

**Pleasant Grove City
City Council Regular Meeting Minutes
February 2, 2016
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

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

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

3) OPENING REMARKS

The opening remarks were given by Jack Freeman.

4) APPROVAL OF MEETING'S AGENDA

City Administrator, Scott Darrington, suggested that Item 10B take place after Section 7.

ACTION: Council Member Stanley moved to approve the agenda with the aforementioned change. 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.

Christy Belt gave her address as 266 East 1640 North and made mention of several items. First, she requested that the Council be thoughtful and deliberate when meeting with a representative the following week regarding Snowbird and American Fork Canyon. Second, Ms. Belt expressed that she would like to see the Council seriously delve into the budget during the upcoming retreat and will be interested in hearing a report after the retreat takes place. Third, Ms. Belt stated that the Public Safety Committee often speaks about the level of service that is desirable for the community. She asked the Council to express their expectations on this same issue. Last, Ms. Belt commented that she is saddened when experienced, dedicated employees leave the City, particularly in the Fire and Police Departments.

Pete Blake gave his address as 29 South 2000 West and discussed the process by which proposals are presented to the Planning Commission and City Council. Mr. Blake noted that he is a former member of the Planning Commission. He expressed concern that perhaps there is a bias in favor of City Staff over an applicant. Mr. Blake wanted the format to be such that staff, citizens, and the applicant can all have an opportunity to interject during discussions in which the Council is considering a proposal.

Cindy Boyd gave her address as 668 West 4000 North and expressed appreciation for all of the work that Administrator Darrington, Director Beaumont, Engineer Lewis, and John Schiess have put into the 4000 North sewer. Ms. Boyd also expressed appreciation for City Attorney, Tina Petersen, for having created a document which summarizes the past 18 years of history on the annexation and 4000 North sewer. She does not believe that there is anything more that needs to be said that hasn't already been said on this matter. She believed the City Council would make a fair and equitable decision. She did not want her neighborhood to receive special treatment, but felt they should receive equal treatment. Last, Ms. Boyd reflected on her involvement on this issue over the years.

Dennis Hullinger gave his address as 637 West 4000 North and expressed appreciation for everything the City Council has done on behalf of their neighborhood. He has lived in the County for 65 years and has always felt a part of Pleasant Grove City. They have tried to get a sewer in this road for many years.

Donna Jolley gave address as 1380 East 150 North, and asked those present to indicate by a show of hands who is Pleasant Grove citizen and who lives on bad roads. She reported that at the last Council Meeting she felt depressed because nothing has been done about roads, yet the City continues to go further in debt. Ms. Jolley recounted an experience with a neighbor who thanked her for addressing this priority, followed by several comments regarding provident living. She stated that those who serve the community should have one goal in mind; to serve the community.

She was of the opinion that the City's first priority should be to fix the roads without raising taxes. There are several residents who live on fixed incomes who risk losing their homes due to tax increases.

Kevin Peterson gave his address as 1250 West 2600 North and was representing his parents. Mr. Peterson distributed a document regarding a City Council Work Session that took place sometime last year. He requested that another Session meeting be held to revisit access into a particular flag lot. He had been working with staff regarding changes in the ordinance to allow for temporary access and public roads and the property had been marketed as such over the past year. Mr. Peterson noted that the buyers want property that is a bit more exclusive and he would like to make the temporary access point permanent. Mayor Daniels advised Mr. Peterson to meet with Community Development Director, Ken Young, on the matter.

Council Member Stanley commented that this weekend the City Council will be meeting for a budget retreat and will discuss several budgetary items. He requested that staff post an agenda for the retreat so that citizens know what is being discussed. Administrator Darrington reviewed the agenda and noted that a detailed version of the agenda will be made available to the public very soon. Council Member Stanley assured the public that roads will be a discussion item at the retreat.

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 January 5, 2016 meeting.
City Council Work Session Minutes for the January 12, 2016 meeting.**
- b) **To Consider Approval of Payment Vouchers for January 22, 2016.**

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

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

- A) TO CONSIDER APPROVAL OF THE APPOINTMENT OF LISA YOUNG AS THE STRAWBERRY DAYS COMMITTEE CHAIR.**

ACTION: Council Member Stanley moved to approve the appointment of Lisa Young as the Strawberry Days Committee Chair. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

- B) TO CONSIDER FOR APPROVAL THE APPOINTMENT OF RYAN SCHOOLEY, AS PLANNING COMMISSION ALTERNATE MEMBER.**

ACTION: Council Member Stanley moved to approve the appointment of Ryan Schooley as a Planning Commission Alternate Member. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

C) TO CONSIDER FOR APPROVAL THE APPOINTMENT OF DUSTIN PHILLIPS AND STEPHANIE GREEN AS REGULAR BOARD OF ADJUSTMENT MEMBERS AND FRANK MILLS AND JEREMY REUTZAL AS BOARD OF ADJUSTMENT ALTERNATE MEMBERS.

ACTION: Council Member Stanley moved to approve the appointments of Dustin Phillips and Stephanie Green as regular Board of Adjustment Members and Frank Mills and Jeremy Reutzal as Board of Adjustment Alternate Members. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

A) TO CONSIDER APPROVAL OF JAKE STORY AS THE MONKEY TOWN NEIGHBORHOOD CHAIR.

ACTION: Council Member LeMone moved to approve the appointment of Jake Story as the Monkey Town Neighborhood Chair. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

8) PRESENTATIONS

There were no presentations.

9) ACTION ITEMS WITH PUBLIC DISCUSSION

A) TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-4) AT THE REQUEST OF RAY PROCTOR FOR AN AMENDMENT TO THE TRANSPORTATION MASTER PLAN TO REMOVE A PORTION OF THE PLANNED EXTENSION OF 1650 WEST SOUTH OF 100 SOUTH IN THE GROVE ZONE, MIXED HOUSING SUBDISTRICT. *Presenter: Director Young.*

Note: Item 10B was discussed after Section 7.

Community Development Director Ken Young, presented the staff report and displayed an aerial map of the subject property. He explained that Ray Proctor is requesting an amendment to the Transportation Master Plan and removing a planned section of 1650 West where it is to cross property owned by Ray Proctor at approximately 90 South 1300 West. The section to be removed is directly south of 100 South crossing the Proctor property in the Grove Zone, Mixed Housing Subdistrict. An application for the Master Plan Amendment was received on January 12, 2016.

The applicant is requesting a modification to the Transportation Master Plan that would remove the planned section of 1650 West where it crosses his property. The request is result of a proposed plan by the Church of Jesus Christ of Latter-day Saints (LDS) to construct a church building in the proposed road location. During discussions with the applicant and the LDS Church, City Staff suggested that the church be relocated to the east or west to allow for the road to continue along its planned route. The applicant was not willing to allow this. The applicant has also discussed the change with property owners to the south and indicated that they are also in favor of the road being removed.

It was noted that connectivity in the City is extremely important to promote effective traffic flow and to allow for effective economic development. The Transportation Master Plan has been developed to provide for effective traffic flow in an effort to spur development. Removing the road to make way for development that will increase traffic flow on existing roads while not providing for new roads to alleviate that traffic flow is poor planning. The City recognizes and respects the rights of individual property owners, but the desire to remove a master planned road does not just affect the property in question. Any property owner, whether within or out of the City that may utilize the proposed portion of 1650 West will be affected if the road is never built. This also applies to any commercial development that would be served by the proposed road. It is not in the City's interest to remove the road. Staff did not feel that the negative impacts that will result warrant the type of minor development the applicant is seeking. Staff recommended that the applicant propose a viable alternative route for the road, or that the City deny the request.

Director Young explained that on January 28, 2016, the Planning Commission unanimously recommended denial of the application based on the need for road connectivity in the area and the request's conflict with the intent of the Transportation Master Plan. After extensive discussion, the Commission determined that the convenience to the applicant from granting the application would detrimentally affect many other property owners. Director Young then presented slides of the road to be removed, completed construction, realignments, and connections outlined in the Transportation Master Plan.

In response to a question from Council Member Jensen, Director Young identified The Void site location, which is separated from the rest of the property. Staff received a site plan for The Void, but have also received word that the site plan may still be altered; therefore, they are waiting for a re-submittal. Staff was initially working with Evermore for an alignment that would provide more acreage on one side of the roadway. The Void representatives do not want to have a roadway through their property; however, the surrounding properties and developments will greatly benefit from a roadway in that area.

Administrator Darrington explained that Ken Bretschneider, the owner of the 40 acres upon which The Void will develop, sent a letter stating that they would prefer that the road be removed as well, because they want more flexibility with their development. Staff felt that the road in question should remain in the Master Plan until an alternative plan is presented, and will still move traffic the way that is needed. Mayor Daniels asked staff if they had a copy of the letter from Mr. Bretschneider available for review. Administrator Darrington responded that they will make copies for the Council.

Craig Yuzon gave his address as 1300 West Proctor Lane and noted that he is Ray Proctor's son-in-law. His home is located on the southeast corner of the farm and he was present speaking on behalf of Mr. Proctor. Mr. Proctor is requesting to cut the portion of the road that is planned to cross through his farm. His family's farm has been homesteaded and worked on continuously from 1844 to today and it is the family's desire that this remain a working farm.

Mr. Proctor was unaware that the City designed a road through his farm by way of a Transportation Master Plan. This is the only large parcel of Proctor Heritage Farm remaining and making it smaller will put his farm in jeopardy of being a self-sustaining farm. The property has always

been involved with agricultural activities such as cultivating hay, wheat, potatoes, corn, as well as letting animals graze. Many comments have been made by surrounding neighbors that they like the farm and the open space.

Mr. Proctor has an obligation to contribute to what he feels is a good thing for Pleasant Grove, which he believes is a church meetinghouse where neighbors in the community can gather together and worship. Mr. Yuzon stated that the immense benefits to the neighborhood and community are obvious. Mr. Proctor has signed a contract with the LDS church, and at the Planning Commission meeting it was stated that this road has been on the record for years, and no one has come forward to dispute the road. It was also mentioned that the contract was made after the road was placed on the general plan. The goals and policies of the general plan are generally designed to provide guidance to elected and appointed officials of the use of land. They are important when reviewing proposed zone changes, comprehensive plan amendments, and conditional use permits.

Over 10 years ago, Mr. Proctor was a neighborhood chairman, and he was not personally notified about this road. Several years ago in a City Council meeting, he requested that this road be removed from the plan, which was sometime back in 2003. It was the same City Council meeting in which Jason and Courtney Proctor were finally granted their building permit after over two years of working with City Staff. Presently, there is a major arterial road – Proctor Lane – which runs in the same direction as the proposed road. Mr. Yuzon asked if the road from 1000 South is connected to 2000 West, how big of an impact will it have in alleviating traffic. Since many developers look at a road map before they go in and propose future development on a property. Mr. Yuzon asked if there would be a contractual interference simply by having a road on a property without the property owner's knowledge.

Mr. Yuzon explained that from statements made in last week's Planning Commission Meeting, the City made promises regarding the proposed road in order to entice Walmart to build. Mr. Yuzon stated that Ken Young indicated that there have been two times in the last three to five years where there have been amendments to the General Plan regarding streets. He pointed out that the proposed road dead ends at Walmart and State Street. The railroad stops traffic flow compared to the areas near 2000 West (northbound) and 1300 West (northbound). Mr. Yuzon argued that the rest of the City will not be impacted by the proposed road.

Mr. Yuzon explained that drivers coming from the north heading south will logically choose to go down the arterial road. If they are coming from the south heading north, they will go down Proctor Lane. He argued that no one coming from the south passing 1300 West will use the new road through the property. He suggested that the connection from 100 South to 2000 West would be a better use of land, thereby conserving other land for buildings and landscaping, all while still taking care of the traffic flow. Mr. Yuzon explained that the City should spend their money on roads that already exist instead of creating new ones that they will have to maintain. He asked if the City has considered whether to alleviate traffic flow with a bus transportation system, or another type of public rapid transit.

The church meetinghouse and parking lot that is proposed is a permitted use in the zone. Mr. Yuzon stated that Mr. Proctor is open-minded and noted that in the past there have been discussions about possibly constructing a roundabout. Administrator Darrington affirmed that in

the past there have been discussions about curving the road. However, the roundabout was not going to solve any of the issues because it will still require a four-way intersection. Mr. Yuzon stated that Mr. Proctor is willing to work out a solution. The roundabout most closely resembles what he wants because he did not want a road to be on the northwest corner of his farm. Perhaps they do not need to remove the road altogether, but rather go around the farm toward the west.

Mayor Daniels asked how many acres are to the left of the proposed road. Mr. Yuzon noted that the church contract is for 4.27 acres. The proposed church location was identified and discussed. Mayor Daniels recapped Mr. Yuzon's remarks and asked if the same amount of land would be used if a church is built, which will require some kind of a road. Mr. Yuzon explained that Mr. Proctor is thinking of using at most 33 feet of his property for a road, as opposed to 66 feet. Furthermore, the road for the church would only run the length of the church property.

Council Member Jensen asked when the contract was signed with the church. Mr. Yuzon responded that it was signed in July of 2015. Council Member LeMone asked when the Proctors found out about the road in the Transportation Master Plan. Mr. Yuzon responded that it was discovered in 2003. Administrator Darrington explained that this item came forward when the church went under contract and they approached the City about whether there were any issues with the proposed location. Council Member LeMone asked if Mr. Proctor received any personal notice about the road in 2003. Administrator Darrington explained that roads are master planned for the entire City, and as such are noticed through the regular noticing process. In 2009, when the Transportation Master Plan was updated, the City held an open house and this was just one of many roads that was on the plan. In 2003, the City likely did not send a notice to Mr. Proctor personally to indicate that they would be master planning a road through his property. Council Member LeMone commented that if a road is going to be planned through a private property owner's land, that they should be notified personally by the City.

Council Member Jensen asked if there is still the option of talking with Mr. Yuzon, Mr. Proctor, the church, and Mr. Stan Smith about an alternative location the road, and/or of putting in the roundabout. Mayor Daniels asked Engineer Lewis if putting in a roundabout is feasible due to certain angles that are needed. City Engineer, Degen Lewis, explained that all roads in a roundabout converge at the same point at the center of the roundabout. There was continued discussion on the subject, as well as further review of the aerial map of the property in question. The Mayor read portions of a letter from Mr. Bretschneider, which explained that he does not support the road as it has been master planned. Administrator Darrington explained that staff sees a master planned road as being broadly appealing for the City as a whole.

Council Member Andersen asked staff to explain the future of a traffic signal. Engineer Lewis explained that the Corridor Agreement established that Center Street, 450 South and the intersection at Central Bank are the locations for signals. Once there is sufficient traffic at those locations, they will go through the process of installing another signal at the new intersection. The agreement also states that the Grove Parkway could also be signalized, but it's conditional upon a signal being in place at 450 South.

Council Member Stanley believed in private property rights and serving the needs of the community; however, he also believes in master planning. He asked if there is any research that

quantifies how traffic would be affected if the road is wrapped around the church property. He also believed that a chapel can enhance the community and he desired to see a decision that moves in favor of the Proctors as well as other property owners. However, he also share staff's perspective to not eliminate the road without another plan in place.

Engineer Lewis explained that the City does not usually design the work of a proposal, whether for a site plan or a proposal to change the plan. The City spent well in excess of \$100,000 in 2009 reviewing the Transportation Master Plan. He was of the opinion that having the City spend resources to solve an issue for a property owner who wants to do something else is inappropriate. Engineer Lewis explained that some of the markings on the Transportation Master Plan are the product of discussions with Mr. Bretschneider about opportunities for adjusting the road to do something different. He noted that currently there are two fixed points; a constructed intersection at 100 South and 1650 West and a constructed intersection on North County Boulevard at 450 South. These points need to be connected in order to get the road network to work.

Mayor Daniels advised staff to be careful in the language used when speaking of the City's obligations to residents, especially landowners. Diplomacy needs to be adjusted when addressing landowners. Council Member LeMone asked staff if they have met with Mr. Bretschneider. Administrator Darrington replied that they have not met with him personally; however, they have met with Bryant Bishop, his real estate agent. After discussing ways projects are reviewed, Council Member LeMone commented that each project is different and that they should continue to pursue discussions with private property owners. Administrator Darrington added that staff is trying to be accommodating in a way that protects traffic flow, while still helping the developer.

ACTION: Council Member Stanley moved that this item be opened for public discussion. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

Mayor Daniels opened a public discussion.

Robert Proctor identified himself as one of Mr. Proctor's sons. He argued that the area in question is not a main flow of traffic. He stated that the City should notify property owners anytime something is master planned on private property, which was not done in this case. He explained that at one time Proctor Lane ran all the way to Sam White's Lane and from Smith's to Heritage Farm.

Pete Blake gave his address as 29 South 2000 West and noted that he never received any notice regarding the Transportation Master Plan. He explained that after the Transportation Master Plan was created, he discovered that a road cut across his property. Mr. Blake was of the opinion that staff is moving forward with plans that do not correspond with the Transportation Master Plan. For example, in the Pemberly and Rockwell communities, there isn't an access to 1650 West. He stated that there is relatively little traffic on 1650 West and continued to explain overall traffic flow in the area. He noted that Mr. Bretschneider has indicated that this road would totally destroy what he wants to do with his property.

Council Member Jensen asked if there are any letters from the church on their proposed meetinghouse locations.

Jason Budge stated that he serves as the LDS Stake President in the area and would like to speak on behalf of the citizens in the community and what the church means for them. He explained that there has been a lot of rapid growth over the past year and they have added over 1,000 members to the stake. It can be challenging to keep up with this growth. The growth is unique in that individuals coming in are youth from broken families and single parent households, which is due to the nature of high density housing. Wards that are the strongest are where meetinghouses are closest to the citizens and members can walk to church. Wards that struggle are those that require people to drive a distance to church. The stake has a lot of youth who are walking to church on Sundays and weekly activities because they don't have parents who are active in the church, or work and cannot take them. The Stake Center is next to the Rockwell and Pemberley communities, which are extremely strong. Mr. Budge stated that if there is anything the community needs, it is faith-based people. There are currently four wards meeting in the Stake Center, and a new meetinghouse would provide a great opportunity to give all of the youth and children more focus and create more strength. If they have to move a building somewhere across the busy roads, he would be concerned about what it will do to families. This will also be a great way to show appreciation to Mr. Proctor who is a great member of the community.

In response to a question from Council Member Jensen, Mr. Budge explained that while he has spoken with Kyle Smith, he has not yet visited with Stan Smith. However, in the discussions that he has had, he doesn't believe there will be a lot of leniency with the Smiths. They are overcrowded with their current facility and have been trying to get the project moving since last summer. Starting over at a new location made him very nervous.

Kira Harris gave her address as 60 Alpine Drive and explained that she had not heard anything from staff indicating that the road absolutely has to be in the location identified in the Transportation Master Plan. Ms. Harris had a problem with the City planning to put roads through private properties without notifying property owners directly. She suggested that the road be removed from the Transportation Master Plan and stated that property owners can work out access points as land develops.

Eddy Proctor identified himself as is one of Mr. Proctor's sons. He noted that there are already two main roads in the area and traffic is minimal. He expressed concern with the safety of residents and was of the opinion that speed will increase on the proposed new roads, thereby putting citizens at risk.

Jason Proctor identified himself as Mr. Proctor's youngest son and explained that when building their home, there were a lot of roads that were planned through doTERRA's property. When doTERRA purchased their property they were only required to put in roads they felt were conducive to their property to serve their own needs. Mr. Proctor stated that his father wouldn't have ever sold his property to anyone but the church and they are lucky he is even thinking about this opportunity. If the church doesn't get the property, they will keep farming it and never put a road across it.

Blaine Thatcher gave his address as 120 North 1400 East, and explained that some ideas were put on the master plan without a projection of what might happen in the future, and without any real knowledge of how the various landowners and future development could go. He argued that the potential is actually restricting the landowner and their ability to build on their property. Administrator Darrington explained that the road has been master planned; master plans are necessary because they account for the projected build-out of a community. Mr. Thatcher stated that the City cannot envision possible future developments occurring on other people's properties. He strongly believes in property rights, and argued that people should be able to do whatever they want with their own property.

Larae Proctor identified herself as Mr. Proctor's daughter and expressed concern with the safety of youth walking in the area to church and other activities. She lost one of her daughters on Proctor Lane and felt that putting in another road would increase the problem. Ms. Proctor is an EMT and has seen several tragedies on Pleasant Grove's roads.

Ray Proctor recounted an experience he had when the City tried to install a sewer line from his property into Sam White's Lane. He noted that the surveyor trespassed because Mr. Proctor wasn't notified that the City was planning to install the line. Furthermore, Mr. Proctor had 40 head of cows with calves, and City personnel left the gate open. After he kicked the surveyor off of his property and installed a chain link fence, he received a call from the City stating that the sewer line had to be installed on his property; otherwise, they would exercise eminent domain. He noted that a lot of people have surveyed his property without permission.

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

Council Member Stanley explained that there is a legitimate purpose for planning and creating contingency plans for anticipated property development. He believes the City can plan while rebuilding trust with the Proctors and helping the LDS church, as well as take safety into consideration. He stated that the City has removed road connectivity from master plans in recent years at the request of and suggestions made by the public. Council Member Stanley was comfortable detaching one of the two fixed points that have been defined and shifting one of those fixed points to the left. Mayor Daniels reviewed the terms of the ordinance being reviewed tonight.

Council Member Jensen mentioned that the church is under some time constraints. Administrator Darrington explained that staff will need time to figure out the alternative, but could bring the item back by February 16, 2016.

Council Member LeMone stated that it is the responsibility of staff and the elected officials to plan for the future of the City so that the City can continue to be a livable, amazing place for those who come later. She acknowledged that staff puts forth their best efforts. Each project is different, and as such is subject to individual review. Mr. Bretschneider stated the following in a letter:

"If you put the road through the center of my development, it will simply not work, it will kill my development."

It was noted that Mr. Bretschneider is co-developing The Void. Council Member LeMone was not in favor of the road going through Mr. Proctor's property.

Council Member Walker pointed out that everyone is trying to compromise, which is what should be happening. He was also in favor of moving the fixed point as well. He agreed with previously made comments from the Council and was supportive of developing a proposal that would meet everyone's needs and be pleasing to the Proctor Family. He stressed that he does not want to leave the issue unresolved, and spoke about the importance of seeing the issue through all the way.

Council Member Andersen commented that she loves master plans as well as the Proctor Family. She quoted from the Transportation Master Plan and stated that the property belongs to the Proctor Family. As a result, she did not want to infringe on their rights.

Council Member Jensen agreed with Council Members Andersen and LeMone. He added that that is their duty as a Council to look at all sides of an issue and how it will affect all of the parties involved. He explained that there is a reason for master planning, however, sometimes master plans change.

Council Member LeMone stated that they need to get Mr. Bretschneider to participate in the discussions. Administrator Darrington stated that staff will not have a problem figuring things out with Mr. Bretschneider on how to accommodate traffic, especially if they move the fixed point and keep the road in the Master Plan. Council Member Andersen asked if the southeast corner of Rockwell was a detention basin. Staff answered in the affirmative. Council Member Andersen asked if the basin could be used. Administrator Darrington answered that staff has considered this as an option in previous discussions; however, the basin causes some problems. There was discussion as to possible ways of moving forward with a motion.

ACTION: Council Member Stanley moved to continue Ordinance (2016-4) at the request of Ray Proctor for an amendment to the Transportation Master Plan to remove a portion of the planned extension of 1650 West south of 100 South in the Grove Zone, Mixed Housing Subdistrict, to a date certain of two weeks from today's date, with the specific instruction to staff that they modify the fixed point on the north end of the proposed master planned road to coincide with the boundary of Ray Proctor's property. The motion died for lack of a second.

ACTION: Council Member Andersen moved that the City Council approve the request of Ray Proctor for an amendment to the Transportation Master Plan removing a portion of the proposed road called 1650 West where it crosses property located at 90 South 1300 West in The Grove Zone, Mixed Housing Subdistrict; and adopt the exhibits, conditions, and findings contained in the staff report. Council Member Jensen seconded the motion. A voice vote was taken, with Council Members Andersen, Jensen, Stanley, Walker voting "Aye", and Council Member LeMone voting "Nay". The motion passed 4-to-1.

Mayor Daniels instructed staff to figure out a different way to deal with connectivity but stated that it is not to infringe on the decision just made on the Proctor property.

Council Member LeMone changed her vote on the previous motion to “Aye”. The above motion passed unanimously.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-5) FOR A PROPOSED TEXT AMENDMENT CREATING CITY CODE SECTION 10-15-47 AND AMENDING SECTIONS 10-6-2: DEFINITIONS, 10-9A-2: PERMITTED, CONDITIONAL AND ACCESSORY USES, 10-9B-2: PERMITTED, CONDITIONAL AND ACCESSORY USES, 10-9C-2: PERMITTED, CONDITIONAL AND ACCESSORY USES, AND 10-14-24-2-C: PERMITTED, CONDITIONAL AND ACCESSORY USES PERMITTING ACCESSORY APARTMENTS IN THE PLEASANT GROVE CITY CODE. (A request by Pleasant Grove City) *Presenter Director Young.*

Director Young explained that accessory apartments are defined in the proposed ordinance as a subordinate dwelling, which has its own eating, sleeping, and sanitation facilities that is (1) within or attached to a single-family residential building, or (2) within a detached accessory structure associated with a single-family dwelling. This allows for single-family homes to operate one rental unit on their property with the condition that the property owner live on the property. Director Young read the ordinance verbatim, which detailed the proposed requirements for regulating accessory apartments in Pleasant Grove.

Council Member LeMone asked if the building permit fees will be based on building requirements. Director Young answered in the affirmative. Furthermore, he explained that the intent is to have the registrant fill out a form and pay a fee. If they can successfully check “yes” to each item on the form, they will have completed the registration process and will be considered a legal accessory apartment. He noted that the \$25 fee pays for staff’s time as they are anticipating that a lot of on-sight inspections will need to take place.

Council Member Jensen asked Director Young to explain how things will be handled at the time of construction. Director Young explained that any accessory apartments that were built to meet the code at the time will be grandfathered in. They will not be required to make upgrades based on the new code requirements.

Council Member LeMone asked who will pay the utilities. Director Young explained that the City will receive the payments directly from the property owner. If they decide to charge the utilities to the renter, they will do so at their own discretion. Mayor Daniels commended Director Young for his work putting the ordinance together. Council Member LeMone asked if accessory apartments need to be physically identified on the home with lettering (“A” or “B”). Director Young explained how the physical addressing will work. Council Member Stanley asked if just the accessory apartment could be labeled, rather than labeling both dwellings. Director Young replied that they are trying to be consistent for emergency services. Council Member Stanley expressed concern with this level of regulation and relayed some of the public feedback that he had received. Staff and Council continued to deliberate on the matter.

Mayor Daniels opened the public hearing.

Ryan Schooley asked if a separate door is required. Director Young confirmed that it would. Mr. Schooley inquired as to why the requirement is justified. Police Chief, Mike Smith, responded that there are significant liability issues if there are two separate residences. If they are unable to determine which residence to enter, they may accidentally enter the wrong one. This is not only an invasion of privacy but prolongs the response time to the occupant that is in need. Chief Smith argued that the separate addresses will protect people's rights, more than anything else. Council Member LeMone added that this requirement will also protect public safety personnel.

Fire Chief, Dave Thomas, explained that separate entrances are needed. If there is a fire upstairs, the only way for the basement occupants to get out is by going into the fire. Mr. Schooley asked how this would be any different than a regular home without an accessory apartment. Chief Thomas explained that there isn't any difference; however, they are responsible for advocating for everyone, including the tenants. The Fire Department cannot turn a blind eye to a real danger that exists.

Jennifer Baptista gave her address as 32 North 1300 East and questioned whether putting in a secondary entrance will trigger the threshold for requiring curb, gutter, and sidewalk improvements. She commented that as a member of the Planning Commission, she is not looking forward to all of the conditional uses that will need to be reviewed because of this issue. Director Young replied that if there is a property owner who doesn't currently have the required roadway features, they can seek approval for not putting in improvements. Additionally, they can also waive their right to protest in the event the City decides that the improvements are necessary at a later date. He explained that \$30,000 is the spending threshold for property upgrades, which triggers required sidewalk improvements. Mayor Daniels noted that putting in an entrance will more than likely not trigger the requirement.

Council Member Stanley asked how the City law deals with the staging of the improvements. Director Young explained that the City will not consider apartments fully registered until all of the necessary elements are addressed. Council Member Andersen mentioned that a standard walkout basement costs around \$10,000, and therefore, would not trigger a need for sidewalk improvements.

Dennis Hullinger gave his address as 637 West 4000 North and asked why the interior entry is required if there are already two outside entrances into the apartment. Director Young explained that when separating two units completely, a duplex is created, which is different than an accessory apartment. There was continued discussion regarding interior accesses, as outlined in the ordinance.

Rod DeJel gave his address as 125 East 500 North and explained that there needs to be two ways to get out of the property, which may not necessarily need to be entrances. Current building codes require larger windows that can be used to get out of a house in the event of a fire. Therefore, he did not believe that having two separate entrances was necessary. Mr. DeJel also stated that requiring six off-street parking spaces for two dwelling units is excessive. It was noted that the R1-7 zone only requires four parking spaces. Mr. DeJel did not think that was equitable. He was of the opinion that four parking spaces for any accessory apartment property is reasonable. Last, he asked if they will be able to have a shared space between dwellings, such as laundry. Staff

stated that this would be acceptable. Mayor Daniels clarified that the purpose of two entrances is for emergency services.

Blaine Thatcher gave his address as 120 North 1400 East and explained that the last time this item was discussed, it was stated that an accessory apartment is not a property right, but rather a privilege granted by the City. Mr. Thatcher disagreed with this notion, and was of the opinion that all property owners have the right to have an accessory apartment if they so desire. He argued that this situation is a good example of unnecessary regulation and qualifies as over-regulation. Mr. Thatcher stated that there are a lot of examples of accessory apartments that the City is trying to fit into a certain box that may preclude existing or other desired accessory apartment opportunities. He believed there were already adequate ordinances in place to protect the citizens.

Reed Adams gave his address as 1278 Mohican Circle and agreed with Mr. DeJel that six off-street parking spaces was overkill. He did not think the zoning should warrant a difference and requested that the Council consider a more reasonable requirement, such as four off-street parking spaces.

Kira Harris gave her address as 60 Alpine Drive and was of the opinion that the last sentence in the section regarding parking would cover every scenario. She also asked if all residential zones will be included in the proposed ordinance.

Christopher Williams gave his address as 845 North 100 East and thanked the Council for making accessory apartments available to the citizens. He expressed concern with the parking requirements and echoed the remarks made by Ms. Harris. He encouraged the Council to move forward.

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

Council Member Stanley commented that with regard to parking, there are values to having enforcement. He shared some of the concerns expressed tonight and agreed that while there still may be some unnecessary regulation, great improvements have been made to the ordinance. He was inclined to vote against the proposed ordinance because of registration requirements, and possible fines. Overall he felt it was over-regulated.

Council Member Jensen reported that he recently visited 10 to 15 accessory apartments that exist in homes with older residents. Of those homes only one met the requirements outlined. His daughter lives in an accessory apartment and it scares him every time he visits. He stated that there are some dangerous situations there that put individuals at risk.

Council Member Stanley expressed that they have an entire body in America that provides jurisprudence and ensures reliability and protection. He has had a number of renters and property owners tell him they are more inclined to take care of a stranger because the stranger would sue them if something was out of line. He stressed that he likes having hard research and empirical data to review when making decisions.

Council Member LeMone asked staff to address the six parking spaces. Director Young explained that the code currently requires one dwelling unit to have four off-street parking spaces. This could be handled with a combination of a two-car garage, as well as a paved driveway. Elsewhere in the code, the City requires a minimum of two parking stalls per dwelling unit. Since they are adding a dwelling unit to a situation that already requires four spaces, it is logical to require a total of six. Furthermore, there is a provision in the R1-7 zone, which are smaller lots and homes that only require a one-car garage. Therefore, those homes have two required off-street parking spaces and with the additional dwelling unit, two more become necessary. Council Member LeMone inquired as to whether the two additional spaces can be gravel or something other than a paved surface. Director Young explained that various types of hard surfacing are allowed; however, gravel is not allowed in the front yard. There can be gravel to an accessory garage; but off-street parking must be hard surface.

Mayor Daniels asked the Council if they feel that Section N, which speaks to interior access, is necessary. He suggested striking this from the ordinance. Council Member Andersen was open to this, but wanted to protect the neighbors' perceived, non-monetary home value. She did not want accessory apartments to look like duplexes, but rather like single family homes. There was continued deliberation on the requirements listed in the ordinance.

ACTION: Council Member LeMone moved to adopt Ordinance (2016-5) for a proposed text amendment creating City Code Section 10-15-47 and amending Sections 10-6-2: Definitions, 10-9a-2: Permitted, Conditional And Accessory Uses, 10-9b-2: Permitted, Conditional and Accessory Uses, 10-9c-2: Permitted, Conditional and Accessory Uses, And 10-14-24-2-C: Permitted, Conditional and Accessory Uses permitting accessory apartments in the Pleasant Grove City Code, with the change that the address letter "A" be stricken from the main dwelling. Council Member Jensen seconded the motion. A voice vote was taken with Council Member Stanley voting "Nay", and Council Members Andersen, Jensen, LeMone and Walker voting "Aye". The motion passed 4-to-1.

Note: The City Council took a break from 9:08 p.m. to 9:21 p.m.

10) ACTION ITEMS READY FOR VOTE

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-05) AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT FOR NON-DISTRICT USE OF DISTRICT LANDS AND INTEREST IN LANDS ON THE SALT LAKE AQUEDUCT AND METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY FOR THE MULTI-USE TRAIL; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Giles.***

Parks and Recreation Director, Deon Giles, presented the aforementioned 25-year agreement. He stated that page 3 will identify the January 2016 site plan as the date. Additionally, page 5 lists the costs advanced with a range of \$2,150 to \$5,750. This amount is determined based on all anticipated costs of the preliminary plans. This will be a one-time, 25-year agreement.

ACTION: Council Member Andersen moved to adopt Resolution (2016-05) authorizing the Mayor to sign a Cooperative Agreement for Non-District Use of District Lands and Interest in Lands on the Salt Lake Aqueduct and Metropolitan Water District of Salt Lake and Sandy for the Multi-Use Trail, including on page 3 the date as January 2016, and on page 5 the amount of money as \$2,150 not to exceed \$5,750; and provide 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 passed unanimously.

B) TO CONSIDER APPROVAL OF A THREE-LOT SUBDIVISION CALLED EAST GROVE PLAT D CONSISTING OF APPROXIMATELY 0.90 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 775 NATHANIEL DRIVE IN THE R1-9 (SINGLE FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) *Presenter: Director Young.*

Note: Item 10B was discussed after Section 7.

Director Young presented the staff report and explained that the applicant is requesting approval of a three-lot subdivision on property located at approximately 775 South Nathaniel Drive in the R1-9 (Single-Family Residential) Zone. The subdivision is intended to correct conflicting boundary lines and create Lot 1 as a buildable lot. The Planning Commission reviewed and approved the preliminary plat on December 10, 2015. Lot 3 will access Luck Drive and Lots 1 and 2 will access Nathaniel Drive. The subdivision will also rectify conflicting lot lines that were created after the original subdivision was approved. These conflicting lot lines are shown on the attached zoning map.

Bill Harris reported that he owns the home adjacent to the lot and asked that the Council consider another request. Mr. Harris stated that he would like to keep the north part of a wooden shed that will fall within the new property boundaries and indicated that it will meet the setback requirements. Mayor Daniels replied that the Council does not have to do anything to approve this particular request as long as Mr. Harris follows the community development guidelines.

An aerial map of the subject property was reviewed. Council Member Andersen asked if access will be on south side. Mr. Harris replied that there will be access from the lot across from the sidewalk. Mayor Daniels asked if the boundary adjustment will make the lot buildable. Director Young answered in the affirmative. The new lot will be restrictive in its ability to meet the setbacks; however, it is buildable. Last, Mr. Harris complimented the Council for starting each meeting with the Pledge of Allegiance and a prayer.

ACTION: Council Member LeMone moved that the Council approve a three-lot subdivision called East Grove Plat D consisting of approximately 0.90 acres on property located at approximately 775 Nathaniel Drive in the R1-9 (Single Family Residential) Zone. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

11) ITEMS FOR DISCUSSION

A) **DISCUSSION ON THE 4000 NORTH SEWER. Presenter: Administrator Darrington.**

Administrator Darrington explained that staff has been directed to get a bid on the 4000 North sewer. He provided a history detailing the annexation of the subject property and mentioned that City Attorney, Tina Petersen, created a memo detailing this annexation. He then reviewed an Executive Summary of the memo and noted that there were two annexations in 1997 and 1998. In 1997, 2600 North through Murdock Canal was annexed. The second annexation involved the Manila Township. According to State law at the time, it was required that municipal services be provided to the annexed areas as soon as possible following the annexation. The first annexation in 1997 was protested by Cedar Hills and both cities appeared before the County Boundary Commission to argue the cases. At the hearing, Pleasant Grove City represented that they would be providing sewer services in the area. The County Boundary Commission voted in favor of Pleasant Grove.

When the Manila Township was annexed in 1998, Cedar Hills protested again. At the time, Cedar Hills and Pleasant Grove entered into an agreement that both cities would allow permits for service lines through their respective incorporated areas, so that each municipality could service its own residents. It was asked at the time if residents on septic tanks could connect to the sewer line. It was represented to them that they could connect if and when they so desired. On November 4, 1998, there was a Council item approving a sewer line bid for that neighborhood. The project was divided into phases because the City didn't have enough money to put it all in at the same time. The first project phase was for the sewer line that went in at 900 West and 2600 North. 4000 North was considered a later phase of the project. The intent of the City at the time was to collect a front foot fee from the residents who connected on at 900 West and 2600 North to help pay for the future extension of the sewer line in other parts of the City. To staff's knowledge, the City never collected money from any residents that connected on to 900 West of 2600 North.

Since that time, one other sewer line has been installed. In 2002, the City installed a sewer line on 1450 West from 2600 North to 3300 North. The City covered 100% of the cost of that sewer line, and there were no indications that the City tried to collect capital costs. In 2005, the sewer line at 180 West, which was not a part of the annexation area, was paid for by the residents through a Special Improvement District that the City helped establish. That sewer line cost \$135,000, which each resident paid \$7,500 for over the course of 10 years.

It was determined several months ago the City would get a bid with the understanding that the City and residents would both participate, each paying a certain percentage. The philosophy behind this was to have the residents pay what they would have paid in 1998 for the sewer line to go in. If they paid this amount, it would equate to 16.3% of the capital cost of the new sewer line. The City would pay 83.7% of the cost.

Administrator Darrington presented the cost estimate for the 4000 North sewer. They received a hard bid for construction as well as estimated engineering costs that have already been incurred. They also obtained the cost of putting in the Special Assessment Area, which is reflected in the

total price of \$349,378. The initial projections and engineering estimates were \$380,000 for the total cost. As a result, the actual amount was lower than originally anticipated. If the City were to pay 83.7%, the City's portion would be \$292,429. The property owners would pay \$56,949. In speaking with residents, the ideal number of connections would be based on the division of property. One connection would be \$4068. If they have one acre and can subdivide the property, they could potentially be charged for two connections. The City has included an interest rate of 3%, which the City Council can modify if they see fit.

The cost of the sewer can be spread out for up to 20 years. Staff prepared a 20-year amortization schedule, which would be essentially \$273 per year or \$22.75 per month for the 14 residents. Residents also have the option of paying up front if they do not want to worry about the assessment. When staff discussed including the Special Assessment Area as the mechanism for paying for the sewer line, they had second thoughts because it would cost about \$10,000 to set up. The alternative was to enter into individual agreements with property owners. The concept could remain the same and the City could set the terms of the agreement.

The Special Assessment Area would require at least 60% of the residents to be willing to participate, in which case everyone would be obligated to participate. If they enter into individual agreements, the City could front the cost and have a special hook-on fee, so that when residents decide to hook on they will be required to pay the entire cost up front. The residents have asked that the Special Assessment Area include the cost of the laterals so that they can pay this cost back to the City over time as well.

Council Member Stanley expressed concern with the departure from the Special Assessment Area, which provides protections for the City. Special Assessment Areas involve liens on property. Administrator Darrington stated that if individual contracts are pursued instead of the Special Assessment Area, the homes would still be licensed. Mayor Daniels reviewed the examples of other sewer lines that have been installed in the City, as outlined in the Executive Summary. He noted that there has not been a consistent methodology applied by the City for putting in sewer lines. Administrator Darrington stated that they need to speak with the residents before making a final decision. Steve Phellon made several comments from the audience and Mayor Daniels suggested that he meet with Administrator Darrington outside of the meeting.

ACTION: Council Member LeMone moved to continue the discussion on the 4000 North sewer. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

12) DISCUSSION ITEMS FOR THE FEBRUARY 9, 2016 CITY COUNCIL MEETING

Mayor Daniels reviewed the items on next week's Work Session agenda. First, Bob Bonar, General Manager of Snowbird Resort will present Snowbird's proposal for Upper Mary Ellen Gulch in American Fork Canyon. Second, Nate Sechrest will make a presentation on video streaming Council Meetings. Last, there will be a Volunteer Website presentation.

13) NEIGHBORHOOD AND STAFF BUSINESS

NAB Chair, Libby Flegal, announced that she is looking for a Neighborhood Chair for the Big Springs Neighborhood. Administrator Darrington reminded the Council that the Budget Retreat will be this Friday and Saturday, beginning at 9:00 a.m. both days. The retreat agenda will be available online tomorrow.

14) MAYOR AND COUNCIL BUSINESS

There was no additional Mayor and Council business.

15) SIGNING OF PLATS

There were no plats signed.

16) REVIEW CALENDAR

It was announced that a Public Safety Building Committee Meeting will be held on February 10, 2016. President's Day is February 15, 2016, and the City Offices will be closed that day.

17) EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(d)) AND EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 1 (c)).

ACTION: At 10:04 p.m. Council Member LeMone moved to adjourn to Executive Session to discuss the purchase, exchange or lease of real property (UCA 52-4-205 (1)(d)) and Executive Session to discuss pending or reasonably imminent litigation (UCA 52-4-205 1 (c)). Council Member Stanley 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
Marty Beaumont, Public Works Director
Kathy Kresser, City Recorder

Others: Chris Rozelle, Utah Local Governments Trust

Josh McKell, Utah Local Governments Trust

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

ACTION: At 11:09 p.m. Council Member Walker moved to come out of executive session and go back into regular session. Council Member Andersen seconded. The motion passed with the unanimous consent of the Council.

Mayor Daniels directed staff to go forward with obtaining an appraisal on the property mentioned in the executive session. He then asked for a motion to adjourn.

18) ADJOURN

ACTION: At 11:11 p.m. Council Member Walker moved to adjourn. Council Member Jensen seconded. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 11:11 p.m.

Minutes of February 2, 2016 City Council meeting was approved by the City Council on March 1, 2016.

Kathy T. Kresser, City Recorder, MMC

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