# Pleasant Grove City City Council Meeting Minutes October 20, 2015 6:00 p.m.

PRESENT: Mayor Michael W. Daniels

Council Members: Ben Stanley

Cyd LeMone Dianna Andersen

Eric Jensen Cindy Boyd

Staff Present: Scott Darrington, City Administrator

Mike Smith, Police Chief Kathy Kresser, City Recorder

Deon Giles, Parks and Recreation Director Sheri Britsch, Library and Arts Director Marty Beaumont, Public Works Director

Tina Petersen, City Attorney

David Larson, Assistant to the City Administrator Ken Young, Community Development Director

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

## 1) CALL TO ORDER

Mayor Daniels called the meeting to order and noted that all Council Members were present.

# 2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Connor Preece.

### 3) **OPENING REMARKS**

The opening remarks were given Don Paas.

### 4) <u>APPROVAL OF AGENDA</u>

**ACTION:** Council Member Stanley moved to approve the agenda. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

### 5) <u>OPEN SESSION</u>

Mayor Daniels opened the open session.

Steve Black gave his address as 75 South 300 East and indicated that he is this year's Chairman for Treats in the Park, with the Independent Order of Odd Fellows. Last year 3,000 children came to the Treats in the Park event. This year they are expecting many more due to Halloween falling on a Saturday. Mr. Black invited the City Council and public safety personnel to support the event. Local Utah businesses were also invited to attend.

Michael Elliott gave his address as 1030 East 200 South and stated that he is a new Pleasant Grove resident. He reported that he called the City to opt out of using secondary water and was informed that it is mandatory. He lives on a .25-acre lot and plans to put in two wide, cement driveways to eliminate yard space. Furthermore, there is development taking place on the adjacent property where curb and gutter will be put in. He expressed concern with being forced to have secondary water when it is something he does not want.

City Administrator, Scott Darrington, explained that when the secondary water system was put in, the City created an ordinance where every citizen who has access to the system pays a connection fee and utilizes the system. Citizen participation was necessary in order for the system to function successfully. Revenues generated from connection and usage fees were needed to make the bond payment. Mr. Elliott contended that the City is requiring him to spend a lot of money on a service that is not needed on his property. He indicated that he could easily use culinary water to meet his limited watering needs.

Mayor Daniels explained that when the City established the ordinance for secondary water, they didn't have the foresight to understand all of the potential nuances that could occur. It was primarily based on the cost of the system divided by the number of connections. Drought and continued growth of the City raised concerns with regard to the potential to run out of water by the end of the water year. Therefore, at some point in the future there may be a water metering system implemented, which means that citizens will pay only for the water they use rather than a flat fee for the connection. Mayor Daniels pointed out that this may be especially beneficial for Mr. Elliott, who uses little to no secondary water.

There were no further public comments. Mayor Daniels closed the open session.

### 6) CONSENT ITEMS

- a) City Council Meeting Minutes: City Council Minutes for the September 29, 2015 meeting.
- b) To consider for approval Payment Request No. 4 to Gerber Construction Inc., for the Battle Creek Microhydro Power Generation Project.
- c) To consider for approval paid vouchers for (October 9, 2015).

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

### 7) <u>BOARD, COMMISSION, COMMITTEE APPOINTMENTS</u>

### A) APPOINTMENT OF DENISE ROY AS THE NEW FINANCE DIRECTOR.

Administrator Darrington stated that they interviewed many candidates for the Finance Director position and Ms. Roy was their top candidate.

New Finance Director, Denise Roy introduced herself and stated that she comes from the City of Provo where she spent the past eight years as their Budget Officer and City Controller. In the spring she prepared the budget and in the fall she conducted the audit. She believes this position with Pleasant Grove City is a good fit with her skill set and experience. Ms. Roy is a Utah native and has an Accounting degree from the University of Utah. Her first day on the job will be Tuesday, October 27. Mayor Daniels was happy to have Ms. Roy on board.

**ACTION:** Council Member Stanley moved that the Council appoint Ms. Denise Roy as the new Finance Director. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

Ms. Roy was sworn in as the new Finance Director by City Recorder, Kathy Kresser.

### 8) PRESENTATIONS

# A) PRESENTATION TO JAY MEACHAM FOR HIS SERVICE AS A COUNCIL MEMBER.

Mayor Daniels expressed his appreciation for Jay Meacham as a member of the community and former member of the City Council. He presented Mr. Meacham with a plaque acknowledging his service and commitment. Mr. Meacham commented that he has enjoyed serving the City of Pleasant Grove in various capacities.

### 9) ACTION ITEMS WITH PUBLIC DISCUSSION

A) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-40) AMENDING SECTIONS 10-6-2: DEFINITIONS, 10-9B-6-1: LOT AREA PER DWELLING, AND 10-15-32: TWIN HOME DEVELOPMENT STANDARDS, MODIFYING REQUIREMENTS FOR TWIN HOMES IN THE PLEASANT GROVE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (PLEASANT GROVE CITY, APPLICANT) Presenter: Director Young \*Continued from the October 6, 2015 Meeting.

Community Development Director, Ken Young, explained that this is a housekeeping item to clarify the difference between twin homes and duplexes when each housing type is permitted. He then reviewed the proposed modifications made to the ordinance and presented a final copy to the City Council. Modifications focused on design standards, permissible zones, parking, landscaping, and plat requirements.

Director Young read from the ordinance that no more than one single-family dwelling may be placed on a lot or parcel of land in the R-1 zone unless the Planning Commission approves a two-family dwelling with the same density. Duplexes may be constructed on property that meets this standard without a subdivision, whereas twin homes, which are intended for individual ownership, must be subdivided prior to the property sale occurring. Director Young explained that the language contained in the ordinance also clarifies that duplexes and town homes should both have the appearance of a single-family home. As such, they should have separate entrances and different facades. Director Young presented images demonstrating how this requirement could be met on a corner or interior lot.

Director Young responded to a comment from Council Member LeMone and explained that the City has recently received proposals for twin homes. He reiterated that this proposal was generated in-house to provide better clarification within the ordinance. Historically, Pleasant Grove has had more duplexes than town homes. The matter was reviewed and recommended unanimously for approval by the Planning Commission.

Mayor Daniels opened the public hearing.

<u>Scout David Hunt</u>, who resides at 2960 North 1350 West, stated that his family owns a duplex that is rented by several families. He inquired as to the purpose behind making changes to requirements currently outlined in the ordinance.

Director Young explained that they are expanding, rather than changing, the ordinance. The City will still allow duplexes on lots that are large enough to accommodate them. The proposed ordinance amendments will provide more opportunities for twin homes.

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

**ACTION:** Council Member Jensen moved that the Council adopt an Ordinance (2015-40) amending Sections 10-6-2: Definitions, 10-9B-6-1: Lot Area Per Dwelling, and 10-15-32: Twin Home Development Standards, modifying requirements for twin homes in the Pleasant Grove City Code; and providing for an effective date. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Stanley, LeMone, Jensen, Andersen and Boyd voting "Aye". The motion carried unanimously.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-41) AMENDING SECTION 10-11E-2-1: PERMITTED, CONDITION AND ACCESSORY USES, ADDING USE 5511 TO ALLOW FOR NEW AND USED AUTO SALES IN THE DOWNTOWN VILLAGE ZONE CHAPTER OF THE PLEASANT GROVE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (STEVE THOLL, APPLICANT) Presenter: Director Young \*Continued from the October 6, 2015 Meeting.

Director Young presented the staff report and displayed an aerial map of the Downtown Village Zone. He explained that in 2009, when the Downtown Advisory Board reviewed permitted uses in the Downtown Village Zone, they determined that new and used auto sales should not be

permitted because they are not compatible with the atmosphere of the zone. The applicant's property is located on the corner of 600 West and Center Street, which is the gateway into the downtown area.

The purpose of the Downtown Village Zone is to create a livable and walkable downtown. It should also foster a revitalization of the commercial/retail base while preserving downtown's historical image, increase livability, and protect the existing single-family residents' quality of life. It is further intended to maintain the historical downtown village image as the "heart of the City" with which residents and visitors can identify. The Downtown Village Zone and its subdistricts are to be characterized by clean, well-lit streets, ample pedestrian ways, and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well maintained shops, stores, offices and other buildings are also characteristic of the zone and are to follow the "turn of the twentieth century" design theme.

A review of the permitted uses list in the Commercial Sales Subdistrict by staff revealed that auto sales are conspicuously absent from both the permitted and conditional uses. There are automobile related uses that are permitted in the zone but automobile sales are not specifically included, which was determined by the City Council by way of a review process that took place in 2007. Director Young opined that while there is room for improvement on the corner of 600 West and Center Street, he does not believe an auto sales business is the solution to realizing the area's full potential. Furthermore, the Planning Commission reviewed the application and unanimously recommended denial.

The applicant, Steve Tholl gave his address as 652 North 550 East in American Fork. He identified himself as the owner of Four Seasons Auto Repair located at 90 North 600 West. Mr. Tholl was requesting a zone variance that would allow him to add auto sales at his location. He noted that Mr. Jim Wilson, owner of Atop Auto Sales, was also present. Mr. Wilson had been a reputable auto sales dealer in Northern Utah County for over 40 years, which is the same length of time Mr. Tholl has been in the auto repair industry.

Mr. Tholl recounted discussions that took place with the Planning Commission at previous meetings and noted that there are several neighboring zones that allow auto sales as a permitted or conditional use. Mr. Tholl explained that the zone boundaries are east of 600 West and north of Center Street, thereby situating his property in the southwest corner of the Downtown Village Zone. He argued that this is the only reason the Planning Commission decided not to support his proposal. In presenting photographs of his property, he pointed out that he is located next to a freight line track that crosses Center Street. The train passes approximately twice daily, three times a week during regular business hours. Mr. Tholl then presented a short video to demonstrate that the noise from the train is a nuisance when trying to conduct business. He stated as long as this freight train continues to run through the southwest corner of the zone, the area will always have limitations.

Mr. Tholl stated that the appearance of his property has varied over the past 40 years, largely due to the type of tenants who have occupied the space. He pointed out that in the last four or five months he has had an opportunity to clean up the property and it looks much better. Mr. Tholl argued that due to his property's limitations, the property to the east would better serve as the

entrance into the Downtown Village Zone. He believed that a variance would allow them the ability to make the property nicer and bring in sales tax revenue to benefit the City.

Mayor Daniels clarified that tonight's discussion pertains to adding a particular use to the entire Downtown Village Zone, rather than a variance to Mr. Tholl's property. City Attorney, Tina Petersen, echoed what was stated by Mayor Daniels and presented several options available to Mr. Tholl. For example, if Mr. Tholl wants auto sales allowed just for his property he could apply for a rezone on his parcel. Mr. Tholl wanted to make such a request. Mayor Daniels explained that there is a different process for formally making a rezone request. There was further review of neighboring businesses and zones.

Director Young explained that prior to being zoned Downtown Village, Mr. Tholl's property was in the Manufacturing District Zone. The area leading up to the Pipe Plant Property is similarly zoned Manufacturing District. The Pipe Plant Property is still zoned Manufacturing District, which may be rezoned if a need is identified. All of the properties between Center Street and 400 North were rezoned to be included in the Downtown Village Zone. Director Young referenced discussions that have taken place in relation to the vision for the area. An aerial map of the Downtown Village Zone was reviewed by staff and the Council. Mayor Daniels advised Mr. Tholl to contact staff to move forward with a process that will more clearly fit what he is trying to accomplish. Director Young gave an overview of the various options previously presented to the applicant.

Mayor Daniels opened the public hearing.

Mr. Tholl reported that he spoke with City Planner, Royce Davies, when he visited the Community Development Department to request a business license. According to Mr. Tholl, Mr. Davies advised him that his request would need to be reviewed by the Planning Commission. Mr. Davies subsequently helped Mr. Tholl fill out the application. Mr. Tholl stated that this was the only discussion he had with staff prior to the Planning Commission meetings. He explained that Mr. Davies communicated that there should not be any problems with the request and he was blindsided when the Planning Commission denied the proposal.

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

Council Member Stanley commented that an overlay would be a good way to approach the matter. Council Member Boyd recalled that when the zone was discussed several years ago, the intent was to connect the Grove with the Downtown areas with transitional types of uses.

**ACTION:** Council Member Jensen moved that the Council deny the adoption of Ordinance (2015-41) amending Section 10-11E-2-1: Permitted, Condition and Accessory Uses, adding use 5511 to allow for new and used auto sales in the Downtown Village Zone Chapter of the Pleasant Grove City Code; and providing for an effective date. Council Boyd seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, LeMone, Boyd, Jensen and Stanley voting "Aye". The motion carried unanimously.

Director Young stated that staff will waive the application fee for Mr. Tholl's forthcoming proposal.

### 10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER A REQUEST FOR APPROVAL OF A FINAL PLAT CALLED NORTH FIELD ESTATES PLAT C, A TWO-LOT PRELIMINARY SUBDIVISION OF APPROXIMATELY 1.49 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 975 WEST 1930 NORTH IN THE R-R (RURAL RESIDENTIAL) AND R1-20 (SINGLE FAMILY RESIDENTIAL) ZONES. (NORTH FIELD NEIGHBORHOOD) Presenter: Director Young.

Director Young explained that a variance for the property was approved by the Board of Adjustment a few years prior to allow for it to be subdivided. A zone change also took place to allow for the proposed subdivision. The initial approval expired, therefore, the item was recently reviewed again by the Planning Commission as a preliminary plat. Staff was now recommending approval of the final plat.

**ACTION:** Council Member Stanley moved that the Council approve a final plat called North Field Estates Plat C, a two-lot subdivision of approximately 1.49 acres on property located at approximately 975 West 1930 North in the R-R (Rural Residential) and R1-20 (Single-Family Residential) Zones. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

B) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-034) REQUESTING THE RECERTIFICATION OF THE PLEASANT GROVE CITY JUSTICE COURT; AND PROVIDING FOR AN EFFECTIVE DATE. (CITY WIDE) Presenter: Attorney Petersen.

City Attorney, Tina Petersen, explained that the Pleasant Grove City Justice Court has to prove every four years that they are in compliance with the State Statutes. For example, the facility must be open during certain business hours, employ a certain number of clerks, and the Court Room must be properly equipped based on the number of cases filed for its class. The City's Justice Court Certification is due to expire February 2016. Attorney Petersen directed the Council to review documents pertaining to the recertification process included in the staff report. In response to questions from Mayor Daniels and Council Member Andersen, Attorney Petersen explained how courts are classified.

**ACTION:** Council Member Stanley moved that the Council adopt a Resolution (2015-034) requesting the recertification of the Pleasant Grove City Justice Court; and providing for an effective date. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

C) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-035) AUTHORIZING THE MAYOR TO ACCEPT A GIFT OF 10 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 1600 EAST 100 SOUTH AND APPROVE THE MAYOR TO SIGN A LETTER OF ACKNOWLEDGEMENT OF THE VALUATION OF THE PROPERTY AND A THREE YEAR SALE RESTRICTION. Presenter: Engineer Lewis.

City Engineer, Degen Lewis, presented an aerial map of the subject property. He stated that the property owners own a total of 22 acres on the east bench and have offered to donate 10 of those acres. In exchange for the donation, the property owners are requesting a letter from the City containing a valuation of the land for tax purposes. A legal description had not yet been finalized; therefore, Engineer Lewis recommended that the Council approve the Mayor signing the letter subject to finalizing the legal description. Engineer Lewis explained that the property borders Forest Service property and is mostly undevelopable due to steep slopes and earthquake faults. Furthermore, the property is directly uphill from the City's water tank. The 10 acres in question are mostly outside City limits.

Council Member Jensen asked if by accepting the donation, the City would incur additional maintenance costs. Engineer Lewis explained that this would not be the case. The only stipulation was previously mentioned with regard to the letter of acknowledgement, property valuation, and three-year sale restriction. Furthermore, he explained that the property owners have tried to develop the property and donate it to the LDS Church; however, they were unsuccessful in both endeavors. The property is valued at \$182,000 per acre.

<u>Don Wadley</u> asked if the property drains into the debris basin. Engineer Lewis replied that it will not drain into the basin.

**ACTION:** Council Member LeMone moved that the Council adopt a Resolution (2015-035) authorizing the Mayor to accept a gift of 10 acres of real property located at approximately 1600 East 100 South and authorize the Mayor to sign a Letter of Acknowledgement of the valuation of the property and a three-year sale restriction. Council Member Jensen seconded the motion.

**ACTION:** Council Member Stanley moved to the amend the previous motion that the Council adopt a Resolution (2015-035) authorizing the Mayor to accept on behalf of the City a gift of 10 acres of real property located at approximately 1600 East 100 South, subject to a reconciliation of the County property legal description and authorize the Mayor to sign a Letter of Acknowledgement of the valuation of the property and a three-year sale restriction. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Stanley, Jensen, LeMone, Boyd and Andersen voting "Aye". The motion carried unanimously.

D) TO CONSIDER APPOINTMENT OF POLL WORKERS, TOUCH SCREEN TECHNICIANS (TST) AND PRECINCT MANAGERS FOR THE NOVEMBER 3, 2015 MUNICIPAL GENERAL ELECTION. *Presenter: Recorder Kresser*.

City Recorder, Kathy Kresser, presented a list of Poll Workers, Touch Screen Technicians, and Precinct Managers for the November 3, 2015, Municipal General Election. It was reported that State Law requires the names to be presented and approved by the City Council.

**ACTION:** Council Member Andersen moved that the Council appoint the Poll Workers, Touch Screen Technicians (TST), and Precinct Managers for the November 3, 2015, Municipal General Election as listed. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

### 11) <u>ITEMS FOR DISCUSSION - POSSIBLE ACTION</u>

A) DISCUSSION AND POSSIBLE ACTION REGARDING THE PETITIONS OF TARL TAYLOR, SERIAL #14:002:0125, (0.5 ACRES); ANTHONY AND PATRICIA ERICKSON, 754 WEST 4000 NORTH (1 ACRE); AND RICK AND DEBI MEINZER, 818 WEST 4000 NORTH (0.86 ACRES) TO BOUNDARY ADJUST THEIR PROPERTY FROM PLEASANT GROVE CITY TO THE CITY OF CEDAR HILLS. Presenter: Administrator Darrington.

Council Member Boyd stated for the record that she resides on 4000 North.

Administrator Darrington reported that staff received the aforementioned applications about one week earlier. He presented an aerial map of the properties in question. A similar proposal came forward a few weeks ago. Tonight the Council will discuss whether to entertain the applications. Administrator Darrington recalled that a few months ago the Council asked staff to draft a proposal to install a sewer line on 4000 North. In reviewing the applications, staff was concerned with whether the boundary adjustments will create an island. Their recommendation was to deny the applications, especially if the plan is to put in a sewer line along that road.

Council Member Jensen asked what State Law indicates in terms of a City needing to have contiguous boundaries. Attorney Petersen explained that being contiguous is a requirement per State Law for annexation and boundary adjustments. Furthermore, boundary adjustments will not be effective until both municipalities have acted. Mayor Daniels suggested that this discussion be opened for public input.

Rance Jones, a citizen of American Fork, indicated that he is in the process of purchasing one of the lots. Mr. Jones explained that these are only three out of a total of five lots requesting to be privately annexed (the other two lots are on 900 West). As of tonight, Cedar Hills has approved a resolution to approve the boundary adjustment of all five lots. Mr. Jones stated that in addition to problems accessing the sewer line, there are also issues with bringing in secondary water beyond the Murdock Canal. Cedar Hills has secondary water and sewer down that road. Mr. Jones explained that he has faced barriers in developing his lot with Pleasant Grove, which has not been the case with Cedar Hills.

Ralph Levin gave his address as 866 West 4000 North and stated that he has lived on the road for 45 years. There have been many discussions over the years about maintaining the integrity of the

area. He did not want to have one-third acre lots surrounding his property and was not supportive of the City approving the aforementioned boundary adjustment applications.

<u>Phillip Hall</u>, who resides at 4407 Canyon Road, stated that maintaining the integrity of the area has been an ongoing battle for many years. He voiced his opposition to the proposed boundary adjustments, for reasons stated by Mr. Levine.

Mary Jo Hall expressed that they would like to stay in Pleasant Grove and was concerned with any possible encroachments that may occur as a result of too many Pleasant Grove residents boundary adjusting into Cedar Hills. She was also concerned with how the boundary adjustments will affect the progress of the sewer line that Pleasant Grove is planning to install in 4000 North.

<u>Charles Headman</u> noted that he lives on Canyon Road and has been a Pleasant Grove resident for 30 years. He echoed previously stated remarks and indicated that he is opposed to the boundary adjustment proposals. He expressed concern that Pleasant Grove is becoming overcrowded.

<u>Patricia Hulet</u> gave her address as 4124 North 810 West and noted that her property is contiguous with the Erickson property. Ms. Hulet voiced additional concerns pertaining to increased population in the area.

<u>Dan Stuart</u>, who resides at 4611 North 900 West, spoke briefly of a recent car accident he was involved in and attributed Pleasant Grove's Public Safety personnel with saving his life. He moved to Pleasant Grove in August of 1980 because he was attracted to the rural living and quality of life the area affords. He stressed the importance of the Council taking action and the City providing services to residents.

Mr. Jones argued that he does not intend to change the area or develop the property he is purchasing. He simply needs access to the services that can be provided by Cedar Hills. Council Member Boyd clarified that the some of the lots to which Mr. Jones is referring are on 900 West not 4000 North. The lot Mr. Jones is trying to purchase is a non-conforming lot. In other words, it was illegally subdivided by the previous owner. Council Member Boyd asked if there is a legal way of fixing a non-conforming lot, so that he can build a house on the lot without affecting any neighboring properties. Attorney Petersen explained that normally in order to fix this problem, a developer will have to go through a correct subdivision process. However, according to Engineer Lewis the illegally subdivided lot is too small to meet the one-half acre requirement. Therefore, one of the neighbors will need to sell some of their property to meet the requirement. Mr. Jones stated that according the Utah County, the lot in question is exactly .5 acre. Attorney Petersen advised Mr. Jones to contact staff to discuss his options. Mr. Jones explained that Cedar Hills is willing to issue a building permit because the lot is recognized by Utah County. Furthermore, he argued that in most cities property owners own their property to the center line of the road. Attorney Petersen stated that this not the case in Utah.

Council Member Boyd explained that several years ago, Cedar Hills put secondary water meters on the properties in their neighborhood without permission. At the time, several discussions took place about putting in secondary water to the area north of the canal; however, it was deemed to be cost prohibitive. The City determined that the residents north of the canal would then continue

to use Manila culinary water at the same rate as if they had secondary water. From her perspective, there is no need for residents to have secondary water because the City has made a reasonable compromise. There was further deliberation on the matter.

In response to a question from Mr. Hedman, Mayor Daniels explained that the County owns the sewer plant as a special service district. Mr. Hedman was of the opinion that the County should be financing the sewer line on 4000 North. He disagrees that this should be an argument between Pleasant Grove and Cedar Hills. Furthermore, he commented that sewer is a necessary service and there shouldn't be any argument over whether to provide it in the first place. Mayor Daniels explained that the pipes in the road belong to the cities that installed them. When the LDS church building was built on the east side of 4000 North, they paid for the existing sewer line and gave it Cedar Hills. Therefore, the sewer district does not own any of the infrastructure within the City limits. Mayor Daniels closed the discussion to the public.

Council Member Jensen asked if discussions have taken place with Cedar Hills with regard to deeding the road. Administrator Darrington explained that there hasn't been any discussion. Council Member Jensen did not like the idea of approving the boundary adjustments because of the responsibilities the City has to those residents and the divisiveness the adjustments would create. Attorney Petersen responded to a question from Council Member Stanley by explaining that it is common for legal descriptions on deeds to include the area to the middle of the road. However, when development occurs, that particular area is dedicated to the City. Mayor Daniels added that according the County's website, the entire road is in Pleasant Grove's name.

<u>Fred Levin</u>, 3939 West 9600 North, commented that in speaking with the previous owner of the Erickson property, she indicated that she purchased an additional six to 10 feet of property. Therefore, the lot should be .5 acre, not including the road. Mayor Daniels reiterated that according to Engineer Lewis, the .5 acre listed includes the parcel going into the street.

Attorney Petersen described the process by which the City Council may move forward. Should the Council decide they want to entertain the boundary adjustment requests, they will have 60 days to hold a public hearing. If the Council decides they do not want to entertain the requests the process will stop tonight. The Council deliberated on what possible actions to take. Council Members Jensen, Andersen, Boyd, and LeMone all indicated that they do not want to entertain the boundary adjustment requests. Council Member Stanley disagreed stating that a public hearing should be held to entertain the requests of the property owners and have a discussion with Cedar Hills to get an understanding on how they interpret the boundary adjustment is legal.

**ACTION:** Council Member Andersen moved that the Council not entertain the requests made by Tarl Taylor, Serial # 14:002:0125, (0.5 acres); Anthony and Patricia Erickson, 754 West 4000 North (1 acre); and Rick and Debi Meinzer, 818 West 4000 North (0.86 acres) to boundary adjust their property from Pleasant Grove City to the City of Cedar Hills. Council Member Jensen seconded the motion. Council Members Andersen, LeMone, Boyd and Jensen voted "Aye". Council Member Stanley voted "Nay". The motion passed 4-to-1.

Council Member Boyd requested that staff meet with Mr. Jones to determine if there a possibility of him building on his lot.

#### 12) DISCUSSION ITEMS FOR THE OCTOBER 27, 2015 MEETING

Administrator Darrington stated that next week the Council will review the site plan for St. John Properties. Additionally, Public Works Director, Marty Beaumont, will provide an update on the status of the three-year road plan, which will be completed in November. The Council will also review an easement for additions to be made to the T-Mobile tower at Discovery Park. The next City Council Meeting will be on November 10, 2015.

### 13) NEIGHBORHOOD AND STAFF BUSINESS

Members of staff gave updates on their respective departments. NAB Chair, Libby Flegal, reported that a new Chair is needed for the Little Denmark Neighborhood. Director Young mentioned that dates have been scheduled to discuss accessory apartments. The Planning Commission and City Council public hearing dates were scheduled for November 12 and 17, respectively. Director Beaumont reported that the storm drain line on 1300 West started going in today and the Goodwins are reportedly happy with the progress. He also reported that the sewer at the Police Station will hopefully be complete by the end of the week or the beginning of next week. Police Chief, Mike Smith, announced that the Youth Citizens Academy has been opened up to Council, Honorary Colonels, and staff. It will be a fun, interactive program for 14 to 17-year-olds. Library and Arts Director, Sheri Britsch, reported that the money is now available for the elevator. She is in the process of compiling all necessary final documentation.

Attorney Petersen reported on the International Municipal Lawyers Association Conference and noted that there was extensive discussion on drones. The FAA is continually trying to catch up to the market and new regulations on amateur drones will be released this week. Furthermore, there is forthcoming State Legislative action as well. Drones can also be regulated on a municipal level through a permitting process which can address and public safety concerns. Chief Smith added that the legislation that is currently underway with the State covers all of the concerns that were raised by the Council in a previous meeting. Recorder Kresser reminded those present that early voting began today.

### 14) MAYOR AND COUNCIL BUSINESS

Council Member Jensen thanked Chief Thomas for letting the Council Members participate in their PT. Council Member Andersen thanked members of the Community Development staff for their attitude, competence, and professionalism. Furthermore, Council Member Andersen spoke about the importance of the Council clarifying their vision for Center Street and the Downtown Village Zone. The Council further deliberated discussion points previously made during Item 9B. There was then brief discussion regarding the North County Summit at doTERRA as well as the school district's ribbon cutting event.

### 15) SIGNING OF PLATS

There were no plats signed.

### 16) <u>REVIEW CALENDAR</u>

The Home Town Heroes event will take place on Monday, December 7, 2015, from 4:00 to 8:00 p.m., at Stone Gate. Director Britsch spoke about the Veterans Day Program coming up in November. She also announced that the PG Players production of *The Butler Did It* is still ongoing. An orchestra concert was scheduled to take place the following week. Ms. Flegal added that the high school is in the process of naming their new gym and will be receiving public input. There will be an open house in the evening on October 25, 2015.

### 17) ADJOURN

**ACTION:** Council Member Stanley moved to adjourn. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 9:05 p.m.

City Council Minutes of October 20, 2015 were approved by the City Council on November 10, 2015.

Kathy T. Kresser, City Recorder

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