dates he will be absent were also briefly reviewed.

## **13) NEIGHBORHOOD AND STAFF BUSINESS**

Members of staff shared updates pertinent to their respective departments. Library and Arts Director, Sheri Britsch, thanked the Public Works Department for helping them move some heavy equipment. She also reported that the elevator is still being designed, and the new security gates and self-checkout machines will be installed soon.

Director Young reported that he sends a weekly Community Development email that contains updates from his department. He also reminded those present that the following night there will be a Downtown Advisory Board Meeting. The group will be appointing officers and setting goals for moving forward. There are currently six members of the Downtown Advisory Board; however, Aric Jensen recently accepted a new position as the Community Development Director in Reno, Nevada. Therefore, he will need to recuse himself from participating on the Downtown Advisory Board. It was noted that the group needs to have a total of nine members.

Police Chief, Mike Smith, reminded those present of registration for the upcoming Citizens Academy, which begins May 5.

#### **14) MAYOR AND COUNCIL BUSINESS**

Mayor Daniels noted that he will be present at the April 19 City Council Meeting. Council Member Walker mentioned that there is a problem with deer in the community and showed pictures of some he has photographed from his backyard. Mayor Daniels explained that he recently met with officials from the Division of Wildlife Resources (DWR) regarding mitigation of wildlife in communities. Parks and Recreation Director, Deon Giles, stated that mitigation expenses fall to municipalities. After continued discussion about the herds multiplying in town, Director Giles mentioned that there is a certain time frame in which the animals can be killed. Usually, that period is August through November, and there are certain guidelines that need to be followed.

Council Member LeMone asked where the City is with EDCUtah and ICSC. Administrator Darrington reported that they just received the invoice for the EDCUtah membership fee, which will be paid at the beginning of November. He also mentioned that he has been asked to represent Pleasant Grove City at the ICSC Conference, the City is covering the cost for him to attend. He said that he will be there with Daniel Thomas of St. Johns Properties who is looking to develop property in Pleasant Grove and Mr. Thomas has asked that he has representation from the City with him. Administrator Darrington said that he knows that Mr. Thomas has reached out to a couple other Council Members about attending but he didn't know the status of that.

Mayor Daniels remarked that when the question came up the reason they discussed it and decided that because there are not appointments set up with specific retailers or people that are looking to come in that they actually need to have appointments with, it didn't make a lot of sense to send a troop down and set up camp. They figured that Administrator Darrington would be the right person to go down. When the time comes when they have the active thing under way and they are looking to bring "Cheesecake Factory", don't quote that, it will be a different kind of discussion, that is why he thinks that a little coalition will end up down there with several appointments in a row presenting the City. Council Member LeMone replied that she was good with that.

Council Member LeMone then asked if Administrator Darrington and Mr. Thomas will be riding together. Administrator Darrington answered in the affirmative, however the City is covering his cost and Mr. Thomas offered to drive which would save the City a few hundred dollars on a plane ticket. Mayor Daniels noted that they also decided that the City needs to pay for anyone that is going otherwise there is a question of impropriety, someone might ask if this is an inappropriate bribe to get something, to get favors and we don't want to have any of that.

Council Member Jensen remarked EDCUtah is a big proponent of ICSC. He also said that he was asked by Mr. Thomas to go and he declined. If he was going to go he would pay his own way and he thinks that Administrator Darrington is a good representative for the City.

Council Member Jensen stated that a representative of the Downtown Advisory Board should also be present at the Public Safety Building Committee Meetings. Mayor Daniels agreed that this would be a good idea. The EDCUtah and ICSC fees were then reviewed.

Council Member Stanley noted that he had told a few of the Council and Staff that he had a high stakes deposition tomorrow but the opponents had pulled out, they are scared to face him so he will be able to be at the City games to participate. He then asked Director Giles about an expense on the pay vouchers. One of the big items was the JUB study for the trail system, his understanding was that there would essentially no cost and this is a substantial cost. He would like to know the timeline and if grants have been approved. Director Giles replied that they had just submitted the invoices for the grant and it was a \$20,000 grant so \$20,000 of that will pay for some of their services. He then said that on April 19<sup>th</sup> he will be coming before the Council with another grant for \$20,000 to help pay for the study and some other things. Council Member LeMone asked if they are still accepting bids for the project. Director Giles answered that they are having a pre bid meeting tomorrow.

Council Member Stanley then said that Council Member Jensen had asked him if he is going to go to ICSC and he commented that he has been asked by Mr. Thomas if he would attend as well and he is considering that. If there is discussion or approvals with the Council that would make sense he thinks that there is value at some level, he is certainly a great advocate of economic development, so he is exploring the possibilities there, but hasn't made a determination. Council Member LeMone noted that she is good with Administrator Darrington going down representing the City especially with the City spending tax money on just him going down at this time. Mayor Daniels interjected that as a general rule, not saying no or yes, whenever we consider these kinds of things we are going to receive invitations from people that are going to benefit from the outcome and one we need to make sure that the City is not influenced or has the appearance of being influenced by a developer or anyone picking up the tab. It removes that question of doubt. The second is because the City is picking up the bill they kind of need to look at the expense side and say given where we are with XYZ project what makes sense at this point and that is why he made the decision that he did. We are not quite at the point where there are appointments with an actual individual trying to come into this project, there is not discussion. From his experience with these things is you stand around and you don't necessarily actually meet, you walk. The flipside is when you actually have something, a project, and people are ready there are appointments that have been set up and it is bang, bang, bang and it is different, that is when you want 2 or 3 people to represent the City. The rules of finance are the same we cover our own bill.

Council Member Stanley replied that when he was first approached with the understanding that Council Members in the past have gone and the City paid their expense it hasn't been productive it struck him as it would be more valuable from his perspective rather than doing a 3 or 4 day ISCS, picking up the cost himself and showing up a day at ISCS. Mayor Daniels replied that that is totally up to Council Member Stanley, they don't have to discuss it as a Council, if you want to pay to go to something then that is your personal business. He is just pointing out from a City perspective what we need to be considerate of that.

Council Member LeMone commented that when she went 4 years ago, she came back from the conference and said that it probably wasn't wise to pay that money to send 3 people so they haven't gone since then. She said that she thinks that they have a representative now that is willing to go down do that. Council Member Stanley replied that he thinks it will be valuable to be there on his own. Mayor Daniels said that that would be great, it would be a good experience.

Council Member LeMone questioned if Council Member Stanley is going on his own he would not be part of EDCUtah how is he going to represent the City at the conference. Mayor Daniels interjected that Council Member Stanley would not be an official representative of the City, if he going on his own dime and that would be true of any of us, we are not officially presenting the City. That needs to be an understood thing for all of us.

Mayor Daniels reported that the Public Safety Building Committee has wrestled with the most difficult issues on all sides of this particular issue. They have since narrowed things down to two or three options; two of which they would like the Council to consider studying beyond what has been done up to this point. Furthermore, in order to really reduce costs, the Council will need to assess architectural design, as well as every expense down to the door knobs, carpeting, tiles, windows, etc. The future of the group after a recommendation has been made to the Council was then discussed.

**15) SIGNING OF PLATS**

*There were no plats signed.*

**16) REVIEW CALENDAR**

Mayor Daniels reviewed the meetings scheduled for the rest of the month of April.

Mayor Daniels asked for a motion to go into executive session.

**EXECUTIVE SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 42-4-205 (1) (A))**

**ACTION:** At 8:51 p.m. Council Member LeMone moved to adjourn the Regular Session and enter into an Executive Session to discuss personnel issues. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen  
Eric Jensen  
Cyd LeMone  
Ben Stanley  
Lynn Walker

Staff Present: Scott Darrington, City Administrator  
Tina Petersen, City Attorney  
Kathy Kresser, City Recorder

**ACTION:** At 9:31 p.m. Council Member Stanley moved to come out of executive session and go back into regular session. Council Member Jensen seconded. The motion carried with the unanimous consent of the Council.

Mayor Daniels noted that there are a couple of questions that have come up from the executive session and needs to be discussed in open session. One of the questions is we currently have a City Engineer that is a director level position, the question on the table is whether that function belongs as a director level or if that function should report to the Public Works Director or under Community Development Director or someplace else.

Administrator Darrington commented that with the resignation of Degen Lewis as City Engineer he would like to propose to the Council that Director Beaumont become the City Engineer and carry a dual title of Public Works Director/City Engineer. They would then hire an engineer to do some of the duties that Mr. Lewis did. This person would not be at director level and the City could save about \$20,000 in doing that. The recommendation is that this person would report to Director Beaumont but will have dual offices one in Community Development and one at Public Works because they will be interacting with both departments, unless the Council would like this person to continue to report to him.

Mayor Daniels asked for clarification. He said that what he understands is the intent is to bring in an engineer who will be apprenticing or becoming an engineer and they will be working under Director Beaumont's engineer license. Director Beaumont replied that the current proposal is to bring in an actual licensed engineer but they will not be trained in being a city engineer, they would work under his direction.

Council Member Jensen asked if staff sees this person eventually taking over the role of the City Engineer. Director Beaumont answered that over time there is an optional for this to happen and that will give this person a little bit of a career path as well.

Mayor Daniels asked if there is a change like this then do we have to amend our ordinance or policy to reflect the change. Attorney Petersen responded that we really aren't changing anything we will have an appointed City Engineer which will be Director Beaumont for the time being. Mayor Daniels clarified that Director Beaumont will still be at Director level and will have a dual role as Public Works Director and as City Engineer so there is no reason to change the ordinance. Attorney Petersen answered in the affirmative.

Council Member Jensen asked Director Beaumont if this would affect his ability to be Public Works Director. Director Beaumont answered that he really enjoys being Public Works Director and he plans on still doing that. For the next 6 months it might have an impact while he trains another engineer. He said that they interviewed for a new staff engineer and they also interviewed for 2 new interns who will be working for the summer. He is willing to put in the time and thinks that doing it this way this will be the best for the City. Mayor Daniels noted that before Director Beaumont came to the City he was a supervising engineer with JUB with teams of engineers that oversaw projects for the City, he was not just doing the work himself. Director Beaumont replied that that is correct.

Council Member Walker noted that Director Beaumont not only needs to train the new person but he also needs to hire them. Mayor Daniels stated that that is correct. He then directed staff to proceed with moving forward with making Director Beaumont the City Engineer.

Director Beaumont left the meeting at 9:46 p.m.

Mayor Daniels remarked that another question that was brought up in executive session is if there is a need to fill the planner position that was just vacated by Royce Davies. The question is not who to hire but if the position is necessary given today's work load, budget, etc.

Director Young stated that he would like to start with the work load question. When the economy had a down turn it effected the work load, it wasn't immediate but it eventually did. There are cycles in development activity and we have come to a little bit of a slowdown right now but it is not major. He would hate to have a knee jerk reaction to positions based on where the development activity is that month. He would like to look more long range into the planning needs of the City and being prepared to respond to that activity when it comes. He then said that when development increased dramatically and he didn't have a planner and there were areas that suffered because he had to focus on other issues because he was doing both functions.

In response to a question that Council Member LeMone asked about there being overlap between the Community Development Director position and the planner position he said that he didn't think that there is. He said that maybe some of the verbiage in the description of duties indicates this but he doesn't think that there is an overlap. He then explained that the two positions do interact and they have to coordinate on projects.

Council Member LeMone said her concern was that when Mr. Davies come into present there wasn't any communication on issues. If something was brought up in the meeting Director Young didn't have an answer because Mr. Davies had done the work.

Mayor Daniels interjected that he would like to keep the discussion geared towards the types of jobs and whether one is needed instead of performance related issues. Council Member LeMone responded that she is trying to understand the planning position role.

Mayor Daniels then rephrased the question. He asked Director Young if the Council decides that the planner position is needed does the current workload require 2 fulltime people to get the work done and will he be able to have the bandwidth to represent and stay on top of everything that is going on within Community Development so that there is a single spokesperson coming to Council. Director Young replied that when he was doing both roles it was very hard to keep up with the schedule of having Planning Commission meetings twice a month and be prepared for the meeting. It requires a fulltime person to do all the research, noticing and creating staff reports for a meeting. There times when there wasn't a busy schedule so a second meeting was not held which allowed for other things to be focused on.

Mayor Daniels questioned rather than having 3 points of contact coming into the Council meeting to give updates from each area is Director Young going to have the bandwidth to make sure that he is on top of the Director part with giving the information that represents all areas of the

department. Director Young remarked that if they are including engineering questions then no he would not, but the items related to planning, building, zoning and code enforcement then yes he would. He sees that it is his role as a Director to have that oversight, to have the involvement, to have that knowledge however when he is focusing just on planning it is difficult to do that.

Mayor Daniels noted that the Council wants to make sure that you are the one that they look too for the confidence that all of that is being taken care of and done correctly. Director Young replied that if the Council wants him to function effectively that way, then he needs a planner. Mayor Daniels agreed.

Council Member Andersen commented this subject isn't directed to just the planner position they are looking for ways to cut back on the budget. Director Young replied that he thinks that this is a great exercise and a needed exercise but he would hate to lose a needed level of service over wanting to save a few dollars. He feels that there is a level of service that is given at the front desk or on the phone that does take a lot of their time, when there is only one person to do that other things suffer. He said that he has gotten feedback from developers that appreciate Pleasant Grove that they get through the process quickly and that they respond to them and it reflects well on our City on the organization and it reflects on our ability to continue positively with economic development.

Council Member Andersen noted that that is correct, Mary with Culinary Craft had the most delightful experience with Community Development while going through the process for her business license. She also said that with developers speed is of the essence, when they come in with a development any prolonged time has the potential of costing them thousands of dollars. The Mayor said that that will lend itself to the need of a planner as a separate function that gives the City a minimum 2 bodies that can interface with the public and get their needs served. Director Young added that a lot of times he acts as first contact by developers and sometimes that is an economic development situation. Developers come to them as their first stop to get answers to their zoning questions.

Council Member Walker asked if there are funds in the budget for this position. Administrator Darrington replied that it is in the budget because a person has left.

Mayor Daniels explained that the hiring of a planner was previously approved, the question on the table is does the Council want to continue to fund the position or not. The Council agreed to move forward with funding the position.

Mayor Daniels asked if there was any other business to discuss, being none he called for a motion to adjourn.

## **ADJOURN.**

**ACTION:** At 10:02 p.m. Council Member Walker moved to adjourn. Council Member Jensen seconded. The motion passed with the unanimous consent of the Council.

The minutes of the March 29, 2016 City Council meeting were approved by the City Council on April 19, 2016.

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Kathy T. Kresser, City Recorder

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

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Planning Commission Chair

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Linda Hales, Zoning Tech