

Pleasant Grove City Council Meeting Minutes
May 21, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd
Lee G. Jensen
Cyd LeMone
Jay Meacham
Kim Robinson – Left the meeting at 7:21 p.m.

Excused:

Scott Darrington, City Administrator

Staff Present:

Dean Lundell, Finance Director
Degen Lewis, City Engineer
Tina Petersen, City Attorney
David Larson, Assistant to the City Admin
Deon Giles, Parks and Recreation Director
Kathy Kresser, City Recorder
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Ken Young, Community Development Director
Lynn Walker, Public Works Director
April Harrison, Arts and Culture Director

Other:

Saffron Capson, Project Manager for Bicycle and Pedestrian Master Plan
Chris Price, Project Engineer for Bicycle and Pedestrian Master Plan
Brian Westover, Fugal Family Representative
Paige Westover, Fugal Family Representative
Libby Flegal, NAB Chairperson
John Schiess, Horrocks Engineers

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah at 6:00 p.m.

1) **CALL TO ORDER**

Mayor Call called the meeting to order and noted that Council Members Boyd, Jensen, LeMone, Meacham, and Robinson were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by a Boy Scout in attendance.

3) **OPENING REMARKS**

Opening Remarks were given by City Attorney, Tina Petersen.

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

Mayor Call stated that item "D" will be continued at another meeting.

ACTION: Council Member LeMone moved to approve the agenda. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council.

5) **CONSENT ITEMS**

- a) **City Council and Work Session Minutes:**
 - City Council Minutes for November 13, 2012**
 - City Council Work Session Minutes for December 11, 2012**
 - City Council Minutes for February 12, 2013**
 - City Council and RDA Minutes for April 16, 2013**
- b) **To consider for approval paid vouchers for (May 9, 2013)**

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

6) **OPEN SESSION**

There were no public comments. Mayor Call closed the open session.

7) **BUSINESS**

- A) **TERRY MARCHBANKS TO PRESENT FOUR PLEASANT GROVE CONTESTANTS WHO WILL BE PARTICIPATING IN THE MISS UTAH PAGEANT. ALY JOHNSON MISS PLEASANT GROVE, CHELSI RICHARDS MISS UVU, KYLEE ANDERSON MISS UTAH COUNTY, AND CHELSI LUKENS MISS ROCKY MOUNTAIN.**

Terry Marchbanks introduced the young women competing in the Miss Utah Pageant. All are from Pleasant Grove and have competed for the last couple of years. She commented that it is very unusual to have so many representatives from one City.

Council Member Robinson was interested in each of the contestants' platforms. She reported that Aly Johnson assisted with the Youth Fit Program. Miss Johnson reported that her platform was titled "Positively Beautiful" with her goal being to help develop positive self esteem in youth and shed light on media images. She had given presentations across the County about improving body image. Kylee Anderson's platform was "Ability to Dream". She stated that she travels to different schools and helps special needs children pursue their dreams. Chelsi Lukens' platform was "Love is Respect". She educates teenagers and young adults about the dangers of relationship and dating abuse and works intimately with individuals.

B) SHANE MARSHALL, UDOT, TO DO A PRESENTATION ON THE RECONSTRUCTION OF STATE STREET FROM 100 EAST PLEASANT GROVE TO 2000 NORTH OREM.

Director Young reported that Shane Marshall from UDOT could not be in attendance and will report at the next meeting.

C) STATUS UPDATE OF THE BICYCLE AND PEDESTRIAN TRAILS MASTER PLAN, WITH A DECISION REGARDING THE LOCATION OF THE BIKE PARK. PRESENTER: SAFFRON CAPSON.

Saffron Capson, Project Manager for the Bicycle and Pedestrian Master Plan, stated that two other consultants are working with her on the project. The purpose is to make Pleasant Grove a more bikeable and walkable community. The project began at the end of 2012. The first step was to perform an existing condition inventory to look at what planning documents exist, what gaps in facilities exist, such as sidewalks and pedestrian crossings, and what bike facilities exist. Manager Capson reported that staff took her on a tour of the City and identified areas that are important and areas to which they want to connect.

Manager Capson stated that the second step is to create a purpose for the project with goals and objectives. She noted that several Communities in Northern Utah County have created similar Master Plans. She then said that they had a booth at the Health Fair in January and a public open house in March in an effort to get input from the public. She reported that there was excellent turn out and input from the community.

Manager Capson stated that they conducted an interactive poll at the open house as well as an online survey. There were over 200 participants and they found that Pleasant Grove has a very active biking community with over 50% of the population biking daily or weekly. 59% mountain bike and 49% bike for recreational purposes. The poll also showed that there is interest in bike boulevards although most prefer bike lanes and shared use paths. There was also support for off-street multi-use trails. She reported that pedestrians also requested more and better quality sidewalks.

Manager Capson stated that a group of Council and staff members went to Boulder, Colorado, recently to tour the bike and trail facilities. Council Member Robinson presented maps for the Council to review. The trip was funded as part of the MAG project and was not paid for with taxpayer dollars. She reported that the trip provided an opportunity to work and learn.

Manager Capson stated that the next steps involve creating a plan for bike and pedestrian facilities. The group plans to meet with the Steering Committee in the next month to review a draft and receive feedback. She reported that they are working on a conceptual design for a bike park. There will be a public open house in August where recommendations will be presented to the public. Manager Capson stated that they will ask the public for feedback on prioritization to determine what the public would like to see completed first.

Council Member Robinson stated that the staff in Boulder was exceptionally helpful and the tour was wonderful but overwhelming. Without partnering with Lockner she did not know how they

would execute the new ideas. She stated that there will be a spike in bike riding as a result of the Murdock Canal opening in August.

Project Engineer, Chris Price, stated that he has helped establish a recommendation for the bike park location. The two locations suggested were Grove Creek and Wade Springs. Both locations have merit and would be great sites. Input was sought from the City Council in selecting a location.

Engineer Price stated that Wade Springs was recommended because it is already owned by the City, and will require no expensive property acquisition. He stated that Wade Springs is very close to the Murdock Canal, which will help attract more people. It is important to have a good mix of paved trails, multi-use, cycle tracks, and pump tracks. Being close to the Murdock Canal and the trailhead on 1100 North will be beneficial and could provide access to the Wade Springs site. The Wade Springs location also has more sloped terrain than the Grove Creek location and enough flat terrain to create a wide variety of tracks. For those reasons, Engineer Price recommended Wade Springs, but was open to suggestions from the Council.

Engineer Price stated that to make the park accommodating for everyone the City will want to add a water source and restroom to the bike park. He explained that the Wade Springs location has existing infrastructure that will allow for that. The Wade Springs site is 23 acres and the Grove Creek site is closer to 40 acres.

Mayor Call informed the public that the Council is voting on an area so that the project managers can move forward with a conceptual plan. They are not voting to begin building anything. Engineer Price added that this will be a conceptual layout of what the site could be. The City can then use the plan to advocate for development of the bike park in the future. Even if the Council votes one way, there is no reason they cannot change their minds later if there is a compelling reason to do so.

City Engineer, Degen Lewis, stated that at the top of Wade Springs is the Bonneville Shoreline Trail, which makes Wade springs bounded on two sides by two different styles of trails. Grove Creek provides more mountain biking opportunities, but providing services will be much more difficult than at Wade Springs. From an engineering point of view either property could work with one option being much more expensive.

Parks and Recreation Director, Deon Giles, agreed with Engineer Lewis and added that the City needs to decide what type of facility they want to provide. If the City wants to create a family experience there would be more options at the Grove Creek site because it will provide more beginner level trails. Wade Springs could be developed to be more family friendly as well. Director Giles stated that a complication of Wade Springs is that the upper portion of the property is a water source and will not likely be an area that can be opened up. This was expected to affect roughly two acres of the total of 23.

Council Member Jensen stated that one advantage they should look for is access from the City and if one facility lends itself bike access. Director Giles stated that Grove Creek would likely be more central in relation to the canal, but it is not located directly on the trail. Mayor Call stated that Wade Springs has more access to the Murdock Canal.

Director Giles stated that the Forest Service and Division of Wildlife, among other groups, may be interested in partnering in this project. Engineer Lewis stated that there are biking organizations

that may support projects that expand usage. Engineer Price said that these types of organizations can be an excellent resource and many will be interested in contributing either financially or with volunteers and hosting activities.

In the event Grove Creek has to be purchased by the City, Council Member Meacham asked what would it cost or if it could be donated to the City. Engineer Lewis stated that in a conversation with the property owner, he expressed no interest in donating the property and said they were not looking to sell. He did, however, agree to potentially consider it. Engineer Lewis stated that it will be difficult to get a price estimate on this type of property.

Grove Creek appealed to Council Member Robinson because she liked the idea of the acquisition plan along the foothill. She remarked that she wants to do it right the first time. She added that Director Giles knows the foothills better than anyone and she expected him to prefer Grove Creek.

Council Member LeMone wanted more specific numbers on Grove Creek and liked the idea that it is more family friendly. She stated that the goal is to appeal to a wide range of residents. Since the City already owns Wade Springs, it might be a good idea to acquire an additional piece of property for a possible future expansion.

Council Member Boyd asked if there was any way to connect the two properties and start with Wade Springs and eventually expand across to Grove Creek. Director Giles stated that the Bonneville Shoreline Trail currently connects both. Mayor Call stated that giving the project managers direction does not lock the City into anything. He suggested telling the project managers to begin working on a plan for Wade Springs knowing that they can either shift or add the Grove Creek area and build an additional conceptual plan.

Council Member LeMone stated that if they can get the Wade Springs plan rolling, it makes more sense because it could be years before they could acquire the Grove Creek property. Council Member Meacham asked when Wade Springs was purchased and the original purpose of the purchase. Director Giles stated that the property was purchased in 1949 with the purpose being to protect the springs. Council Member Boyd stated that the City has looked at a variety of uses for the property. Community Development Director, Ken Young, stated that there was always a concept for some type of open space or park when the property was purchased.

Council Member LeMone asked how the creation of a bike park will affect hikers in the Wade Springs area. Director Giles stated that both locations allow for the bike park to be set between the residential areas or the Murdock Trail and provide access for pedestrians. He did not think it would impact hiking in any way other than potentially improve the trails. The bike park would be on the flatter surface and not up the side of the mountain where the hiking occurs.

Council Member Jensen did not expect the speed of completion to be a factor. He thought a major consideration should be the cost of the Grove Creek property. The most significant consideration should be what location is best for community access. He stressed the importance of being able to provide water and restrooms.

Mayor Call agreed to give Lockner authorization to move ahead with the Wade Springs conceptual plan.

D) CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-12) THE REQUEST OF SCOTT BISHOP TO REZONE A PORTION OF LOT 7 IN THE CANYON BROOK SUBDIVISION FROM AN RR (RURAL RESIDENTIAL) ZONE TO R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE LOCATED AT APPROX. 359 WEST 2900 NORTH (MANILA NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG (CONTINUED FROM THE MAY 7, 2013 MEETING).

Mayor Call stated that item “D” will be continued indefinitely as the information is not yet prepared.

ACTION: Council Member Jensen moved to continue Ordinance 2013-12 indefinitely. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

E) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-15) TO AMEND CHAPTER 10-11, ADDING ARTICLE J, “RESIDENTIAL AGRICULTURE OVERLAY”, PROVIDING FOR THE INCREASE IN DEVELOPMENT OF AGRICULTURAL USES AND FACILITIES ON PROPERTIES IN RESIDENTIAL ZONES. PRESENTER: DIRECTOR YOUNG.

Director Young stated that recently representatives came before the Council in a work session to determine whether there was consent to create a residential agricultural overlay to allow Fugal Farm to expand their agricultural uses. The Council was comfortable with the Fugal family going through the process of creating the text for an overlay. The above agenda item was intended to create a new article in the Code for the overlay for Fugal Farm as well as other qualifying properties in the residential zones.

Director Young stated that the minimum zone area setup for the overlay is two acres. The permitted uses are all agricultural in nature and are the types of use categories currently in the zoning code. This allows for animals, crops, and production of agricultural products. Director Young reported that the overlay has a restriction that is between what the City currently allows for the RR ½ acre zone and the A-1 Agricultural Zone regarding animals. The recommendation from the Planning Commission was that the categories of cows, goats, sheep, horses, and donkeys be combined into one so the owners can have any combination, up to a maximum of 15 animals per acre. In the category of chickens, ducks, pigeons, and rabbits up to 100 animals per acre are permitted.

Director Young stated that the number of animals the ordinance allows looks at the entire acreage. It also states that shelters are required for all animals as well as setbacks for each shelter. A 75-foot setback is required from the shelter to adjoining residential properties and a 50-foot setback from the home on the property. Mayor Call asked if the home and lawn of the property owners’ counts toward the acreage for the number of animals allowed. Director Young stated that it counts, but there are additional restrictions.

Council Member Jensen stated that the ordinance allows for a large number of animals on a small space. He spoke with Guy Fugal who expressed their hope to someday double their acreage. Council Member Jensen was concerned about the residential homes in the area if Fugal farm opts for the maximum number of animals. Director Young stated that presently the Fugal family does

not intend to keep the maximum number of animals; however, they do not want to limit themselves if they choose to expand in the future.

Council Member Boyd suggested the Council remember that the property was and is a farm. Mayor Call stated that this type of overlay is available to others and they need to be sure the number of animals the ordinance allows for will not cause a problem on another property.

Council Member Jensen stated that it could be problematic if only half of the acreage is conducive to the keeping of animals. He reported that Fugal farm has substantial housing, buildings, and roads, which restricts where animals can graze. Mayor Call asked if there was any discussion with the Planning Commission about defining the maximums of usable farm land. Director Young stated that the issue was not discussed. Mayor Call explained that if someone has two acres and builds a home on one, they could have two acres' worth of animals on half the space.

Attorney Petersen stated that in the section of the Code where animals are discussed, 1 ½ times the footprint of the house is deducted before the acreage is calculated. She questioned why that was not done in this case. Director Young stated that the intent was not to duplicate the RR Zoning. Council Member Boyd stated that the overlay should be modified to count only usable pasture as part of the acreage regarding animals. Mayor Call agreed and stated that the overlay will accommodate more people if the change is made.

Council Member Jensen stated that in his conversation with Guy Fugal, he was informed that the farm will have less than one acre of usable pasture. He asked if that was still accurate. Fugal family representative, Brian Westover, stated that they are limited on pasture space and will only use roughly one acre. Rather than give up what is currently grandfathered in they tried to find a middle ground for agriculture and animals while still retaining flexibility. The intent of the animals on the farm will be mainly as a hobby. He remarked that there is a nuisance ordinance in the overlay that will restrict the number of animals.

Mayor Call inquired as to whether problems will result for the Fugals if the Council were to keep the maximum numbers but also have a factor of subtracting the footprint of the home from the total acreage. He stated that major problems should not result. The only potential issue would be the restriction on chickens. Fugal family representative, Paige Westover, stated that at any given time there might be 30 lambs on the property; however, as they grow they leave the property. The family does not want to give that activity up as they have done it for many years.

Council Member Jensen was uncomfortable using the homes' footprint to determine how many animals will be allowed. He preferred to use fenced usable pasture. Mr. Westover stated that they had difficulty establishing the number and finding a balance between the unlimited and very restrictive RR Zone.

Mayor Call stated that the City needs to make an adjustment to set maximum limits based on usable acreage rather than total acreage. Council Member Jensen thought it would be appropriate to factor a barn, shed, or Greenhouse into usable acreage. Attorney Petersen stated language could be drafted specifying that a tennis court or swimming pool would not be counted, but include other farm structures.

Director Young stated that there were a other provisions in the proposed ordinance including that

the standards of the underlying zone will apply to the overlay, that accessory structures will have setback requirements, nuisance protection, and that the sale of products are a valid accessory use.

Council Member Jensen asked if there is a minimum size requirement for the overlay. Director Young stated that a property must be a minimum of two acres in size to qualify for the overlay.

Mayor Call clarified that the correct ordinance was not drafted, so no action was to be taken on the ordinance tonight. The matter was to be revisited in two weeks. The Staff was to work out the details regarding usable acreage prior to the next meeting.

Mayor Call opened the public hearing.

Libby Flegal expressed frustration with having to limit farms because residential homes have been built near farming properties. Council Member Boyd stated that in most cases farms existed before the residential area. They are grandfathered in which preserves the farm owners' "right to farm". In addition they are not affected by the nuisance clause. Attorney Petersen clarified that if the farm is grandfathered in with "use" anything that goes along with use, however things such as the owners bailing hay in the middle of the night and causing a problem, is not the type of use that is grandfathered. She added that an Agricultural Protection Area could be applied to the property to avoid the nuisance clause.

There were no further public comments. The public hearing was closed.

ACTION: Council Member LeMone moved to continue item "e" requesting adoption of an Ordinance (2013-15) to amend Chapter 10-11, adding Article J, "Residential Agricultural Overlay" to June 4. Council Member Robinson seconded the motion. The motion passed with the unanimous consent of the Council.

F) PUBLIC HEARING TO CONSIDER A PROPOSAL TO APPLY THE RESIDENTIAL AGRICULTURE OVERLAY ON THE FUGAL PROPERTY LOCATED AT 500 WEST 1100 NORTH. (NORTH FIELD NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

ACTION: Council Member LeMone moved to continue item "f" a proposal to apply the Residential Agricultural Overlay on the Fugal property to June 4. Council Member Robinson seconded the motion. The motion passed with the unanimous consent of the Council.

G) PUBLIC HEARING TO RECEIVE INPUT ON AND TO CONSIDER APPROVAL AND ADOPTION OF AN ORDINANCE (2013-16) FOR THE 2013 STORM WATER MASTER PLAN AND IMPACT FEE FACILITY PLAN THAT CONTAINS PROPOSED REVISIONS TO PLEASANT GROVE CITY STORM WATER MASTER PLAN AND IMPACT FEE FACILITY PLAN WHICH IDENTIFIES THE DEMANDS PLACED UPON EXISTING PUBLIC FACILITIES BY NEW DEVELOPMENT ACTIVITY AND THE PROPOSED MEANS BY WHICH THE CITY WILL MEET THESE DEMANDS. ALL INTERESTED PERSONS WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD. WRITTEN COMMENTS ARE WELCOME; AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ENGINEER LEWIS.

Horrocks Engineer, John Schiess, identified the four chapters in the Storm Water Master Plan and Impact Fee Facility Plan were described as Background and Summary, Storm Water System Analysis, Storm Water System Improvements, and the Impact Fee Facility Plan. He stated that the Background section contains population predictions, and an Equivalent Residential Unit (ERU), which has been defined as 4,400 square feet of impervious area for a typical residence. There have been adjustments made for the areas that are not typical residences.

Engineer Schiess stated that they have picked a 25-year design storm and tried to limit outflow to downstream capacities in some facilities. A hydraulic model of the system was created on a computer to model the system. The previous model was updated and set up for regular updates on a yearly basis. Engineer Schiess stated that in the hydraulic analysis they want to limit the outflow and shift detention from the freeway to north of the freeway and have higher economic development potential south of State Street. He added that they equalized design requirements to the extent possible to keep things cohesive.

Council Member Jensen asked Engineer Schiess to explain what “limited outflow to downstream capacity” means. Engineer Schiess stated that specifically Lindon City has the main outfall that goes through Lindon City near 700 West. Lindon’s capacity in the downstream facility is 60 cubic feet per second. Pleasant Grove is trying to limit its outflow to 60 CFS. As a result additional funds are not needed to upsize the capacity.

Engineer Schiess stated that there are several sections that define the recommendations for the City. He reported that an estimate has been placed on the value of the City’s existing system and the City needs to begin thinking about replacing it over time. Some of the system is very old and wearing out. Engineer Schiess stated that an 80-year replacement period is recommended. If \$1.2 million per year is paid over 80 years, the City will be able to replace the system. Capital Improvement and Employee Schedules have also been included for budgeting purposes. Engineer Schiess stated that existing deficiencies have been identified to determine areas of improvement to bring the system up to the 25-year storm standard. The estimated cost to update the system to minimum level of service is roughly \$8 million.

Engineer Schiess stated that in order to meet growth-related improvements and to increase capacity for the expected growth, the plan includes an outlet to Utah Lake as well as moving as much detention north of State Street as possible. Those changes will cost \$10.9 million and can be applied to impact fees.

Engineer Schiess stated that in regard to the Lindon City Bypass there is a potential option to construct improvements within Pleasant Grove City limits and limit the amount of money the City will have to spend in Lindon City on improving their facilities to handle the flow. Lindon’s Storm Water Master Plan covers a 10-year storm and they have sized and estimated what it will cost the City to participate in those improvements. The cost to Pleasant Grove will be roughly \$2 million from early estimates.

Engineer Schiess stated that in order to keep all of the facilities in Pleasant Grove, the estimated cost is \$4.2 million. Most of that cost is not due to growth and about 16% can be applied to impact fees. Engineer Schiess recommended adding the Lindon City Bypass to the Master Plan, with the possibility to do a combination of things. He stated that some of the 10-year flow can go through Lindon and some can stay with the City, which could help bring the cost to Pleasant Grove down.

Mayor Call stated that from his calculations the cost would be very similar if the City chose to keep the water in the City or send it to Lindon City. They could work to lower the cost on both ends and see what ends up being the best option.

Council Member Jensen asked if all of the numbers Engineer Schiess discussed in the presentation are included in the \$95 million total over 80 years. Engineer Schiess stated that the \$95 million does not include the additional funds required to complete all of the projects. The total would be \$110 to \$120 million over the next 80 years. Council Member Jensen asked how soon all of the funds, other than the \$95 million, would be needed. Engineer Schiess responded that there is a schedule in the plan and the existing deficiencies are spread over the next 10 years. It could, however, take longer. He added that the impact fee related numbers are spread over the next 30 years. For the first 10 years the City will have to pay \$2.7 million plus the cost of the Lindon Bypass.

Mayor Call stated that the 80-year and 10-year spending plans begin at the same time. Engineer Lewis stressed that it is important to establish an improvement system so that the City is prepared for any large storms that occur. It is a way to reduce liability issues for the City. Council Member Jensen asked if there is a backup plan if the City is informed that they can no longer discharge water into the Murdock Canal. Engineer Schiess said that there is not a plan, but there is a 15-year notice period. Council Member Jensen asked if the City needs to begin setting money aside now in the event they are required to leave the Murdock Canal. He questioned whether the City can afford to start saving. Engineer Schiess stated that the City should take care of the existing deficiencies first and then begin working on future improvements or changes.

Engineer Schiess stated that the Impact Fee Facility Plan is in place so the City knows what portion of the cost can be applied to impact fees. Zions Bank is in the process of preparing the Impact Fee Analysis and will be presenting it to the Council shortly.

Mayor Call opened the public hearing.

Ben Stanley gave his address as 1700 Blackhawk Circle. He requested the Council keep the cost to the citizens at the forefront of their minds. He recalled a comment made in a previous meeting that Pleasant Grove already has the highest fees relative to storm water. He was interested to hear who sets the required standards regarding 10-year or 25-year storm plans. He wanted to be sure the City is reasonable and plans wisely so as not to over burden the citizens.

Engineer Schiess stated that cities can choose to do nothing or build the biggest and best system possible. Each city has to determine what amount of flooding risk the citizens are willing to accept. Pleasant Grove selected the 25-year storm system because it has been the standard for the last three Master Plans. Many other cities choose the 25-year plan as well. Mayor Call asked if more agricultural communities select a lower storm risk. Engineer Schiess stated that cities with a significant amount of agriculture are not burdened with storm water. He agreed to research why Lindon has selected a 10-year storm instead of a 25-year. The City could choose to plan for a 10-year storm, which would cost less, but increase the risk of major flooding.

Council Member Meacham stated that in his experience the 10-year plan is more common than the 25-year. He noted that there are few cities that have a two-year plan. Council Member Jensen asked if a city's layout contributes to the type of plan they choose. Engineer Schiess stated that every city and circumstance are different.

Council Member Meacham stated that the Council needs to consider the probability of the storm occurring. With a 25-year event there is a 4% chance of the storm recurring that year. With a 10-year storm there is a 10% chance of it recurring that year. Council Member Jensen explained that they have had a few 10-year storms in the last decade.

Council Member Boyd recommended asking citizens what they want while considering what will happen if a 25-year storm occurs. She wanted the maximum protection available for the best possible cost. Council Member Jensen stated that the health, safety, and well being of the community should be more important than saving money.

Engineer Lewis had mixed concerns about spring time flooding from a rapid snow melt than an actual precipitation storm. The storm drain system covers both events, but the plan is for a storm and not snow melt.

Scott Richards gave his address as 4354 North 900 West and stated that it is difficult to ask what the public is willing to risk. The public is not educated on the issue and many people do not expect it to be an issue until a big event happens. He asked how the Council will educate the public and determine what they want. Mayor Call agreed that it is challenging and stated that the public voted the Council Members with the hope that they would conduct the necessary research and assess the various issues.

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

ACTION: Council Member Boyd moved to approve Ordinance 2013-16, the 2013 Storm Water Master Plan and Impact Fee Facility Plan. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

H) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-17) TO AMEND CHAPTER 10-11G, DOWNTOWN MIXED USE OVERLAY ZONE (DMU) OF THE PLEASANT GROVE CITY CODE, AMENDING PROVISIONS REGARDING PROJECT DESIGN, OPEN SPACE, LANDSCAPING, DESIGN FEATURES, ETC. AND PROVIDING FOR AN EFFECTIVE DATE. (OLD FORT, LITTLE DENMARK, AND STRINGTOWN NEIGHBORHOOD) PLEASANT GROVE CITY APPLICANT. PRESENTER: DIRECTOR YOUNG.

Director Young stated that Ordinance 2013-17 was presented to the Council in previous meetings when it included the Senior Housing Overlay, which has since been deleted. The ordinance is otherwise exactly the same and has been incorporated into the Downtown Village Mixed Use Overlay. Items previously in the Grove Zone were applied to the CS2 Zone and will be applied to the Downtown Zone.

Mayor Call opened the public hearing. There were no public comments. Mayor Call closed the public hearing.

ACTION: Council Member LeMone moved to adopt Ordinance 2013-17 to amend Chapter 10-11G, Downtown Mixed Use Overlay Zone of the Pleasant Grove City Code, amending provisions regarding public design, open space, landscaping, and sign features etc. Council Member Jensen

seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, and Meacham voting “Aye.”

I) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2013-18) TO AMEND CHAPTER 10-11G, DOWNTOWN MIXED USE OVERLAY ZONE (DMU) OF THE PLEASANT GROVE CITY CODE, AMENDING PROVISIONS REGARDING DENSITY, PARKING AND THE EXPANSION OF EXISTING MULTI-FAMILY DEVELOPMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (OLD FORT, LITTLE DENMARK, AND STRINGTOWN NEIGHBORHOOD) ZANE MORRIS – APPLICANT – PRESENTER: DIRECTOR YOUNG.

Director Young stated that the above request was made by the developer of the Thorneberry Community. Because the City is the applicant for Ordinance 2013-17, staff separated out the request from the City even though they are similar. The request is to add a use that would allow a multi-family residential project that is not attached to commercial. In agenda item “h” the Council voted to allow multi-family when attached above, below, or on the same project site with commercial. The City does not otherwise permit multi-family housing that is not attached to commercial in the Downtown Mixed Use Area. The applicant, Zane Morris, is requesting this be added and apply only to existing projects.

Director Young stated that even though it is an ordinance amendment it is combined with a proposed development plan. An alternative scenario allows for commercial property along Center Street that would still allow Mr. Morris to accomplish what he would like to in regard to Thorneberry. Mr. Morris proposed a 100-foot depth to allow for a commercial area. Staff thought that rather than approve the request right away they should consider the possibility of preserving frontage area on Center Street for commercial development.

Director Young stated that Mr. Morris is requesting a different parking arrangement that would allow one, two, and three-bedroom units to have different parking calculations. The proposed parking proposed by Mr. Morris is 1 ½ stalls per one-bedroom unit, 2 stalls per two-bedroom unit, and 2 ½ stalls for each three-bedroom unit plus ¼ stall per unit for guest parking. The City will retain the typical 2 ½ stalls for other multi-family. This would add a new category specific to this type of project.

Director Young reported that Mr. Morris is also requesting that in multi-family planned development mixed use, that an attached garage not be required. The development will have at least one covered stall per unit. Covered stalls may be placed in the side, rear, or front of the structures and be built similar to existing car ports. Director Young stated that this varies from what the City is trying to put into multi-family developments in the new zoning criteria.

Director Young reported that the request states that in a multi-family development expansion use, the walkways would match the existing project. Some of the other criteria that were just adopted would not apply to this project. A traffic study will not be required as long as no new entrances or exits are added to the development. Director Young stated that these are particular items that revolve around the expansion of Thorneberry.

Director Young stated that the original 1997 conceptual plan for the Thorneberry Development connected two properties to allow the development of two buildings. That part of the project was

not approved. There was concern with how the space would interact with the train tracks and other development such as transit. The City development did not pan out at that time and there is still room to allow for commercial development on Center Street. Staff recommended that although the lot size is 10,000 square feet and exceeds the minimum lot size in the zone, a commercial venture that requires off-street parking and landscaping results in a very small developable area for a commercial space. The Greenhouse property is nearly twice the size of the Thorneberry property, which is a more suitable space for commercial development.

Director Young stated that the applicant's preferred concept would allow them to continue as originally proposed and add two residential buildings. Per previous instruction from the Council, the applicant created an alternative plan allowing him to have two residential buildings that would be reduced in size and leave an area for commercial. The plan, however, was not his first choice.

Council Member Jensen asked when Thorneberry was approved and completed. Director Young stated that it was approved in 1997 and completed toward the end of 1998.

The applicant, Zane Morris, stated that he has been before the Planning Commission and City Council many times since 1997. During all of the public hearings there has never been one resident, property owner, or business ever stand and oppose the development. The community knows how the property is maintained and that it is a nice addition to the community. Mr. Morris stated that he does a lot of multi-housing in different cities and has had experiences where 200 residents show up in opposition.

Mr. Morris stated that the development was originally supposed to be in the Transit Overlay Zone with multi-family, a five-story office building, transit, and shared parking. Because of funding for the office building and other issues at the time, the only project that was developed was Thorneberry. He expected the same to occur again with the expansion of Thorneberry. He stated that Thorneberry will either expand or the two acres will sit vacant for another 15 years.

Mr. Morris reported that at the previous meeting a number of Planning Commission and Council Members suggested he eliminate one building, reduce the number of units from 48 to 24, and develop the front half as commercial. Mr. Morris indicated that over the years there have been more than seven commercial brokers and builders. None have recommended commercial. He stated that there is 35,000 feet of vacant commercial on State Street where there are 29,000 car trips per day. His property will get a maximum of 1,800 car trips per day. He believed the highest and best use of the property for him and the City is to develop all 48 homes, which will add more people to walk and shop in the downtown area rather than force commercial in such a small area.

Mr. Morris met with the owners of the Greenhouse property. They discussed the possibility of carving out 100 feet in order to improve the site plan. The Greenhouse could take the frontage and Thorneberry could take the back portion. They would still be able to construct a small playground and make it more functional with better parking access to the building. Mr. Morris stated that if the ordinance is approved with the guidelines that match Thorneberry, he can work a deal with the site plan and storm water plan for the Greenhouse property. He believes this is the best scenario for himself, the Greenhouse property owners, and the City.

Council Member Jensen asked how many units are currently in Thorneberry. Mr. Morris responded that there are 180 market rate and 84 senior apartments. The proposed project would add 48 market

rate units. The total of all units, if the request is approved, will be 312 units. There are currently 264 total units.

Mayor Call opened the public hearing.

Bradey Larsen, a Salt Lake City resident, was present representing Bonneville Mortgage Company, a commercial mortgage bank. He stated that they have done a lot of loans with Mr. Morris. Mr. Larsen spoke to leasing agents about the potential commercial lot attached to Thorneberry. They indicated that in the current market the traffic does not merit commercial space. The leasing agent sent Mr. Larsen a flier regarding the Macy's Center just down the road where they are marketing roughly 40% of the space to be leased and asking \$16-\$20 per square foot.

Mr. Larsen stated that in order to build commercial space and make it profitable and feasible it will likely cost \$200 per square foot. Rent would have to be \$25 per square foot. Mr. Larsen did not consider that a sound option. He stated that many cities are working to attach commercial to multi-family properties in an effort to make their city more walkable, however, there needs to be a certain critical mass or population density for it to work. He did not consider the proposed location to be the right one. Mr. Larsen recommended approving Mr. Morris' original request because it would bring additional foot traffic and help revitalize the downtown area.

Glenn Gray gave his address as 155 West Center and stated that his property has been in his family for many years. He has had no one, other than Mr. Morris; approach him about purchasing the property. Mr. Gray thought it made the most sense to let Mr. Morris continue with his plan. When his father owned the property he was apprehensive about selling it after business deal went bad. Mr. Gray was now comfortable moving forward.

Gary Green gave his address as 19 East 50 South reported that he lives one mile from the proposed buildings. He stated that this development answers several perplexing questions for him with respect to construction of his building. They have had difficulty reaching an agreement with the owners of the car wash among other things. They now have an approved site plan and are ready to begin construction. The parking will be located at the far back and a play area will be added. Due to the height of the car wash they will have to build a large retaining wall, which creates a drainage problem. Mr. Green stated that he will have to purchase a pump to relocate the water to the street.

Mr. Green indicated that by working with Mr. Morris they will be able to save significantly and be able to build what they really need, which is an area to do therapy for children and families with a safe area to walk and play in the park. By working with Mr. Morris they will be able to relocate the parking lot and have more area to build. They will also be able to connect to Thorneberry's pump. They have a 2,600 square-foot office and more clients than they can serve. The new building will benefit the community and they look forward to improving and contributing to the community.

Mayor Call clarified that Mr. Green's building will still be in the originally planned location, but the parking lot will be relocated. Mr. Morris explained that there will be an even property swap. Mayor Call asked Mr. Green's if he was satisfied that by approving Mr. Morris' plan he will have the additional space he needs. Mr. Green expressed his satisfaction and stated that what is proposed will solve several problems.

Council Member Boyd asked if the changes suggested by Mr. Green would work with commercial on Mr. Morris' property. She thought there were other scenarios that make the projects work

without doing away with the intent of the zoning. Mr. Morris stated that Mr. Green would have to have a commercial developer to make the desired changes. Mr. Morris indicated that if his request is approved he would like to complete the project and connect the sewer and water and address all of Mr. Green's issues. If his request is not approved he will not purchase the land, which will leave Mr. Green's property as it is currently. Mr. Morris stated that because of timing constraints, another commercial developer could not get involved and make the site plan work as described.

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

Council Member Boyd had numerous concerns with the project. The City recently passed an ordinance regarding their vision for downtown. Mr. Morris was going against that vision. There are 264 units currently in Thorneberry yet downtown has not been revitalized. She did not think adding 48 more units will make a significant difference. Council Member Boyd stated that in the Utah County Survey it was rated one of the top three downtowns because they are creating viable businesses there. She did not support building more units and changing the downtown vision.

Council Member Jensen stated that the City is painfully aware of what is not happening with regard to commercial and retail development. The City Council has a responsibility to have a vision for the community, which should be top priority. Council Member Jensen agreed with Council Member Boyd that 48 new units will not revitalize the downtown. They have been unable to keep businesses downtown for the last 15 years because business was not viable and at the time the City had more than 200 Thorneberry units.

Council Member Jensen stated that the Council is solution driven and there have been many projects in the past that have not made sense. They, however, tried to compromise and make the projects work. His opinion was that there is already too much high density in the City, and the citizens feel the same way. Council Member Jensen liked the idea of collaborating with Mr. Green and suggested the Council continue in effort to find a solution. He suggested spending more time on research if necessary.

Council Member LeMone supported the Greenhouse expansion and finding a way to make it work. At the previous meeting she thought some level of agreement had been reached with Mr. Morris that a 24-unit development would be the best option. Today, however, he came with a request for 48 units as if the previous discussion had never taken place. Council Member LeMone was willing to support 24 units, if it means that the Greenhouse will be able to expand. Even if the Council agrees with Mr. Morris that commercial is not viable, they do not have to grant Mr. Morris' request for 48 units. The Council spent months crafting a new ordinance for the betterment of the City and it did not make sense to abandon it. Council Member LeMone was opposed to Mr. Morris developing 48 units, but would consider 24 units to make the Greenhouse project work. She would have to be able to explain to residents why the Council continues to approve high density housing.

Council Member Meacham stated that the issue of most concern to him was parking on Center Street. He suggested there be a better alternative to parking on the street. He hoped to see Mr. Gray's property developed and wanted to work on the collaboration with Mr. Morris and Mr. Green.

Council Member Boyd considered the Greenhouse to be a key issue to the community. The Council was very direct with Mr. Morris in the previous meeting regarding 24 units with commercial. If the

Council can reach an agreement with the 24 units in an effort to help the Greenhouse, she would want to proceed expeditiously.

Council Member Jensen stated that a good point made by Mr. Morris is that there is a \$4 million piece of property sitting vacant. Once it is developed it will have value and bring income to the City. He was confident that a solution could be found that will work for both parties. Mayor Call stated that the Council would like to see more creativity on how to collaborate with potential commercial.

ACTION: Council Member Jensen moved to deny Ordinance 2013-18. Council Member Boyd seconded the motion. A public hearing was held. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, and Meacham voting “Aye.”

Mayor Call stated that the motion was denied, but informed Mr. Morris that the project is not dead, but will have to be radically altered. He suggested that Mr. Morris work with Mr. Green if he would like to pursue the project. Council Member Jensen hoped Mr. Morris would make the changes and come back to the Council.

8) NEIGHBORHOOD AND STAFF BUSINESS

Director Giles reported that Finance Director, Dean Lundell, emailed the fee schedule for the budget. Clint recommended that along with the recreation center fees that there be a lower rate to members who choose to pay their monthly dues through an electronic funds transfer. Director Lundell stated that they have not yet conducted an analysis to determine if it would be worthwhile.

Director Giles then reported that there was a great turnout for the Murdock Trail ribbon cutting.

Public Works Director, Lynn Walker, reported that water enforcement is going well. They have written 160 tickets with 158 being warnings and two secondary offenses that resulted in water being shut off. They began enforcement eight days earlier and most of the tickets were issued during the middle of the night. He expected enforcement to change behavior. Director Walker reported that most citizens that receive a warning indicated that they were not aware of the rule and agreed to comply going forward. Council Member Meacham asked about the current water projections. Director Walker responded that they are very close to last year’s.

Director Lundell reported that the following Friday the 2014 budget will be available along with the budget guideline and fee schedule. There will also be an amended final 2014 budget posted on the website. The public hearing will be scheduled for June 4. He stated that state auditors pushed for more amendments during the year rather than doing numerous amendments all at once in the middle of the year.

Arts and Culture Director, April Harrison, thanked those who supported the Panda Express fundraiser and the Beat the Beethoven Race and the Chocolate Extravaganza. She indicated that the final copy of the Memorial Day program will be emailed to the Council.

9) MAYOR AND COUNCIL BUSINESS

Council Member Jensen suggested staff be directed to be proactive with Mr. Green and Mr. Morris and follow up with them to see if they can reach a positive solution. Director Young agreed to

follow up. He added that Mr. Morris was quite clear that if his full request was not approved he would not likely do anything else.

Council Member Jensen suggested that an officer visit the Anderson business because there are trucks and trailers parked on the front lawn. Mayor Call asked that Officer Abegg work with residents and business owners to spruce up the area for Strawberry Days.

Council Member Meacham reported that five hours were spent riding bikes around the city on the field trip to Colorado. It was obvious that the community and car drivers were very accepting of cyclists. He suggested the Council think about moving toward being bike-friendly community; consider parking requirements, and give allowances for parking alternative stalls for bikes. He commented that there were bike racks throughout the city and the racks were all used. Bikes could also be rented by the hour or for the day.

NAB Chairperson, Libby Flegal, asked if there are stop signs at crossings on the street near the Murdock Canal. Mayor Call stated that there are yellow diamonds on the trail to inform bikers that they are approaching the street. Attorney Petersen stated that there are stop signs on the trail, but not the street.

Council Member Boyd asked if they would be doing the downtown cleanup before Strawberry Days. Attorney Petersen indicated that it had not yet been calendared. Mayor Call stated that they would look toward choosing a date. Council Member Boyd asked Director Giles to take the Council on a tour of the future Nature Park area to get a vision and plan of what they want to do. Mayor Call agreed to schedule a Saturday morning walk. Council Member Boyd reported that she would not be in attendance at the June 4 meeting.

Mayor Call reminded the Council that Strawberry Days was coming up and asked that they remember all of the events associated with it.

10) SIGNING OF PLATS

The Council Members signed one plat.

11) ADJOURN

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

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

This certifies that the City Council Minutes of May 21, 2013 are a true, full and correct copy as approved by the City Council on July 2, 2013.

Kathy T. Kresser, CMC City Recorder

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