

**Pleasant Grove City
City Council Work Session Meeting Minutes
January 12, 2016
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

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

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

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

1) Call to Order.

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

2) Pledge of Allegiance.

The Pledge of Allegiance was led by Zack Kerr.

3) Opening Remarks.

The opening remarks were given by Council Member Jensen.

4) PUBLIC SAFETY BUILDING COMMITTEE'S RECOMMENDATION FOR ARCHITECTURE SERVICES.

Jason Hunter presented a written statement from the Public Safety Building Committee. He reported that last spring the City Council approved a measure for the Mayor to form a committee to fully vet the options for upgrading/updating the City's Public Safety facilities. Mayor Daniels interviewed volunteer candidates and with Council approval chose nine committee members and nine alternates consisting of even numbers of people for, against, or neutral to the previous efforts of the Council. The Mayor recommended representation from both sides. Mayor Daniels insisted that the Committee continue deliberating until a unanimous decision was made. The Committee unanimously agreed that the Fire Station must be rebuilt since it is currently inaccessible because of its proximity to 100 East. No decision was made on whether to remodel or rebuild the police station.

The Committee agreed that the numbers from MOCA were sound in principle and would provide a baseline for other options. It would request a price estimate for the following six options:

1. New Fire Station on the Pipe Plant property.
2. New Fire Station downtown.
3. New Police Station downtown.
4. Remodel current Police/Courts/City Office Building for only Police and Courts.
5. Fire Station and Police/Courts on Pipe Plant property.
6. Fire Station and Police/Courts downtown.

The Council decided to pursue an RFP rather than a state-approved contractor to show transparency in the process. Many on the Committee did not like that option because they were not informed of the decision. Six applicants responded to the RFP and three were invited to make a presentation and answer questions. The Committee discussed the pros and cons of each group. All three firms gave excellent presentations and have significant experience with public safety buildings. The Committee voted unanimously on the first vote to recommend Think Architecture.

The Committee was eager to present their findings to the City Council and hoped the Council would award the work to Think Architecture. Their representatives have over 30 years' of combined experience. It was noted that Scott Wilkinson is a General Contractor and is able to work out solutions in an alternative way. Think Architecture has built 21 fire stations, nine police stations, and 10 court and city buildings. They demonstrated a clear knowledge and understanding of the scope of work. Think Architecture indicated that the MOCA numbers were generally good but they may suggest adjustments to the Committee. Think Architecture was impressed with the standards and the City Council's desire to preserve the look downtown. They mentioned that this will add cost to the buildings compared to the more relaxed Pipe Plant area standards. They suggested a pre-engineered building to reduce cost if the Fire Station is located at the Pipe Plant.

Think Architecture was known for its quality work and for frequently coming in under budget. It was expected to take seven to nine weeks to calculate the pricing.

Not only was Think Architecture the unanimous choice of the Committee, but they were the lowest in terms of cost. It costs \$7,500 to provide a price estimate of the six options identified. The Committee believed this step was necessary to gather the remaining information necessary to correctly assess the options and move forward.

Council Member Stanley confirmed with Mr. Hunter that Think Architecture was the least expensive option. He asked for clarification regarding the use of MOCA's programming numbers, what those numbers are, and how they differ from the cost numbers. Mr. Hunter explained that the MOCA programming numbers are not exact but based on the size of the Public Safety staff. The issue would have more to do with the square footage needed than the price per square foot.

Council Member Stanley inquired about the option of a pre-engineered building. Mr. Hunter explained that it is a metal structure built on an exterior foundation. The look of the structure would not work downtown, but if located at the Pipe Plant, it could reduce cost. Christy Belt mentioned that Think Architecture would give two prices for the Pipe Plant location. One with the pre-engineered building and the second with a regularly constructed building.

Council Member Stanley asked if the public safety buildings built by Think Architecture are located in Utah. Mr. Hunter and Ms. Belt believed they were located primarily in Utah. Council Member Anderson stated that there were a few in Arizona and New Mexico. The Mayor mentioned that Think Architecture showed buildings in Draper, Holladay, and West Jordan. Mr. Hunter stated that there were other factors but it came down to price. The others did not display a significant benefit for the additional cost.

Mayor Daniels stated that the recommendation to the Council was to award the contract to Think Architecture. Administrator Darrington mentioned that the matter would be on the next agenda with the agreement in place for the Council to adopt. Think Architecture was informed that they are the recommended choice but were told that nothing would be official until the Council takes action.

Council Member Andersen asked about the protocol for discussing items from a Work Session. Attorney Petersen explained that a Work Session is less formal than a regular City Council Meeting.

5) DISCUSSION REGARDING THE VISION FOR POTENTIAL DEVELOPMENT AND PERMITTED USES ON PROPERTIES IN THE AREA WEST OF WALMART AND NORTH OF CENTER STREET, IN THE GROVE – COMMERCIAL SALES SUBDISTRICT.

Community Development Director, Ken Young, addressed property in the general area of North County Boulevard down from State Street to Center Street, specifically the Robinson property. Over the years, they have fielded several inquiries and recently received an application for a Code Amendment to allow for a use that is not currently permitted. In addition, properties across the

street were recently added for the use of used auto sales. They are looking at several smaller parcels that are narrow and deep that are suitable for retail. The subject property was originally intended to be part of the Grove Commons development. Negotiations took that out of the development. When the zone was established, the property was on the boundary between mixed housing, multi-family, and commercial sales.

The property would develop best with a combination of other parcels rather than on its own. The depth of the 250-foot wide property is 1,300 feet from State Street with a 160-foot frontage that provides challenges for access and use as retail. The owners submitted an application that they asked to put on hold until a discussion of the uses that can occur on the property takes place. The current application is for office warehouse, which is not currently permitted in the zone. Previously, there were requests for multi-family units. Without considering any specific requests, Director Young requested discussion take place about the properties in the area.

In response to an inquiry from Administrator Darrington, Director Young explained that a potential retail piece is not part of the Robinson property. Council Member Andersen asked if there is a Master Road Plan. City Engineer, Degen Lewis, explained that the drive-in front of Walmart was originally planned as a full movement intersection and is not currently a public street. Mayor Daniels asked about the depth from North County Boulevard to a blue line on the map. Director Young estimated it to be 300 feet. Mayor Daniels asked about the designation established regarding space off of State Street, which was determined to be 500 feet. Mayor Daniels asked if there was a slough. Engineer Lewis explained that it is a natural spring and likely wetlands. Administrator Darrington mentioned that Walmart wanted a road there but when they were informed of the environmental issues, they abandoned the plan. Engineer Lewis stated that wetlands are not insurmountable and can be mitigated.

Mayor Daniels stated that when looking at the land from North County Boulevard, the property seems wider rather than long and deep. It seemed more reasonable for someone in the future to assemble parcels of property along North County Boulevard for commercial development. Administrator Darrington mentioned that that was the reason for tonight's discussion. If the City's vision is to wait for someone to assemble the properties as retail, it could take 20 years. A determination needs to be made as to what is best in the long term for the City and what is fair for the current property owner. Director Young mentioned that the property is still under the ownership of Jay Robinson and under contract with Griff Johnson. Mayor Daniels expressed appreciation for the previous vision of the Council to designate an area with particular uses.

Council Member Stanley expressed a desire to be more lenient and helpful to the property owner. He was not interested in multi-family housing and was more interested in storage and warehousing. With regard to density, Director Young explained that the current Code would only permit 12 units per acre. Previously, there was an overlay specifically for the Grove Commons Area and after completion, the City Council took it off the books. Another overlay would have to be recreated if multi-family housing was going to be considered. In response to an inquiry by Administrator Darrington, Director Young stated that it would be difficult to achieve a density of 12 units per acre.

Council Member Andersen expressed more interest in the small office warehousing proposal than the multi-family use. Director Young asked for input on what direction to take. Administrator Darrington asked if it was acceptable to run the office warehouse idea through the planning process and file for a rezone or overlay. Mayor Daniels believed it wasn't allowed in the Commercial Sales Zone at the time. Attorney Petersen clarified that the vision for North County Boulevard and State Street at the time was to develop as much retail as possible to generate sales tax.

Mayor Daniels mentioned that there was request for the multi-family and warehouses uses only. Council Member Jensen asked for clarification regarding the option of storage units with offices out front. Director Young clarified that the property has no frontage or access to North County Boulevard. Council Member LeMone asked if access could be provided in the future. Attorney Petersen mentioned that the City Council at the time thought the properties would front North County Boulevard and include the back property, which would make them deeper. Council Member LeMone asked what usage options would be available with only a 300-foot frontage. Director Young suggested smaller retail offices or restaurant pads. Mayor Daniels stated that the City Council is opposed to the multi-family use but the offices with the warehouse component can be considered.

6) DISCUSSION ON ACCESSORY APARTMENTS.

Director Young presented a chart showing proposed ordinance provisions and suggested new verbiage, concerns received from the City Council, and responses and explanations for such.

Letter B, "Purpose and Intent," described the purpose and intent of accessory apartments to recognize the residential character of the City and to provide supplementary living accommodations and income opportunities. He stated that the new verbiage stemmed from comments from Council Members Stanley and Jensen. Mayor Daniels inquired about the second half of Council Member Stanley's statements regarding other kinds of regulations and if they were addressed in the third column. Director Young explained that the comment in column three covers all other provisions. There were no apparent concerns with Letter C, "Owner Occupied."

Director Young stated that Letter D, "Apartment Occupancy," contains the same language used in City Code as defining who lives in a dwelling unit. He explained that it is a repetition of Code and he recommended they not change it. Column Two listed Council Members LeMone and Jensen's desire to remove the temporary guest provision. Attorney Petersen asked about their rationale and explained that it is a tool for the City in case they exceed the occupancy limit.

Council Member LeMone asked for clarification about four being the maximum number of occupants. Director Young clarified that the number refers to unrelated people. Mayor Daniels asked Director Young to address the blood relative comments listed in Column Two. Director Young clarified that it refers to whether to permit accessory apartments. Council Member Andersen's concern pertained to permitted apartments and adequate parking. Attorney Petersen stated that if the Accessory Apartment Ordinance is adopted, it will eliminate the current mother-in-law/blood relative exemption.

Director Young stated that Letter E, “Zones,” defines where accessory apartments will be permitted. It also specifies that no accessory apartment may be allowed in a multi-family dwelling or on a lot that cannot satisfy parking requirements. He addressed Council Member Stanley’s comment about an overlay being applied for accessory apartments in a residential neighborhood and suggested that the City not deal with separate applications from different neighborhoods. Council Member Stanley explained that some neighborhoods do not want accessory apartments in their neighborhood and were looking for a creative way to not allow them.

Mayor Daniel asked about CC&Rs and HOAs. Council Member Andersen stated that if they are done well, the average resident will not know that an accessory apartment exists. Director Young explained that although there is not currently a list of accessory apartments, there is enough information to know that those who are opposed to them live nearby. It would be challenging to select a neighborhood where they could be located. Mayor Daniels explained that the distinction would be that the property owner has the right to decide.

Director Young read Letter F, “Number of Accessory Apartments” and stated that the maximum allowed is one. He reiterated a previous question about whether more should be allowed if there is adequate space. The concern was with turning single-family neighborhoods into multi-family neighborhoods.

There were no concerns listed for Letter G, “Location.” Council Member Stanley expressed concern that the final clause was vague and he questioned how the determination was made about whether the single-family character and architectural design of the neighborhood is maintained. Director Young referred to the current Code which specifies that the requirements of single family neighborhoods must be met.

With regard to Letter H, “Building Entrances,” the only concern listed was from Council Member LeMone who did not care if there was an outside entrance or not. Director Young stated that separate entrances are good in terms of safety and emergency access. Council Member LeMone mentioned that it can be very expensive to add an outside entrance to a home and should not be a concern of the Council. Administrator Darrington stated that in the event of an emergency they would have personnel go through the main entrance of the home. Fire Chief Thomas asked the Council to consider a scenario where there is an accessory apartment in the basement with an upstairs exit. If there is a structural fire upstairs, there will be no egress for those living downstairs. A separate exit was recommended so that the tenants have their own egress. Police Chief Smith mentioned that in the past there has been an occupant involved in criminal activity. In such a case, a search warrant would be issued for the entire residence and all who reside in the home would be subject to search. Council Member LeMone was satisfied with the reasons given for a separate entrance.

Director Young read Letter I, “Address,” which clarified that the principal dwelling would be Unit A. The accessory apartment would be Unit B and must be visible from the street. Council Member Stanley was concerned about allowing different addressing options. Director Young’s main concern was consistency. Allowing numbering for different types of units would cause confusion in the event of an emergency. It was verified that there are no U.S. Postal Service requirements.

She stated that the unit needs to be labeled and the address clearly identified. Fire Chief Thomas preferred the A/B proposal.

With regard to Letter J, "Parking," Director Young presented the Provo accessory apartment requirements. He explained that Provo City Code specifies that family dwellings with accessory apartments shall meet the following requirements:

- Have a minimum of four off-street parking spaces at all times.
- Tandem parking shall only be permitted to serve one unit.
- There must be off-street parking for every vehicle on the property.

Director Young explained that Provo City enforces this requirement on a complaint basis, although they act when violations are obvious. Setback parking is not allowed unless it is in a drive leading to covered parking. Smaller zones require one covered parking space and larger zones require two. Director Young recommended that the City stick with the minimum of four but have a different requirement for smaller zones. R-1-7 zones would require two spaces rather than four.

Director Young reviewed Letter K, "Separate Living Areas," and stated that each accessory apartment requires living areas for eating, sleeping, and sanitation. Letter L, "Building Code," specifies that all construction and remodeling must comply with building codes and ordinance requirements. Council Member Jensen asked if Provo City requires older homes to meet Code. Attorney Petersen explained that there should be a building verification when property changes hands. Provo City goes through records for building permits and zoning verifications and identifies which City code needs to be complied with.

Letter M, "Utility Meters," specifies that each unit should have separate meters in the property owner's name. The property owner shall be responsible for the payment of utilities. Council Member Andersen asked if there is a risk associated with both units being in the name of one person. Administrator Darrington explained that currently the bills are sent to the property owner. Mayor Daniels clarified that the provision allows for two meters but they are not required.

There were no concerns with Letter N, "Interior Access," which states that interior access between the main living area and accessory apartment must be maintained. Director Young explained that Letter O, "Not Intended For Sale," is verbiage that may not be necessary but is a good reminder.

With regard to Letter P, "Accessory Apartment Registration," new verbiage was suggested. Any person adding or remodeling an accessory apartment shall register it with the Community Development Department. The applicant shall:

1. Submit a fee with completed registration and a site plan;
2. Include detailed floor plans;

3. Pay building permit fees; and
4. Make corrections identified as necessary to comply with Building Code and provide photos of installed life safety items.

Director Young commented that an accessory apartment is a right, not a privilege. In building a second unit one should pay fees and construction costs similar to those imposed when building a home. Council Member LeMone stated her belief that it is the right of the property owner. Engineer Lewis stated that the Building Code is to ensure safety. Council Member LeMone did not expect many to register. Attorney Petersen explained that if the ordinance is enacted, it will be illegal for someone to not register and it will be enforced. Police Chief Smith mentioned that an accessory apartment it is like a business with income and is, therefore, regulated. In response to Council Member Jensen's inquiry, Director Young explained that there will be a one-page registration form with basic questions. In addition, they will grandfather in the previously built homes and refer to the Building Code at the time of original construction. Having the homeowner sign off indicating that the accessor apartment meets the current Safety Code will be part of the registration process.

Council Member Stanley was concerned that the public perceives their rights and properties to be absolute. If the building was built to Code, there should be no additional governmental interference. Property owners do not want more obligations. He recommended the process be simple and easy. Council Member Andersen remarked that an accessory apartment is a home business and should meet certain guidelines before being approved. The Code with which homeowners should comply is intended for safety. Council Member Stanley mentioned that those codes have been met. Council Member Andersen compared it to applying for a license to run a business. Administrator Darrington asked if each accessory apartment needs to be Code compliant and if an employee should physically check to see if each one meets Code. Director Young explained that it would be a good idea but the purpose of the life safety issue photos is to prevent the need. If there is an inspection, the photos should not be required. There needs to be one inspection for existing or proposed accessory apartments.

Mayor Daniels suggested separating the two questions pertaining to inspection and registration. With regard to registration, Council Members Andersen, Jensen, LeMone, and Walker voiced their support. Council Member Stanley was opposed. Director Young suggested that the \$47 fee for the inspection be the registration fee if inspections are required. With respect to inspections, Council Member Jensen expressed concern with the number of people that will require it. Attorney Petersen said that inspectors could be hired on an independent contractor basis until things slow down. Administrator Darrington added that new construction would take care of that inspection. Council Member LeMone asked about the current requirements for a home business. Attorney Petersen stated that it depends on the type of business and some only need to send in a photograph. Council Member Andersen agreed with using a photograph instead of a physical inspection. Council Member Jensen agreed and mentioned that if an issue is reported, the property owner will have to bring it up to Code. Engineer Lewis mentioned that a contractor will have to obtain a Building Permit and have it inspected to meet Code. Council Member LeMone agreed that the City doesn't have the time or resources to inspect every accessory apartment. The Mayor asked

for opinions on photograph inspections only. Council Members Andersen, LeMone, and Jensen expressed their support. Council Members Walker and Stanley were opposed.

Fire Chief Thomas spoke out as an advocate for the renter and not the property owner. He explained that there is an expectation of safety from the renter. Council Member LeMone agreed but commented that a renter assumes that risk. Police Chief Smith agreed with the Fire Chief on behalf of the renter who will trust that the issues have been taken care of. Administrator Darrington mentioned that there are consequences in that the City doesn't have an assurance that they are safe. Council Member Stanley disagreed and stated that they are safe when built. Police Chief Smith reported that he has been in many existing accessory apartments and many are unsafe. Director Roy mentioned that when she had a house fire, the Code had changed in the 10 years since it was built and they were required to bring it up to Code. Mayor Daniels asked for opinion on a physical inspection. In response to an inquiry from Council Member LeMone, Attorney Petersen stated that the \$47 inspection fee is enough to cover the cost. Mayor Daniels commented that the City cannot charge more than the cost of the inspection. Council Members Stanley, LeMone, Anderson and Jensen were opposed. Council Member Walker was in favor.

Mayor Daniels confirmed that Council Member Stanley was opposed to a photo inspection. Council Members Jensen, LeMone, and Andersen were in favor. Council Member Walker stated that an affirmative response was the only inspection option. Mayor Daniels asked for opinion from the Council on the \$25 registration fee. The Council voted unanimously in favor of the fee.

Director Young read Letter Q, "Failure to Complete Registration." It was noted that the property owner has two years to register and if not, a \$1,000 fine could be assessed. Council Member LeMone was not in favor of the fine. Attorney Petersen mentioned that if the fine were smaller, people would not be concerned about compliance or potential fines. The Mayor polled the Council regarding the \$1,000 fine. Council Members Jensen and Walker were in favor. Council Members Andersen, Stanley, and LeMone were opposed. In response to a concern expressed by Council Member Stanley, Attorney Petersen clarified that the fine listed is just for failure to register. If non-compliance is found the matter will have to go through the administrative zoning enforcement process or criminal court.

Council Member LeMone asked about the fine set by the court. Attorney Petersen responded that fines for zoning violations could be up to \$180 per day. The Mayor mentioned a non-monetary fine, but Attorney Petersen questioned how that would work. She stated that there should be some incentive to register. Mayor Daniels asked what a potential fine would be. The Planning Commission proposed \$250 but agreed to the \$1,000 fine. Council Member Walker proposed \$500. Council Member Andersen recommended anything between \$250 and \$500. Council Member LeMone supported \$500. Council Member Jensen felt that \$500 was too low and was opposed to the imposition of fines. Council Members Andersen, Walker, and LeMone were in favor of a \$500 fine.

Director Young addressed Letter R, "Home Occupation Business" and stated there were no significant concerns. No businesses that attract traffic to an accessory apartment were permitted. Director Young stated that the list has been reviewed and accepted by the majority and an

ordinance would be brought back to the Council in February. Director Young recommended a public hearing be conducted. February 2 was identified as the target date.

7) DISCUSSION AND REVIEW OF TITLE 2, CHAPTER 5, DESIGN REVIEW BOARD.

Director Young stated that a recent review found that the Boards and Commissions were not in compliance with the Code with regard to the membership of the Design Review Board, which was originally established in 2002 with four-year terms. Those who were appointed are still serving and the membership has not yet rotated. The Board does not meet regularly and meets on an as-needed basis. Design review is required for the Grove Zone and Downtown Village. The Board only meets when something comes forward requiring their review, which is typically six or fewer times per year. It was noted that there are five members. It was assumed that with Council Member Walker joining City Council, there will be an open position on the Design Review Board. Director Young proposed two amendments. With regard to Section 2-5-2 (B), more flexibility was recommended. It was suggested that the verbiage be modified to specify at least three design professionals *or* two community volunteers.

In response to an inquiry from Council Member Andersen, Director Young mentioned that another amendment would be to add Downtown to the Grove Zone mentioned. He was concerned that in the Downtown Village Zone there is an Advisory Board that currently has this responsibility. He proposed that in the absence of the Downtown Advisory Board, an amendment specify that the Design Review Board would perform that function. Mayor Daniels asked if the Downtown Advisory Board could be disbanded. Council Member Jensen was in the process of identifying business owners interested in serving on the Downtown Advisory Board. Director Young explained that the Downtown Advisory Board could be regenerated and the Design Review Board would not need to be amended. Attorney Petersen mentioned that the Downtown Advisory Board is still in the ordinance. Director Young proposed that it be done before another application for development is received.

To Section 2-5-3 he recommended adding the words “be appointed to” in place of “they will serve.” It was noted that there are four current members whose terms should have ended in 2006. Director Young proposed that one new member be appointed for four years to fill Council Member Walker’s former position, two existing members be reappointed to a three-year term, two members have their terms extended for one year, and in 2017, two new members be appointed to four-year terms. Mayor Daniels expressed concern that shorter terms may mean that members have less experience. He proposed that members be asked to extend their terms. Director Young clarified that the end goal is for members to have staggered terms. When there are resignations, there could be an option to extend or reappoint members to allow for three or four-year terms. Mayor Daniels asked if that had anything to do with the Public Works Director position and if there is an advantage to having a member of staff serve on the Design Review Board. Administrator Darrington clarified that staff is currently making recommendations to the Board. Director Young agreed to work with Mayor Daniels on the appointments.

With respect to appointments, Mayor Daniels mentioned that there are six positions on the Beautification Commission that need to be filled. The Arts Commission, the Planning

Commission, the Board of Adjustment, and the Downtown Advisory Board also have openings. Mayor Daniels asked that that information be provided to City Recorder, Kathy Kresser, so that an updated list can be created.

8) DISCUSSION ON AGENDA ITEMS FOR THE JANUARY 19, 2016 CITY COUNCIL MEETING.

Mayor Daniels reviewed the following week's agenda. First, there will be a presentation from the Utah County Health Department on e-cigarettes. The Council will also discuss a resolution to enter into a Professional Service Agreement with Think Architecture. A presentation and discussion regarding the Road Fees Study will also take place. Staff explained that in 2007, elected officials had a vision of development in the Grove. Design districts were created with standards and requirements although a few developments obtained waivers. Due to the St. Johns development, design guidelines will be addressed.

Council Member LeMone reported on the Health Fair held the previous week at the Recreation Center. She asked the Recreation Center to make the link available online for 20% off memberships and extend the sale for one week. It was noted that sales were up \$30,000.

9) ADJOURN.

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

The City Council Meeting adjourned at 8:20 p.m.

Minutes of the January 12, 2016 City Council Work Session were approved by the City Council on February 2, 2016.

Kathy T. Kresser, City Recorder, MMC

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