

**Pleasant Grove City Council Meeting Minutes**  
**Work Session**  
**March 11, 2014**  
**6:00 p.m.**

PRESENT:

Excused:

Mayor Mike Daniels

Council Members:

Dianna Andersen  
Cindy Boyd - Mayor Pro-Tem  
Cyd LeMone  
Jay Meacham  
Ben Stanley

Staff Present:

Scott Darrington, City Administrator  
Dean Lundell, Finance Director  
Degen Lewis, City Engineer  
Tina Petersen, City Attorney  
David Larson, Assistant to the City Administrator  
Mike Smith, Police Chief  
Marc Sanderson, Fire Chief  
Ken Young, Community Development Director  
Lynn Walker, Public Works Director  
Kathy Kresser, City Recorder  
Libby Flegal, NAB Chairperson

Other:

Planning Intern, Marcus Wager  
Andrea Thurlow – Library  
Greg Woodcox – Public Works Water/Sewer Superintendent  
Paul Washburn, Shamrock Auto

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

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1) **CALL TO ORDER.**

Council Member Boyd acted as Mayor Tempore in Mayor Daniels' Absence. She called the meeting to order, noting that Council Members Boyd, Andersen, LeMone, Meacham and Stanley were present.

2) **PLEDGE OF ALLEGIANCE.**

The Pledge of Allegiance was led by Fire Chief Marc Sanderson.

3) **OPENING REMARKS.**

The opening remarks were given by Community Development Director, Ken Young.

Administrator Darrington reported that a group of staff members had been working with the consultants to assist with the public safety building. The company the City is working with is called MOCA and they have created a proposal to assist the City in gaining public input for another bond election in November. Staff plans to assemble a Steering Committee to act as a sounding board for the consultants as they gather information.

The Steering Committee will consist of staff members, Council Members, and the Mayor. They will need to begin working together in the next couple of days. Council Member Boyd expressed a desire to participate on the Steering Committee. Administrator Darrington noted that the committee will meet once a week or every 10 days. He also explained that the members of the committee will need to have flexible daytime schedules since meetings will be held during regular business hours. Council Member Boyd pointed out that Council Members LeMone and Andersen are assigned to public safety so this would be a good assignment for either of them. Council Member Andersen stressed her expectation of 100% involvement and stated that all major decisions will come before the City Council as recommendations.

Council Member Boyd asked what other staff members will be involved in the committee. It was noted that Police Chief Mike Smith, Fire Chief Marc Sanderson, Assistant to the City Administrator David Larsen, Finance Director Dean Lundell, Administrator Scott Darrington, and City Attorney Tina Petersen will all be involved in the committee. Council Member Andersen explained that MOCA will collect information from each neighborhood. Once the information is analyzed the decision making process will begin. Council Member Meacham asked if they primarily assist with the administrative process. Administrator Darrington explained that they act as the facilitator; however, they also have expertise in architecture and other areas. They will work with the chiefs to create a rendering and floor plan and present it in a way that will be easily understandable to the public. A contract with MOCA to build the building can be created if the bond passes.

The proposal lists nine objectives, or the scope of work staff would like MOCA to perform. A schedule and time line were also included. Administrator Darrington pointed out that there are items that need to be completed this month and need to be prioritized. The last page of the proposal specifies the cost of \$50,000 for MOCA to provide the service. An agreement will be drafted for City Council approval to be reviewed at the next meeting. Administrator Darrington stated that MOCA also worked with Salt Lake City when they constructed their public safety facility. He explained that the schedule and public input were lacking on that project. Improvements were made to ensure that Pleasant Grove's project goes more smoothly.

Council Member LeMone encouraged other Council Members to email suggestions to Steering Committee Members, which will be shared at committee meetings. She explained that Council Members can attend and observe neighborhood meetings. Council Member Meacham asked how the Blue Ribbon Committee will fit in with the Steering Committee. Administrator Darrington explained that the Steering Committee will only consist of City staff and elected officials. A

citizens' committee will also be formed, which members of the Blue Ribbon Committee can participate on. The Blue Ribbon Committee generated a report to be reviewed with MOCA officials sometime in the near future. In summary, Council Members LeMone and Andersen would take part on the Steering Committee. At the end of each committee meeting Council Members LeMone and Andersen will write a review and distribute it to the Council.

4) **John Schiess to report on the pressurization water system.**

5) **Discussion on purchasing (water surcharge), restrictions and metering the secondary water system.**

*Agenda items four and five were discussed together as outlined below.*

Administrator Darrington introduced Mr. Schiess and stated that the City invites him every year to provide a status on the pressurized water system. He explained that the City has serious issues relative to water that need to be addressed.

Mr. Schiess provided an overview of the culinary and secondary water systems and explained that they are two separate systems. A map of the water lines was presented, which includes storage reservoirs, wells, and other sources. With respect to the culinary water system, due to the drought, there are three wells that are drying up and they are unable to provide the normal supply. The culinary system is still fine because there are enough sources to meet the City's current need. This is made possible by the secondary water system. As Mr. Schiess compiles the Culinary Water System Master Plan, the three wells and water supply issues will be addressed. In doing so, additional water sources will be identified.

A map of the secondary water system was presented. Mr. Schiess explained that the City has water sources that come from the American Fork River, Grove Creek, Battle Creek, two City wells, as well as water from the Provo River through City aqueducts. In the upper portion of the City, water sources are limited. All of the current water sources will supply most of the need; however, the only source for the upper area is Battle Creek Canyon. In the current drought situation, the City is having a difficult time keeping up with the demand.

Mr. Schiess presented a graph representing a history of water use. He explained that in a good water year, the City has approximately 8,300 acre feet of water available for use. In 2012, Pleasant Grove had 6,000 acre feet, most of which was used. In 2013, the City had even less water available and used about 5,600 acre feet. The irrigation season ended early in 2012, because the City nearly ran out of water. Last year the City gradually used less as the year progressed. It is difficult to definitively determine whether this was the result of the City's conservation efforts. Mr. Schiess was of the opinion that they made a difference. Administrator Darrington agreed that the enforcement program played a major role in water conservation in 2013. He pointed out that the reinforcements began May 14 through 21. The same schedule was in place in 2012; however, last year they hired individuals to monitor water usage. Thousands of warnings were issued and there were several repeat offenders.

This year, Mr. Schiess wanted to consider the hydrologic outlook, sources of anticipated supply, and the year's conservation plan. He explained that Utah continues to experience significant

drought. As of March 1, the Provo River Basin was at 86% in terms of spring water content. The basin as a whole is better than last year. Mr. Schiess noted that the Ogden Weber River is currently at 100% and the Duchesne Basin is at 87%. This information is tracked on a daily basis. In describing a graph included in the presentation, Mr. Schiess stated that this year's precipitation and snow water content is far below normal. At this point last year, the City had roughly 13 inches of water, and this year there have been about 10.

Another graph was displayed showing that Snowbird is also below normal at 85% to 90%. This is not nearly as bad as the American Fork River, which gets about two-thirds of its water from Snowbird, and about one-third from Mount Timpanogos. Mr. Schiess discussed the irrigation season on the American Fork River from 1928 to present day. He reported that last year was the fourth lowest amount of water from American Fork Canyon since 1928. There is a good chance that the water levels will be even lower this year. Mr. Schiess stated that there have been some good storms over the past month and there has been a lot of moisture up north. The water situation locally, however, is as bad as or worse than ever. The importance of the public understanding the critical nature of the situation was stressed.

Mr. Schiess discussed the sources of supply and current estimates. It was anticipated that the Central Utah Project (CUP) will bring in 640 acre feet, which largely depends on stream flows in the summer. The City is allotted a percentage of that stream flow each year. The Provo River Water Users Association (PRWUA) operates and maintains the Deer Creek Reservoir. It was noted that 675 acre feet were held over from last year. Mr. Schiess' estimated total from this source included the carryover. Last year, PRWUA gave the City an allotment of 43.5%, which was the lowest ever. This year, the allotment will be around 68% or perhaps higher, which indicates that the Provo River is in better shape this year than last year.

Mr. Schiess predicted that Battle Creek will have about 10% less water than last year. The same situation could also exist with Grove Creek and the American Fork River. Last year, Pleasant Grove used about 800 acre feet from local wells. Of that, 443 acre feet were supplemented from the culinary system to the secondary system. All of this goes to the northern portion of the City located near Battle Creek. There isn't enough water coming out of Battle Creek Canyon to supply that area and there is no other way to get secondary irrigation there without supplementing through the culinary system. This will inevitably occur again this year and should be addressed in the master plan by adding booster pumps during dry years.

Mr. Schiess recommended the City rent 1,000 acre feet from the Orem Metropolitan Water District this year, which is the amount they rented last year. Last year, the City also rented 1,350 acre feet from Central Utah Water. This year he was recommending the City only rent from Orem City and then use some of the holdover water to cover the shortfall. The risk was that if all the storage water is used this year there won't be any in reserve for next year. Council Member Meacham asked if the water is available. Public Works Director, Lynn Walker, confirmed that it is and noted that Orem currently has 1,000 acre feet on hold for the City, pending a decision from the Council. Director Walker noted that the rent increased this year from \$50 per acre foot to \$100 per acre foot.

There was further discussion regarding rental rates. Mr. Schiess explained that it costs to pump water out of the ground. In Pleasant Grove's case, it costs anywhere from \$35 per acre foot from an

efficient well to \$300 per acre foot from a less efficient one. Therefore, if the City pays \$100 per acre foot to rent water, they can actually save money depending on the well used.

Council Member Boyd asked about construction occurring at Silver Lake and asked if it will affect residents from receiving water. Mr. Schiess explained that construction has been postponed for at least another year due to funding issues. The plan was to rehabilitate the Silver Lake Reservoir. Once construction begins, the reservoir will not be available for use that year. Director Walker reported that he sits on the North Utah County Water Conservancy District Board and stated that there is only about three days' worth of water storage at Silver Lake.

Mr. Schiess discussed conservation options and suggested that the same procedure that was used last year be followed again this year. The procedures included enforcing water restrictions three days per week, renting 1,000 acre feet from Orem, and the continuance of public education. Mr. Schiess asked the Council if they would like to hire individuals again this year to monitor water usage. He also asked if the Council would want to consider adding a water surcharge this year.

Council Member Boyd inquired about what defines public education. She felt it would be important to relay to the community the reasons certain enforcements are in place. Administrator Darrington replied that the City has a committee currently working on a conservation program that will be promoted to residents in the near future. Council Member Andersen added that there are two separate slides that are part of the public education materials that compare the City's current water situation with that of a good year. The intent was to alert citizens to the seriousness of water conservation. Engineer Lewis added that this is a method that was considered last year. He agreed that it would be an effective strategy. He also explained that educating the public on how to limit irrigation to three times per week would also be valuable. Council Member LeMone echoed previous comments made regarding conservation, and felt it wasn't a coincidence that enforcement action from last year made a positive difference.

Council Member Boyd asked about the general response from the public. Director Walker explained that they had individuals monitoring water use 24 hours a day, seven days a week, writing at least 100 warnings per day. Council Member Andersen asked if any collections were made. Director Walker indicated that they were and noted that there were about 60 repeat offenders. The City also disconnects those households and charges a reconnection fee. Council Member Meacham pointed out that anyone can turn on the water valve. Director Walker explained that zip ties are used and criminal charges are incurred if illegal water connections are made. Council Member Meacham felt that most people, once educated on the seriousness of water conservation, are willing to comply.

In response to a question raised by Council Member Stanley, it was reported that the City did not collect more than was spent on the enforcement program. The goal for enforcement actions taken last year were primarily intended to inform citizens of water restrictions and to get citizens on board with water conservation. Council Member LeMone asked if the City would get its money back if they purchase the shares but don't use them. Mr. Schiess stated that the rented water is used first.

Council Member Stanley explained that several members of the community have approached him about the enforcements and public opinion varies. He asked about the process by which the actions are taken and if there is an appeals process. Director Walker explained that individuals who want to

make an appeal can contact Public Works. Staff will try to work with them. Staff, however has dealt with people who are dishonest in the reasoning behind their appeal. Council Member LeMone spoke about the importance of having a neighbor look over their property if they are out of town. Attorney Petersen added that first time offenders are only given a warning so they can better plan in the future.

Engineer Lewis pointed out that another issue is when people install landscaping. It cannot get established only being watered three days per week. In those cases, the rules are suspended to allow new lawns to be established. The Public Works Department, however, gets a lot of calls so granting the exception makes a bigger difference than it might seem. Council Member Stanley raised the question of whether the benefits of enforcement from last year will be retained this year. Director Walker replied that this year will be the seventh year that the City has been on the same schedule. He noted that citizens know what the restrictions are. Council Member Meacham asked if any surrounding cities enforce the restrictions. Administrator Darrington stated that Lehi has called to inquire about Pleasant Grove's program. Attorney Petersen recalled that there were several cities that adopted enforcement strategies last year. Council Member Boyd complimented City staff on leading the way and staying ahead of the game with respect to water supply and conservation.

Council Member Andersen asked how churches and schools responded to the enforcements last year. She noted that she sees their sprinklers on a great deal. Staff responded that they did not cooperate and staff was on the phone weekly with them last year. Council Member Andersen commented that money is a great motivational tool. Director Walker explained that the City is renting a considerable amount of water from the school at a very low cost. There was further discussion regarding the water cycles of schools and the cemetery.

Administrator Darrington asked the Council for input on a establishing a water surcharge. Last year expenses for purchasing additional water were absorbed into the budget, which takes away from capital money because it is not in the annual operating budget. Finance Director, Dean Lundell, suggested adding a surcharge of \$1.25 per month for 12 months. He explained that it would not be a rate increase, but rather a separate, temporary line item on bills. This would cover the entire cost of renting the water, but would not cover enforcement.

Council Member Andersen suggested that public education for water conservation take place at elementary schools, because children can influence their parents. Mr. Schiess replied that they want public education to have long term effects. He stated that he would be willing to provide the information to the Education Committee.

Council Member Stanley asked why the City seems to be struggling while the surrounding areas seem to be doing fine. Mr. Schiess explained that Pleasant Grove is in a more isolated pocket. Director Walker added that Lehi and American Fork struggled last year as well. Mr. Schiess explained that storms that come from the north are caused by a lake effect and have little effect on Mount Timpanogos. However, when storms come up from the south through the pineapple connection, the lake effect from Utah Lake causes a lot of precipitation on Mount Timpanogos. The hope was for westerly and southwesterly storms to pass through.

Mr. Schiess described the Secondary Water System Master Plan and stated that there are decisions that need to be made, specifically relative to level of service. Other items that need to be discussed

include secondary usage, different options for build out, full usage build out, conservation, and metering costs. Mr. Schiess explained that before the secondary system was put in place, all of the City's irrigation came from the culinary system. The City used 2 ½ to 3 gallons of water per minute per acre to irrigate lawns and gardens. The division of drinking water has a standard that if a drinking water system has outdoor irrigation for homes, the design has to allow for 3.39 gallons per minute per acre. Therefore, the City is doing better than the State standard.

The secondary irrigation system was designed for 4 gallons per minute per acre, knowing that it was not going to be metered and people would use a little more. The actual usage last year was 7.7 per minute per acre in Pleasant Grove, which was less than the usage in 2012. Nearly 50% conservation will be required in order to return to level of usage for which the system was originally designed. Council Member LeMone asked what happens to the system when the usage is doubled. Mr. Schiess explained that there will be times when there is no water pressure and sometimes there will be no water at all. The Battle Creek area is running out of water, which warrants the need to supplement water from the culinary system.

Mr. Schiess reviewed options for build out design, and noted that they could expand the system to provide 8 gallons per minute at full usage. One option would include developing a conservation plan to bring usage down and increase savings. If the City continues at full usage, they will need to find additional ways to accommodate it such as identifying new water sources, providing additional booster pumps, larger storage facilities, and increasing several of the City's water main sizes. Mr. Schiess predicted that about 80,000 feet of pipe will need to be upsized if the City goes to full usage. This is about one-quarter of the pipe that exists in the City. Between all of the changes needed in order to accommodate the current water usage, the estimated expenses could total around \$27 million. On the other hand, if conservation efforts can bring the usage down to what the existing system was designed to withstand, total improvements would cost around \$5 million.

Mr. Schiess explained that there are separate estimates for metering. He noted that Alpine has decided to educate the public on the importance of conservation. When an educational approach doesn't work, conservation efforts can be taken through metering, which costs about \$10 million to establish.

Administrator Darrington stated that staff would prefer a metering system to help with conservation efforts, which would cause households to voluntarily monitor usage. Council Member Boyd asked how this would be financed. Administrator Darrington explained that a bond could be used to pay for it all at once. Another option would be to increase the rate and pay as the funds become available. There was further discussion regarding base pay. It was noted that while some would be willing to pay a higher rate, most people will conserve because they won't want to pay more. Engineer Lewis added that if there are enough people who can afford to pay the higher rate each month, perhaps they will be able to afford to expand the system.

Council Member LeMone asked how metering would affect larger water users such as schools and churches. Engineer Lewis stated that the intention is to meter everything. Council Member LeMone explained her point of view that the City cannot continue to subsidize over \$100,000 every year for households that are abusing the system and this valuable natural resource. She felt citizens should be held accountable, especially during a drought. Council Member Boyd expressed concern

with increasing water rates and taxes at the same time and mentioned rate increases that have occurred over the past four years.

Administrator Darrington stated that choices need to be made in order to address the reality. Engineer Lewis added that the other alternative is for the City to run out of water. Mr. Schiess commented that even during a good water year, the system is not sized to handle the high volume of water usage it is currently experiencing. There was further discussion that the metering system itself would help decrease the water usage, thereby improving water pressure.

NAB Chairperson, Libby Flegal, expressed concern with rate increases and how they affect City residents. She remarked that rates seem to continually increase. Council Member Boyd replied that the intent is for the City to remain transparent with members of the community.

There was further discussion about why other cities haven't metered in the past. Expense was factored in as well as issues with technology. Staff explained that good meters are available that can successfully operate with secondary water systems that aren't as clean as culinary water systems. Administrator Darrington reiterated that a decision doesn't need to be made tonight; however, feedback is helpful for continued research. Council Member LeMone asked staff to gather information on actions taken in other cities with regard to metering.

Council Member Stanley's general feeling from the public was that they feel that City leaders have an insatiable appetite for new revenue generating sources. Many citizens feel they have been misled and were informed that the water system would be unmetered. The Council needs to be sensitive to the changes they implement and respectful of the funds they use. Council Member Stanley stated that anytime the City tries to increase the percentage of household disposable income spent on taxes and utilities, those decisions should be put in the hands of the public. He also suggested incentivizing citizens to hold their neighbors accountable for water usage.

Council Member Andersen stated that she grew up in Bountiful, and the public's general impression then was that water is unlimited. She felt that Pleasant Grove citizens have the same perception. She was not opposed to metering because it can help people remain cognizant of how much water they use and act responsibly. Council Member Andersen expressed frustration that the cost of living in Pleasant Grove hasn't changed for a long time which has created an expectation that makes it challenging to proceed to make necessary City improvements.

Council Member LeMone asked if it would be appropriate to place an infrastructure cost like this one on the ballot. Administrator Darrington explained that such costs generally are not included since if infrastructure improvements are needed and the public votes against them, there can potentially be dramatic effects on the level of service provided, such as running out of water.

Council Member Andersen inquired as to how direct the Council can be in their approach. For example, explaining to people that if they don't cut their water usage in half they will have to pay more. Administrator Darrington agreed that public education doesn't have that much of an effect until it requires people to pay more. There was further discussion on allotment amounts. Engineer Lewis provided an example of an individual who had a broken water line but was not aware of it. Mr. Schiess explained that the newest meters have a radio that transmits warnings, such as leaks or broken water lines. This provides immediate notification of the problem.

Administrator Darrington stated that in two weeks staff will come before the Council again and present additional research and recommendations on how to proceed. There was continued discussion on issues addressed previously. Engineer Lewis stated that the most helpful feedback would be the level of service the Council would like to provide since this will dictate all other research and decision making. With regard to expansion, Council Member Meacham pointed out that if the system is redesigned for 8 gallons per minute per acre, people will use 12 gallons per minute per acre. Engineer Lewis replied that this usage is expected, otherwise there won't be any revenue to pay off the bond used to expand the system in the first place. Administrator Darrington added that base rates cover the bond payment. Council Member Meacham stated that the City needs to determine what reasonable water usage is. There was further discussion among the Council.

Mr. Schiess explained that once the base meter reading system is established, a schedule can be created for abusers who are issued citations. The citations can then pay for the meters. Council Member Meacham informed the Council that meters, including the box, fittings, and installation costs about \$580. Mr. Schiess added that an inspection needs to be conducted, which can either be performed by the City or the company selling the meters.

Council Member Boyd expressed concern with the cost of the meters and having it fall on the citizens. Council Member Stanley thought the current usage rate could still be reduced by revising the restrictions, such as limiting usage to certain times of the day. Attorney Petersen added that early in the season, citizens are encouraged to water during the day because of the load on the system. Engineer Lewis stated that this is what should be occurring all year long. In conclusion, Administrator Darrington acknowledged the efforts made to this point by Mr. Schiess, Engineer Lewis, and Mr. Greg Woodcox.

**6) Discussion regarding flag lots.**

Community Development Director, Ken Young, reviewed flag lots and how they are defined and regulated. He explained that flag lots have a stem that reaches down onto a public street and are typically situated behind another development property. The purpose of flag lots, as stated in the ordinance, is to facilitate the best use of former agricultural or undeveloped parcels. Flag lots are also created when development of the interior of narrow or deep parcels is not accessible using normal street standards. They are not meant to maximize the number of lots in a proposed development and are allowed only when it has been deemed impossible or impractical to develop property using normal street standards.

Director Young explained that the City Council approves a flag lot by a final plat, and a vicinity plan is required. Non-conforming remnant parcels are not allowed if a small piece that is created is landlocked. Development standards are included with regard to stem width, length, and surfacing. The maximum number of lots that can be accessed by a flag lot is five, but two of the lots must otherwise face a street. The stem is dedicated to the City as a public utility and access easement, and may not extend from a cul-de-sac or temporary dead-end street. Four off-street parking spaces are required, and must be within 225 feet of a fire hydrant. Individual utility connections are required for each lot and the owner of each lot is responsible for the maintenance of the stem. Garbage collection is required at the street, CC&Rs are recorded, and the setbacks are the same as in the zone.

Director Young reviewed some recently approved flag lot subdivisions. The Hardman subdivision on 1100 North involves a square piece of property that created two lots that run onto the street and a T-turnaround access. On the corner of 100 South and 600 East, Walker Landing has an existing home on the corner lot and three additional lots were created, one of which is a flag lot. The property is in the R1-7 zone where the lots are smaller. Director Young described the Brandon subdivision, which is an historic deep lot. A variance was granted through the Board of Adjustment due to the narrowness of the lot. This provided access to the back of the property, thereby creating another lot. Lastly, the Bastian subdivision is located at about 600 East and Center Street with several existing homes. There is a deep area behind the existing lots where three additional lots were created.

Currently some lots are scheduled to go forward to the Board of Adjustment. There is a request to create an access for two potential flag lots off of a cul-de-sac on Walker Ridge. Another proposal is under review for Amanda Acres, which is located at 1245 North and 380 East. A larger piece of land is proposed to gain access through a T intersection, which will create two flag lots. This will also adjust the boundaries to a neighboring lot.

Director Young stated that flag lots are a last resort. Attorney Petersen added that flag lots were originally developed to allow infill development in areas that have larger lots. It is a solution to encourage efficient land use. Stems are drafted very narrowly so that they can only be used under certain circumstances. Developers are now using flag lots specifically to maximize the number of lots that can be created. This is not permitted under our current ordinance. Attorney Petersen asked the Council if they would like to broaden flag lot requirements in order to use them in other extenuating circumstances, or if they are satisfied with the current, stricter interpretation.

If the requirements are not changed, developers have the option of pursuing a variance with the Board of Adjustment. Director Young clarified that certain hardships must exist that prevent the developer from pursuing other options. These include the slope of the land and challenges associated with providing access. Engineer Lewis explained that as property is developed, the road and utilities are extended to undeveloped parcels so that neighboring residences have the same opportunity. There was further discussion regarding double frontage lots. Director Young stated that the City may not have been following the pure intent of the ordinance in some recent developments, particularly Walker Landing. He explained that in order to maximize the development potential, they approved four lots when perhaps they should have approved only one.

Council Member LeMone was excused from the remainder of the meeting at 7:55 p.m.

Director Young stated that Amanda Acres meets the intent and purpose of a flag lot. An aerial map of the property was reviewed. Another issue that arose in the Design Review Committee pertained to property on the corner of 100 East, across from the junior high school. There is no way to create a road or wide enough flag lot access through this particular property. The vicinity plan, however, shows a neighboring property with a cul-de-sac. In order to utilize this option, cooperation from both properties is required. There is a developer who wants to purchase the property, but the owner does not want to sell, which creates issues moving forward.

The developer's proposal was to create a flag lot, which would include obtaining a small piece of his neighbor's property in order to create the stem. Staff wasn't sure if that would have been the best

option, especially because the vicinity plan calls for a cul-de-sac in the area. Staff asked the Council if they would be amenable to amending the flag lot requirements to allow for a hybrid situation such as a flag lot that would create a portion of the cul-de-sac. When the neighboring property is ready to develop, the cul-de-sac will be built out and become a full City street.

Attorney Petersen asked who would pay for the work. Director Young suggested it be financed through a reimbursement agreement. Engineer Lewis explained that only as much of the street as can be controlled will be built. The City, however, would require the developer to create enough so that it is a half street width, which would actually exceed the requirement for the minimum width of a flag lot stem. It would initially be called a flag lot stem, but would be approved with the condition that it eventually become a cul-de-sac. It was noted that the subject property is located south of the Williams property.

Director Young explained that the Council can either reject the developer's proposal or amend the flag lot ordinance and allow the applicants to proceed. He reiterated that the street will be considered both a half street and a flag lot stem. Engineer Lewis expressed concern with the possibility of this situation existing for many years. Council Member Andersen asked about the width of the proposed road. Engineer Lewis replied that it would be a total of 25 feet with 20 feet paved.

The developer, Mr. Jonas Otsuji, was present and inquired about language contained in the ordinance. He asked if there was any discretion as to how it is interpreted. His perspective was that if his neighbor is unwilling to cooperate in building the cul-de-sac, it makes it both impossible and impractical for Mr. Otsuji to develop his property. Council Member Stanley stated that the ordinance language contains definitions provided by the City Attorney. There was continued discussion on the requirements for developing half streets. Council Member Meacham asked if there were any issues with fire accessibility on stems. Chief Sanderson replied that their trucks are able to back out and it doesn't matter if it is a stem or half street. Council Member Andersen asked about a snow plow blade. Engineer Lewis explained that it would be private property and, therefore, not dedicated to the City.

Attorney Petersen referred to previous comments made by Engineer Lewis expressing concern with the possibility that this situation may exist unchanged for 20 years. Director Young reminded staff and the Council that the initial proposal was denied by the Design Review Committee, so the suggestion at that point was to approach the Council about amending the ordinance so that the lot could be considered a flag lot as opposed to a cul-de-sac. The stem would be the maintenance responsibility of the owner. Therefore, if the developer initially agreed to take on that responsibility, it would be the same as any other flag lot.

Attorney Petersen was concerned that if the City made an exception for this property, there would be more cases in the future that the City would be obligated to approve. A brief history of the Williams property was reviewed. Engineer Lewis was of the opinion that it should not have been approved as a flag lot development because it ignored the other adjacent parcels. He stated that property owners need to work together in order for development to occur, however, the ordinance does not include language that would make exceptions for property owners whose neighbors won't work with them. Director Young stated that the amendment would benefit both the developer and neighboring property owner.

Council Member Stanley asked if an amendment was necessary, or if some sort of exemption could be granted. Engineer Lewis replied that language from the ordinance would need to be deleted, specifically that which states that flag lots will be built only when it is impossible or impractical to develop interiors using normal subdivision standards and public streets at the time of the application or in the foreseeable future.

Attorney Petersen explained that the most significant question is whether the Council wants the flag lot ordinance to remain strict or broadened. The reason it is currently a narrow ordinance is that flag lots are not the most desirable. That is why it was tailored so narrowly Council was trying to provide a way to develop otherwise undevelopable land in the City. The Council Members shared their opinions on the matter. Council Member Andersen felt that the ordinance language should remain the same; however, each case should be reviewed on an individual basis. Overall she was supportive of the proposal to approve the lot as a flag lot, with the expectation that it will eventually become a cul-de-sac.

Council Member Boyd was hesitant and explained that further information and analysis from Attorney Petersen would be necessary before changes are made. Council Member Meacham was in favor of leaving the ordinance more restrictive. Council Member Stanley did not want to dramatically change the ordinance but was willing to entertain other ideas. Director Young concluded that the plan will provide for the future desired development pattern in the City. Administrator Darrington stated that staff would look into the option further and report back.

**7) Discussion regarding proposed definitions for new and used car sales businesses.**

Director Young confirmed that the definitions will be applied City wide and explained that there are narrow strips of property on the west side of North County Boulevard. One parcel is being reviewed for potential development for the existing Shamrock Auto. Shamrock Auto Group runs a healthy business in the City selling used cars. Currently the City Ordinance does not define new versus used auto sales. Most cities are similar and do not specify the definitions within their ordinances. West Jordan is an exception, and defines new vehicles as having never been titled or registered with less than 7,500 miles.

The narrow strips of property as aforementioned cannot be used for very many purposes. It was assumed that future development will involve both properties. Shamrock Auto Group assessed the other property and determined that it has a sufficient depth for them to have an auto sales lot with a small office building. The Grove Commercial Sales District currently only allows for new auto sales businesses. Historically, when doTerra came in they specifically asked not to be next to a used car dealership. As a result, it was removed from the zone as a permitted use. This occurred about two years ago. Even though the proposed dealership is far from doTerra, they are still located in the commercial sales subdistrict. If the City wants to pursue accommodating them, they either need to change the definitions for new and used car sales businesses or the property needs to be rezoned to allow for used car sales.

Staff reiterated that Shamrock Auto Group focuses on selling cars that are practically new, so they are not in the same category as other used car dealers. Director Young explained that the feedback staff is looking for from the Council has to do with what concerns exist between new and used auto sales in this particular zone. He explained that by abiding by the landscaping and architectural

requirements of the zone, Shamrock Auto could otherwise act and appear to be a new car dealership.

Council Member Meacham asked if the City would be setting their own standards or conforming to an existing standard. Council Member Andersen asked if the subject property has been purchased. Staff replied that it is currently under contract. Council Member Meacham pointed out that most people go to a bank when purchasing a car. He asked if banks have a standard definition for new and used cars. Engineer Lewis pointed out that banks assess collateral assets by their value in order to lend to a customer. Therefore, it doesn't matter whether it is a used or new car.

An aerial map of the subject property was reviewed and discussed. Council Member Stanley considered this to be a good business to locate in the City. He preferred to change the language of the zone rather than the definitions of new and used car sales. Administrator Darrington agreed. Director Young stated that a new zone or overlay might be needed. There was continued discussion regarding existing zoning types. Administrator Darrington offered to have staff look at which zoning option would be the best for this business and location. Director Young added that the intent of keeping the business in the Grove zone was to maintain the higher architectural and landscaping standards. Also, by keeping the same definition, the door won't be open to all used car sales businesses. Attorney Petersen pointed out that the definition needs to be simplified in such a way that the receptionist who is asked this question at the counter can provide a clear answer. The proposed definition is very complicated and limited to accommodating a single individual. It would be very difficult for the average person to understand and explain. The Council and staff agreed to look at all options.

**8) Discussion on budget.**

Finance Director, Dean Lundell, distributed a handout to the Council Members, and provided a brief explanation of what is included in the packet. The rest of the discussion was postponed for two weeks. Administrator Darrington stated that the budget discussion will also include rates through the General Capital Fund, staffing needs, salary adjustments, and the pipe plant.

**9) Discussion on agenda items for March 19, 2014 City Council meeting.**

Business items for the March 19, 2014, City Council Meeting were reviewed. There will be a continuation of a public hearing regarding the adoption of an Ordinance (2014-08) for the rezoning of approximately 0.45 acres from R1-20 to R1-15 for property located at 1240 East 560 East.

A public hearing will be held to consider adoption of a Resolution (2014-08) amending the General Plan Land Use Map changing the land use classification on 7.11 acres from Neighborhood Commercial (CN) to Low Density Residential. Director Young explained that they are trying to create a subdivision plat, but in order to do so they need to change the zone. In order to change the zone, they need to change the General Plan. An aerial view of the subject property was presented, and zoning types were discussed. Director Young remarked that the property owners do not have an interest in developing in the Neighborhood Commercial zone, because they would rather keep it residential.

Director Young reviewed the next agenda item, a public hearing to rezone approximately 12.42 acres of property located at 600 West Center Street from Manufacturing Distribution to Downtown

Village. Currently no manufacturing is occurring on any of the properties. A Senior Housing Overlay on 6.7 acres in the central portion of the area is being proposed. Staff considered rezoning the property for several years because it does not currently comply with the General Plan; however, there have never been any solid development proposals. The applicant proposed rezoning the central portion of the property. Staff proposed rezoning the entire area with the exception of the pipe plant.

The next item on the agenda was the Wade Springs plat. It was reported that there are currently three existing lots; however, there are smaller pieces that have been sold between property owners. An aerial map of the property was presented. It was noted that the proposal involves making minor adjustments to the boundary lines in order to create a new plat.

Reagan Outdoor Advertising submitted a request to combine three smaller signs into one large sign. Attorney Petersen explained that what they are requesting is not provided in the State statute. They are entitled to move their signs; however, they are asking to combine sizes, which is not allowed. They are also alleging that their sign needs to be taller than permitted because of sight issues. Staff was of the opinion that the request to build a taller sign was incomplete as there is insufficient evidence that the proposed exception is necessary. At one point Reagan Outdoor Advertising communicated that they planned to seek legal counsel on the matter, however, Attorney Petersen had not heard back from them.

Engineer Lewis reviewed the final agenda item for next week's City Council Meeting. He explained that City Ordinance states that if there is a park strip along on the shoulder of a road and a sidewalk, rock and bark mulch are prohibited. The City has had a few requests recently about installing Xeriscape with only the use of rocks. The ordinance, however, clearly states that rocks are not allowed. Therefore, staff hoped to have a discussion with the Council to determine see if they would like to make any exceptions. There was brief discussion regarding landscaping maintenance.

The Council Members made brief concluding comments. Assistant to the City Administrator, David Larsen, announced an upcoming Chamber of Commerce Meeting.

## 10) Adjourn

**ACTION:** Council Member Stanley moved to adjourn. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council. Council Member LeMone was not present for the vote.

The City Council Meeting adjourned at 8:52 p.m.

This certifies that the City Council  
Minutes of March 11, 2014 are a true,  
-full and correct copy as approved by  
the City Council on April 15, 2014

Kathy T. Kresser, City Recorder

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