

**Pleasant Grove City
City Council Meeting Minutes
November 10, 2015
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

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

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 Kimball Ray.

3) **OPENING REMARKS**

The opening remarks were given Council Member Andersen.

4) **APPROVAL OF AGENDA**

ACTION: Council Member Stanley moved to approve the agenda as written. 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.

Blaine Thatcher gave his address as 120 North 1400 East and commented that this year's election consisted of opposing views and now is the time to review the results. He believed this was the opportunity to change the City's spending pattern, correct course, and resolve obvious problems without raising taxes. Mr. Thatcher stated that the citizens have spoken and chosen to stay on the current course. He commented that while he did not like this year's election results, he accepted them. Mr. Thatcher explained that the City is deeply divided and must find a way to move forward with a newly elected Council. He committed to work with anyone and support the Council as they thoughtfully assess verifiable data and information that leads to good, principle-based decisions. He would, however, actively oppose the Council if they make decisions that are not responsible and not based on verifiable data. Mr. Thatcher encouraged all elected officials and City administrators to fulfill their duties with fidelity to ensure efficient use of tax dollars. He addressed the importance of the City providing services at a low cost to citizens. Last, Mr. Thatcher addressed what he believes to be the cause of the divide among the citizens.

Molly Andrew thanked City Recorder, Kathy Kresser, for her work on behalf of the City. She also asked staff to clean the bathrooms at the Recreation Center.

Ryan Schooley, who resides at 1734 Blackhawk Drive, expressed dissatisfaction with the current trajectory of the City. He recalled a conversation he had recently with a gentlemen who works with an asphalt company regarding the poor condition of City roads. Mr. Schooley stated that it is the Council's responsibility to scrutinize the funding with which they have been entrusted. As a business owner, the interest of his clients always comes first and the Council has a similar responsibility with the citizens. Mr. Schooley explained that he and his wife have rented in Pleasant Grove for three years and they love the area; however, they may consider buying a home elsewhere because they don't appreciate the way the City is managed.

Mike Wisland gave his address as 1636 East 400 South and implored the Council to be as transparent as possible with regard to their positions on issues for which they received campaign funding. He complimented the Council on not moving forward with the development proposal from St. John Properties that the Council felt that did not meet the visual requirements to make the City a pretty place to live. Mr. Wisland encouraged the Council to vote in an honest and unbiased manner and stated that some of Council Members received campaign funding from St. John Properties. Council Member LeMone replied that this was incorrect information. She clarified that all of the candidates received \$500 for their campaigns, not just a select few. Mr. Wisland asked if elected officials can vote objectively under such circumstances. Mayor Daniels explained that the vote was objective based on the last time the development was reviewed.

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 October 20, 2015 meeting
City Council Minutes for the October 27, 2015 meeting**

Recorder Kresser noted that the minutes were not ready to be approved.

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

There were no appointments.

8) **PRESENTATIONS**

A) GLYNIS CARTER TO PRESENT THE UTAH VALLEY WOMEN INITIATIVE PROGRAM.

Glynis Carter explained that at the launch of the new Utah Valley Women (UVW), many mayors and leaders from cities in Utah Valley met at a conference on October 16, 2015. They spent the evening identifying and discussing major problems that keep "Happy Valley" from being as happy as it could be for the thousands of women who live here. Some of the primary problems as agreed upon by those in attendance included women not feeling good enough, worrying about fitting in, and being lonely. Additionally, many women do not feel actively engaged things they love doing on a daily basis.

Women are addicted to a variety of things such as eating or not eating, worry, drugs, and pornography. Women do not feel as safe as they would like to and are increasingly concerned about their future safety and security. Women lack healthy relationships; some are abused, some feel overwhelmed and confused as mothers, and some have poor relationships with spouses and/or family members. Single women and mothers struggle daily and older women experience loneliness and a lack of meaningful relationships.

The UVW created an initiative to provide solutions to these problems, which can be implemented in the short and long term. The UVW Initiative will officially launch on Friday, January 15, at 7:30 pm at the SCERA Center for the Arts. The initiative is formally called Utah Valley Women Celebrating Life. City leaders, citizens and UVW representatives in each of the 23 cities in Utah valley will meet monthly for initiative discussions and solutions. Educational and uplifting events will be sponsored free of charge for all women in Utah Valley. Additional information was available at www.utahvalleywomen.com. UVW was collaborating with various business that support women in Utah Valley. There will be a Utah Valley Women Resource Guide published to help women connect with those who are eager to help.

UVW has eight research based and proven programs that will strengthen women and families in Utah Valley. The first is a mental program called "Believe It, Become It", which teaches

participants how to understand agency and how to create positive changes in their lives. The second program involves physical fitness, which teaches participants how to be beautiful on the inside and outside. Other programs address healthy emotions, social skills, spiritual, financial, self defense and emergency preparedness. UVW will have two age divisions for women ages 18-39 and 40 and above.

Ms. Carter requested that the City provide a room where approximately 10 women can meet on a monthly basis. Each City will hold a monthly meeting and personal website. Furthermore, she asked for feedback from the Council on how the initiative can be promoted in the City. It was noted that Paula Fellingham is the founder of the organization and UVW is a 501 (c)(3) non-profit designation. Mayor Daniels suggested that Ms. Carter visit with Parks and Recreation Director, Deon Giles, since he manages the City's facilities which are available for meetings. Council Member LeMone noted that the City's website and newsletter could also be used for advertising.

9) **ACTION ITEMS WITH PUBLIC DISCUSSION**

A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-44) TO REZONE APPROXIMATELY 37.9 ACRES FROM THE GROVE MIXED HOUSING SUBDISTRICT TO THE GROVE COMMERCIAL SALES SUBDISTRICT ON PROPERTY LOCATED AT APPROXIMATELY 100 SOUTH AND 1650 WEST, AND AT APPROXIMATELY 1450 WEST STATE STREET IN THE GROVE MIXED HOUSING SUBDISTRICT. (Pleasant Grove City, Applicant)

Presenter: Director Young.

Community Development Director, Ken Young, presented the staff report and displayed an aerial zoning map of the subject property. He explained that the Grove Zone is located between State Street and the freeway, and most of it is currently undeveloped. There is a substantial amount of multi-family housing in the surrounding areas. There are three different subdistricts in the Grove Zone where certain uses are specifically permitted. The Interchange Subdistrict is located between the freeway and North County Boulevard. The Commercial Sales and Mixed Housing Subdistricts were also identified on the zoning map. The Mixed Housing Subdistricts permit different commercial uses; however, over the years multi-housing development has been the preferred use. There are a couple of overlays, one of which is located near the Walmart, townhomes, and apartments. This particular overlay allowed up to 18 units per acre for multi-family housing. The Council later decided to prohibit the overlay from being applied in any other areas. DoTERRA and the Grove Business Park overlay were shown in relation to the other subdistricts, as well as the area where a Senior Housing overlay is in effect.

In the Mixed Housing Subdistrict, the intent was to have a mix of single-family homes, multi-family homes and commercial. However, as previously indicated, most of the development in the area is multi-family housing. Staff identified approximately 37.9 acres in the Mixed Housing Subdistrict that could potentially develop as additional multi-family developments.

Director Young mentioned a development that was approved shortly before the economy fell, and the property in question is now under new ownership. The owner expressed interest in maintaining the zoning to both the City Council and Planning Commission. Ray Proctor expressed a desire

before the Planning Commission that his property remain agricultural. He did not express opposition or support for the proposed zoning change. The Smiths were not present at the Planning Commission Meeting to represent their property. Several residents in the area attended the public hearing and spoke against the zone change because they do not want commercial adjacent to their homes. They expressed concern with traffic and felt that a park would be a better use of space.

Council Member Jensen asked if there are any projects currently planned for the area. Director Young confirmed that this was the case. There have, however, been discussions with individuals who are interested in buying parcels in the area and using them in a non-commercial manner. Director Young stated that staff does not have strong recommendations. As far as the General Plan is concerned, either subdistrict will work for the area. Mayor Daniels explained that the current Council initiated the request to stop additional high-density housing in these areas as a result of significant input from the community. There was continued discussion pertaining to correspondence that has taken place between property owners and the City.

Council Member Stanley asked if there are solutions other than a zone change that would achieve some of the objectives for the area. Director Young explained that other solutions have been explored over the years. Different ordinance requirements have been entertained that would encourage certain types of development in the area. The current requirements make it difficult for a developer to achieve 12 residential units per acre. The only project that has been proposed and approved under the newer ordinance requirements is the Garden Grove development with eight to nine units per acre.

Council Member Andersen asked if developers understand that if the zoning remains the same, it will be difficult to achieve 12 units per acre. Director Young agreed and explained that they have been communicating this information to developers over the past few years. Furthermore, he noted that the zone does not allow buildings to be higher than three stories. Mayor Daniels commented that the majority of residents do not understand the current zoning. Therefore, the purpose of tonight's public hearing is to respond to feedback that has been received from the community. Staff and the Council briefly discussed what percentage of multi-family housing and assisted living areas are appropriate for a City and where the City currently stands in terms of those types of developments.

Mayor Daniels opened the public hearing.

Greg Perry identified himself as the owner of Grove Commons located at 1650 West State Street, as well as the co-owner of another adjacent parcel. He was present to defend his property rights. He explained that the problem is that there is too much high density housing in the Grove which is why staff is asking for a zone change.

Mr. Perry explained that the proposed solution of removing residential altogether and replacing it with retail does not make sense. It will be problematic for his property if the area is completely rezoned to only allow for retail. He had tried to attract a mid-sized retail tenant to be the core of that retail frontage area near State Street with retail pads and low-density town homes surrounding the retail. Mr. Perry wants to develop the parcel as a whole and present it as one integrated package. He noted that the proposed rezone would devalue his property significantly.

In response to a question from Council Member Jensen, Mr. Perry explained that people make purchases online before visiting large retailers. The parcel is not going to house a business like Lowe's or Home Depot and needs to attract a smaller, mid-size retailer. The City won't be able to generate additional sales tax and attract larger retailers by limiting the acreage in question to retail only. Mayor Daniels commented that they have seen examples of projects in other cities that are similar to what Mr. Perry described. Typically the housing component develops first and the land between the housing and the street remains vacant for years. This is the issue the Council was concerned with. Mr. Perry suggested that the City resolve the problem by requiring developers to build everything at once rather than doing a rezone. Mayor Daniels explained that they have tried this in the past and the result was that no development takes place at all.

Council Member LeMone stressed that Pleasant Grove needs a stronger tax base to move forward and meet all of the City's needs, such as roads, a Public Safety Building, etc. Every time a new housing development takes place, the City has lost an opportunity for a broader commercial tax base. Mr. Perry argued that there isn't a retail demand from the retailers themselves and the City is trying to go the opposite direction that all of the neighboring cities are with development. There was discussion regarding what is and is not considered high-density residential development. Mr. Perry noted that the Planning Commission denied the rezone because they don't see any reason behind it. Mayor Daniels summarized the discussion and emphasized that as elected officials they are trying to respond to the requests of their constituents. This may or may not come across as favorable from a developer's standpoint.

Mike Wisland, who resides at 1636 East 400 South, asked if there is an opportunity in situations like this to have a blended development, like was suggested by Mr. Perry. Mayor Daniels answered affirmatively and referenced a comment made earlier by Council Member Andersen that these are like "staged" developments. Mr. Wisland thanked Director Young for his preparation as well as the Council for representing their constituents.

Mr. Wisland asked if high-density housing is being excluded entirely in Pleasant Grove. Mayor Daniels explained that they are considering excluding future high-density housing in this particular area. Mr. Wisland expressed concern with parking in some of the developments. He also made reference to relatively new buildings that are very close to the highway and sidewalks. He remarked that the proximity of the buildings to the roads will prohibit future expansion of the streets. Mayor Daniels advised Mr. Wisland to discuss his concerns with Director Young.

Heather Downs gave her address as 1117 East 740 South and was opposed to more high density housing. However, as a former business owner in Lindon she understood Mr. Perry's viewpoint and would support a mixed-use development being built all at once. She suggested rezoning the portion of the property that is the most visible from the road. Ms. Downs agreed with Mr. Perry that the location in question is not ideal for retail because it has poor visibility.

Ray Proctor identified himself as a property owner in the area and noted that his family inherited the property in 1852. Mr. Proctor explained that he is constantly hounded by developers and they continue to inform them that their land is not for sale. He recalled an incident where a car came down a road on his property, ran a stop sign, and broke a fence. He has since repaired the fence and would like to put up cement barricades so that it doesn't happen again. Mr. Proctor reiterated

that he is not interested in selling his property for high density housing and thanked Mayor Daniels for taking the time to visit with him.

Craig Yuzon, who resides at 210 South Proctor Lane, requested that the Council not approve the rezone proposal. He reviewed three scenarios that have occurred in the past when strangers have approached him regarding his property. He asked each of the Council Members how they would react if they were in these situations. Mayor Daniels and the Council expressed concerns regarding the invasion of property rights. Mr. Yuzon then read statements that were written by each elected official and subsequently published on the City's website.

Mr. Yuzon explained that in his neighborhood, various other cities have created busy streets and large buildings, thereby surrounding their neighborhood with nuisances. He was concerned that changing the area to allow for more commercial will result in it becoming even noisier and unusable for farming. He asked how the rezoning proposal will influence current and future property values and taxes. Furthermore, he asked if mixed housing zoning allows for commercial retail development and if the City has allowed multi-unit housing to the point of excess. Council Member LeMone replied that the multi-unit housing is around 38% in Pleasant Grove, which is high.

Mr. Yuzon implored the Council to continue to work with their family regarding the intent and desired use of the property. He asked them to resolve all previous concerns with the Proctor Family prior to moving forward with a rezone on property that they have owned for over 160 years. He supported mixed use development that includes retail on the ground level and apartments on subsequent levels. Mr. Yuzon commented that PUDs have been discussed in previous meetings and might not come to fruition if the area is rezoned. Developers also expressed a desire for more rooftops. He suggested that additional research is needed prior to making a decision on the rezone.

Pete Blake gave his address as 29 South 2000 West and was annoyed that citizens in a completely different part of town would recommend the rezoning of property they don't own. Furthermore, he stated that the Mayor and Council also represent the residents who live in the area. Mr. Blake agreed with the remarks made regarding individual property rights and explained that those rights would be overruled by the Council approving a rezone. He wanted to see more commercial development in the area and recalled discussions that took place when the area was annexed into Pleasant Grove. Mr. Blake has lived on his property for 45 years and has waited a long time for commercial development. There was discussion regarding whether or not an LDS church building will eventually be built in the area.

Kira Harris, who resides at 16 Alpine Drive, agreed with Mr. Perry's remarks and supported rezoning the lower section but was opposed to rezoning the upper property.

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

Council Member Stanley agreed with Mr. Perry that the rezone will not address the issue of lacking commercial in the area. He feels that the existing density is reasonable for creating a buffer with the adjacent areas. At this point in the discussion, he feels inclined to make a motion to deny the zone change. Council Member Andersen stated that the Council's original intent with this rezone

request was to reduce high density housing and increase commercial. However, in this situation she agrees with Mr. Perry and will also vote against this rezone.

Council Member Boyd asked if the Proctor property can remain agricultural until their family determines what direction they would like to go, so that they are protected for the time being. City Attorney, Tina Petersen, explained that they are already protected because the property has a legal, non-conforming use. The Proctor Family is entitled to maintain their farm and not sell their property. They could also apply for an Agricultural Protection Area which would protect them from complaints related to their various farming activities. Staff further discussed the process to apply for an Agricultural Protection Area.

Council Member Boyd agreed with Council Members Stanley and Andersen that approving the rezone would not be the correct course of action tonight. Council Member Jensen agreed that as a Council they need to consider the rights of the residents who live in the area and leave the property as-is tonight. Council Member LeMone suggested leaving Mr. Perry's property as-is and rezone Mr. Proctor's property to commercial. She explained that while recently campaigning, the primary issue that citizens brought up was the amount of high-density housing in Pleasant Grove. Citizens want a tax base to help solve some of the City's financial problems and provide places to shop in the City. Every time the Council approves a housing development they are turning down an opportunity for commercial. Council Member LeMone commented that while property owners have rights, residents do as well and the Council has to balance the needs of the entire community.

Mayor Daniels explained that the Council is responsible for putting zoning ordinances in place based on the professional recommendation of staff. This provides the guideline for future developers and it is best for the Council to stick to those guidelines. Otherwise they send a confusing message to developers regarding what is and is not allowed. On the other hand, there are individual property owners that may fall within an actual area of development and they ultimately have control. If they choose to sell the property, it will be incumbent on the seller and developer to approach the City and apply for changes that are necessary to accommodate the developer's objective. Mayor Daniels explained that there are a lot of citizens who want to make decisions about other people's land and money; however, they don't possess the resources, the skills, or the talent to make it happen. The City Council should work with the landowners on an overall plan.

ACTION: Council Member Stanley moved that the Council deny Ordinance (2014-44) to rezone approximately 37.9 acres from The Grove Mixed Housing Subdistrict to The Grove Commercial Sales Subdistrict on property located at approximately 100 South and 1650 West and at approximately 1450 West State Street in The Grove Mixed Housing Subdistrict. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion carried unanimously.

**B) PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE (2015-45)
AMENDING SECTION 10-9A-8: YARD REQUIREMENTS, MODIFYING
ARCHITECTURAL REQUIREMENTS FOR ACCESSORY BUILDINGS IN THE**

R-R (RURAL RESIDENTIAL) CHAPTER OF THE PLEASANT GROVE CITY CODE. (Pleasant Grove City, Applicant) Presenter: Director Young.

Director Young explained that two similar items came forward in August and staff later realized they missed this item in the R-R zone. There are many situations in the R-R zone where residents would like to create an accessory structure that is not necessarily related to the residential portion of their property. Typically these structures are agricultural in nature and are set back from the home. Architectural requirements have previously been put into place requiring accessory structures to match the home. In some situations, however, these requirements do not make sense. Director Young read the proposed verbiage, which indicates that accessory buildings located 75 feet or further from any surrounding dwelling as measured from the dwelling to the nearest side of the accessory structure are not required to meet the design requirements outlined in City Code. This distance makes sense based on other requirements throughout in the Code pertaining to accessory structures which specifically house large animals. Staff and the Planning Commission recommended approval of the proposed ordinance.

Mayor Daniels opened the public hearing.

Chris Eager gave his address as 4638 North 900 West and stated that he is seeking to construct an accessory building on his property. He would like to build a red shop to match their barn and shed to maintain a farm look.

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

ACTION: Council Member Jensen moved that the Council adopt an Ordinance (2015-45) amending Section 10-9A-8: Yard Requirements, modifying architectural requirements for accessory buildings in the R-R (Rural Residential) Chapter of the Pleasant Grove City Code. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, Jensen, LeMone and Stanley voting "Aye". The motion carried unanimously.

10) ACTION ITEMS WITH READY FOR VOTE

- A) TO CONSIDER FOR APPROVAL THE REQUEST OF JACKSON JONES OF A TWO LOT FINAL SUBDIVISION OF APPROXIMATELY 2.25 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 450 SOUTH 1100 EAST IN THE R1-9 (SINGLE FAMILY RESIDENTIAL) ZONE AND RESIDENTIAL AGRICULTURAL OVERLAY. Presenter: Director Young.**

Director Young presented the staff report and displayed an aerial map of the subject property. He explained that the subdivision is intended to create a buildable lot fronting on to the currently nonexistent 300 South while 2.02 acres will remain in the Residential Agricultural Overlay.

The lots meet many of the dimension requirements of the R1-9 Zone and Residential Agriculture Overlay. A strip of property is attached to Lot 1 just west of Lot 2, which is approximately 30 feet wide with only 30 feet of frontage. This was originally planned to provide access to a flag lot,

however, because the property may be otherwise developed, a flag lot is not permitted. The applicant has been asked to remove the 30-foot strip by reconfiguring the lots, thereby preventing a potentially unbuildable lot in the future. The applicant understands that staff is not comfortable creating a 30-foot strip. There is, however, no City Code that prohibits the creation of the strip in the manner proposed by the applicant. City Code only prohibits the creation of nuisance strips that are between road dedications and other private property. The applicant also expressed a desire to maintain the strip for access. The Planning Commission and staff recommended approval of the plat with the additional recommendation that the lot lines be moved. In response to a question from Council Member LeMone, Director Young explained that at this point the subdivision will be a cul-de-sac, however, at a future point it could potentially connect to 1100 East.

The applicant, Jackson Jones, was present and available to answer questions. Council Member Stanley asked Mr. Jones why he doesn't like staff's recommendation of shifting the lot line. Mr. Jones replied that they prefer the current proposed subdivision layout. He had no intent of doing a flag lot because he cannot have less than two acres to maintain the animal rights associated with this type of layout. He identified where the home would be located. He further noted that the property is an old orchard and he plans to leave most of the existing trees.

Mr. Jones provided an overview of the subdivision layout and the reasons it has been designed so specifically. Council Member Stanley asked staff what would happen if the Agricultural Overlay were eliminated in the future. Director Young explained that if a future owner subdivides further and doesn't want to lose the Agricultural Overlay, they will have no choice but to create a flag lot with the 30-foot strip. Mr. Jones stated that they have no intention of ever adjoining properties with neighboring owners.

Mayor Daniels opened the discussion for public comments.

Blaine Thatcher gave his address as 120 North 1400 East and commented that he completely understands Mr. Jones's request. He asked the Council to consider his needs and desires.

Michael Butt, who resides at 936 North 1420 West, asked if the alleyway will be cemented or asphalted. Mr. Jones explained that it will be grass because he doesn't want to make it look like a flag lot. He noted that it will just be an access.

Angela Tandy identified a parcel that she owns and noted that the property in question has been in her family since 1862. She was not opposed to Mr. Jones' proposed alley way access.

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

ACTION: Council Member LeMone moved that the Council approve the request of Jackson Jones for a two-lot final subdivision of approximately 2.25 acres on property located at approximately 450 South 1100 East in the R1-9 (Single Family Residential) Zone and Residential Agricultural Overlay. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

Council Member LeMone asked what the procedure would be to change her vote on Item 9A. Attorney Petersen answered that the proper way to do that is to make a motion reconsider the item for purposes for changing your vote and the Council will need to vote on the motion.

ACTION: Council Member LeMone moved to reconsider agenda Item 9A, an Ordinance (2015-44) to rezone approximately 37.9 acres from The Grove Mixed Housing Subdistrict to The Grove Commercial Sales Subdistrict on property located at approximately 100 South and 1650 West, and at approximately 1450 West State Street in The Grove Mixed Housing Subdistrict, to allow Council Member LeMone to change her vote to “No”. Council Member Boyd seconded the motion. Council Members Andersen, Boyd, Jensen and LeMone voted "Aye", and Council Member Stanley voted "Nay". The motion passed 4-to-1

Council Member Stanley voted "Nay" because the property owners were no longer present at the meeting. Council Member LeMone stated that she changed her vote to "Nay" on Item 9A because her goal was to increase economic development in that particular area and does not feel she promoted that goal with her previous vote.

Council Member LeMone explained that the reason she wants to change her vote is because she wants to remain true to the people that she has spoken with to increase sales tax revenue and economic development in the Grove area and she didn't think she reflected that with her first vote.

B) TO CONSIDER FOR APPROVAL A REQUEST FROM LORRAINE HERRERA TO EXTEND THE FINAL PLAT APPROVAL FOR A TWO LOT SUBDIVISION KNOWN AS LORRAINE'S PLACE PLAT "A" LOCATED AT APPROXIMATELY 565 EAST 300 NORTH FOR ONE YEAR. *Presenter: Director Young.*

Director Young stated that last December the Council approved a final plat for flag lot subdivision in the aforementioned location. There were no concerns with the plat when it was reviewed last year. Ms. Herrera needed additional time to accomplish a few things prior to completing the subdivision. Staff did not have concerns extending final plat approval.

ACTION: Council Member Boyd moved to approve a request from Lorraine Herrera to extend the final plat approval for a two-lot subdivision known as Lorraine's Place Plat "A" located at approximately 565 East 300 North for one year. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

C) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-037) AUTHORIZING THE MAYOR TO DECLARE 30 DESKTOP COMPUTERS AND 15 LAPTOPS AS SURPLUS AND DIRECT THAT THEY BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY. *Presenter: Administrator Darrington.*

City Administrator, Scott Darrington, reported that the City has a computer replacement program for upgrading computers every four years. At the end of the four years, the old computers are disposed of according to policy guidelines. Employees are given an opportunity to purchase

surplus computers. If there is value in other computers, the IT Department sells them for parts. When employees purchase the computers they buy them at current value with a fee to have them wiped clean.

Note: Council Member Boyd briefly excused himself from the meeting at approximately 8:45 p.m., and rejoined a few minutes later.

Council Member Stanley asked if all of the computers are rotated on the same four-year period. Administrator Darrington responded that they are staggered. The computers are purchased through a capital lease to ownership once they are paid off.

ACTION: Council Member Jensen moved that the Council adopt a Resolution (2015-037) authorizing the Mayor to declare 30 Desktop Computers and 15 Laptops as surplus and direct that they be disposed of according to the City's policy for disposing of surplus property. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Stanley, LeMone, Jensen and Andersen voting "Aye". Council Member Boyd abstained. The motion carried unanimously with one abstention.

11) ITEMS FOR DISCUSSION - POSSIBLE ACTION

A) DISCUSSION ON THE TENTATIVE FY 2016 UTAH TRANSPORTATION AUTHORITY (UTA) BUDGET. *Presenter: Mayor Daniels.*

Mayor Daniels reported that he received a tentative budget from UTA and did not want to sign it without having prior discussion with the Council. Council Member Andersen commented that she had begun reviewing the information and so was skeptical of what she had read. Council Member LeMone noted that there will be future public hearings on the matter and asked if there was a specific reason it was on tonight's agenda. Mayor Daniels explained that there is a meeting in Salt Lake that will be open to anyone who wants to attend. After that, the time for Pleasant Grove City to deliberate on the matter will have passed. Mayor Daniels did not want to represent the City without receiving public input. Furthermore, he expressed concerns with UTA's finance management.

Attorney Petersen stated that they have never been asked to sign off on their budget before. Council Member Andersen recalled that the City passed a resolution to put the proposed \$.0025 sales tax on the ballot for increased road funding, but without the UTA component. She stressed that she was not comfortable signing off on the budget presented. Council Member Stanley suggested that the City find out what will happen if they refuse to sign and then draft a statement in response to UTA. Attorney Petersen agreed that it would be beneficial to look into this item prior to the Council reaching a final decision. The Council continued this item to November 17.

B) TO CONSIDER FOR APPROVAL CHANGE ORDER NO. 2 AND PAYMENT REQUEST NO. 8 FOR S & L INC. FOR THE SHANNON FIELDS SOFTBALL COMPLEX PHASE 2. *Presenter: Director Beaumont*

Public Works Director, Marty Beaumont, reported that this is the final approval for this year -long project. He presented pictures and a historical overview of Shannon Fields. He noted that even though the final approval is being discussed in November, the majority of the project was completed earlier this summer. The contractor has a 60-day period where he is responsible for maintaining the landscaping and maintenance. They have since submitted their final payment request and staff worked with them to resolve outstanding issues. Director Beaumont stated that this will be a great facility that will be well used by the citizens.

Director Beaumont explained that with any project there will be unforeseen issues and expenses. This project is a unit bid project. Additional road base was needed, as well as a cross gutter to ensure that the asphalt will not fail through a particular area. When installing a light pole they accidentally drilled into the top of storm drain pipe running through State Street and damaged it. They subsequently had to go through a process of making sure that the light pole was stable so that it doesn't fall over. Ultimately the light pole was relocated and a new hole was drilled. Last, there were soft spot areas that were difficult to stabilize before putting in the road base. As a result, further excavation was needed.

The project budget amount was \$1,570,649 and the project cost increases totaled around \$150,000, which is a 9.6% increase. Director Beaumont explained that 10% is the maximum increase allowed for any project. The final project amount was \$1,720,942. Staff was still waiting on engineering drawings, however, the contractor had finished their work.

Council Member Stanley asked if there are any maps showing where the storm drain lines are located and asked why hitting those lines wasn't foreseen. Director Beaumont explained that the light was placed where it needed to be based on the layout of the park; however, they couldn't predict whether the storm drain line was slightly off center based on the layout. The placement of the lights matched the north fields as well. Council Member Stanley referenced an additional 5,550 tons of road base that was needed and asked how they were able to independently verify that this quantity was installed. Director Beaumont explained that the contractor was required to submit a weigh ticket for every load of material.

Council Member Jensen asked staff to elaborate on why park impact fees were used. Administrator Darrington explained that initially the funding for the project came from the sale of Battle Creek Park. Over \$400,000 from that sale went toward this project and the remaining amount came from park impact fees which are allocated for these types of projects. Mayor Daniels asked if all of the proposed change orders were included in the Council's packet. Director Beaumont answered affirmatively. Administrator Darrington and Director Beaumont explained that in the future they will build in a contingency for unforeseen aspects of projects of this size.

In response to a question from Council Member LeMone, Administrator Darrington noted that the City currently has a balance of approximately \$750,000 in park impact fees, which is where they will draw the additional \$150,000 from to pay for the remaining balance of the project. This still leaves sufficient funding in the park impact fees account to pay for other parks projects. He also explained that park impact fees are collected from development and as per State law they are required to earmark the funds for new parks and facilities. The funds cannot be used for maintenance on existing parks or other City expenses such as roads. There was further review of

project finances. Staff clarified that the change order being reviewed is only for the contractor. An engineering change order will be reviewed in a separate pay request.

Council Member Andersen asked if there was anything left to do on the project. Director Beaumont explained that they are only waiting on record drawings from the engineers. The contractors, however, were done with the project. There is a one-year warranty period for any malfunctions that occur.

Mayor Daniels opened the discussion for public comments.

Blaine Thatcher gave his address as 120 North 1400 East and asked if all proper inspections have taken place for moving retainage forward. Director Beaumont answered in the affirmative.

There were no further public comments. Mayor Daniels closed the discussion for public comments.

Council Member Stanley commented that the Council should at some point discuss ways to avoid change orders. He did not like that they have exceeded the maximum budget on this project. Director Beaumont explained that this is not an uncommon occurrence. This is on the upper end of exceeding a maximum budget; however, there were a lot of unforeseen complications. He stated that all of the information on the project is public record and that he was happy to visit with anyone who has questions on specific budget line items. The different uses of the new field were briefly discussed.

ACTION: Council Member Andersen moved that the Council approve Change Order No. 2 and Payment Request No. 8 for S & L Inc. for the Shannon Fields Softball Complex Phase 2. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

Note: The Council took a five-minute break.

12) DISCUSSION ITEMS FOR THE NOVEMBER 17, 2015 MEETING

It was reported that the following week the Council will review a proposed policy regarding accessory apartments. Director Young explained that staff reviewed this item over the past 15 years, nine of which he had worked with the City. The item was also reviewed by the Planning Commission. Staff was making considerations for alternative locations for next week's meeting in the event that the room is overflowing with citizens desiring to make comments.

The following week the Council would also be adopting a resolution to have the Mayor and Council act as the Board of Canvassers to accept election returns, as well as declare and certify the election results. Council Member LeMone suggested moving the item to the beginning of the agenda. Recorder Kresser agreed that would be a good idea. In response to a question from Mayor Daniels, Recorder Kresser explained that they will be counting all of the provisional and absentee ballots received after the election but postmarked before November 2.

Item 10B was a request from Murphy's Express for a site plan approval for a 1,200 square-foot convenience store with an eight pump fuel station that will operate 24/7. The convenience store will also sell beer and tobacco products. Item 10C was a resolution authorizing the Mayor to sign a Land Lease Agreement with Verizon Wireless to construct a telecommunications facility and support equipment. Item 10D was a Resolution authorizing the Mayor to sign a purchase agreement with Kevin Cook for a .347-acre parcel of property located on South Locust Avenue. Item 11A was involve a discussion regarding the three-year Coordinated Road Maintenance Plan.

13) NEIGHBORHOOD AND STAFF BUSINESS

Members of staff shared various updates pertaining to their respective departments. NAB Chair, Libby Flegal, reported that she has been involved with the City for over 20 years and has missed very few Council Meetings during that time. From her vantage point, the City is in good shape considering where it has been in the past.

Fire Chief, Dave Thomas, thanked Director Beaumont and his crew for bringing in a sewer line to an existing tunnel. This has saved the current status of the building for the time being until a permanent solution is reached regarding the public safety building.

Library and Arts Director, Sheri Britsch, reminded those present of the Veteran's Day program the following day at 11:00 a.m. at the cemetery. Les Langford would be the speaker.

Attorney Petersen reported that she has been approached by an individual who wants to do an internship in her office. The individual is a highly qualified law school graduate who hasn't passed the bar yet. The gentleman is also a paralegal who could greatly help with staffing needs. She would be making arrangements with him in the coming week. Director Young added that Jennifer Baptista has also volunteered to help with scanning documents and filing.

Parks and Recreation Director, Deon Giles, announced the Bike Park Open House the following Thursday. The event was to be announced on the City's website and Facebook page. The matter was to go before the Planning Commission and Council on December 10 and 15, respectively.

14) MAYOR AND COUNCIL BUSINESS

Council Member Stanley commended staff for their immediate response to the broken water main the previous Sunday night. He suggested that Everbridge be used to report water shut offs and neighborhood repairs. Administrator Darrington recognized that Greg Woodcox was on the scene before anyone else. Director Beaumont added that there is always someone on call in the event of emergencies. Council Member Andersen asked if there are more leaks during cold weather. Director Beaumont explained that all of the lines are deep in the ground and below frost lines.

15) SIGNING OF PLATS

The following plats were signed: Crystal View Plat B and Pleasant Heights Plat B.

16) REVIEW CALENDAR

It was reported that the City Offices will be closed in honor of Veteran's Day. Thanksgiving break begins on November 26.

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

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

ACTION: At 10:06 p.m. Council Member Stanley moved to adjourn into Executive Session to discuss the purchase, exchange, or lease of real property (UCA 52-4-205 (1)(d)) 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
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

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

Mayor Daniels asked if there were any further discussion, being none he called for a motion to come out of executive session.

ACTION: At 10:19 p.m. Council Member LeMone moved to come out of executive session and go back into regular Council session. Council Member Boyd seconded. The motion passed with the unanimous consent of the Council.

Mayor Daniels directed staff to go ahead and make the offer of \$145,000.00 to purchase the property that was discussed in executive session.

A discussion was held regarding the GRAMA request that was received regarding the St, John's property. Mayor Daniels then directed Attorney Petersen to draft an email to send out to the Council stating what records are being requested and forward them to the City Recorder to review and redact any sensitive information.

The Mayor asked if there were any further discussion, being none he called for a motion to adjourn.

18) ADJOURN

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

The City Council Meeting adjourned at 10:29 p.m.

Minutes of November 10, 2015 were approved by the City Council on December 8, 2015.

Kathy T. Kresser, City Recorder, MMC

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