

**Pleasant Grove City
City Council Regular Meeting Minutes
January 20, 2015
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Cyd LeMone
Jay Meacham
Ben Stanley

Staff Present: Scott Darrington, City Administrator
David Larson, Assistant to the City Administrator
Dean Lundell, Finance Director
Deon Giles, Parks and Recreation Director
Tina Petersen, City Attorney
Mike Smith, Police Chief
Dave Thomas, Fire Chief
Ken Young, Community Development Director
Lynn Walker, Public Works Director
Kathy Kresser, City Recorder
Sheri Britsch, Library and Arts Director
Degen Lewis, City Engineer
John Goodman, Streets Superintendant

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 Council Members Andersen, LeMone, Stanley, Meacham, and Boyd were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Public Works Director, Lynn Walker.

3) **OPENING REMARKS**

The opening remarks were given by Finance Director, Dean Lundell.

4) **APPROVAL OF AGENDA**

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

5) **OPEN SESSION**

Mayor Daniels opened the open session.

Kylie Harker, a Valley View Elementary student, recited the N.O.V.A. Constitution for the Mayor and City Council, and spoke about the purpose the program.

There were no further public comments. Mayor Daniels closed the open session.

6) **CONSENT ITEMS**

There were no consent items to approve.

7) **PRESENTATIONS**

A) BECCA MALLORY, VICTIM ADVOCATE, TO UPDATE THE COUNCIL ON THE PROGRAM STATUS.

Becca Mallory introduced her presentation as a discussion about violence against men. She reported that there has been an increase in violence against men this year from last year. It was noted that men and boys are less likely to report violence and seek services due to different challenges and stigmas. Some of those challenges include a perceived failure to conform to the "macho" stereotype, fear of not being believed, denial of victim status, and lack of support from the community, family, and friends.

Council Member LeMone asked if this relates to bullying in schools. Ms. Mallory responded that this information is more connected to domestic violence and assault against males. Domestic violence occurs when a member of the household acts as a perpetrator to another person in the home.

Ms. Mallory stated that statistics show that one out of 14 men has been physically assaulted by a current or former spouse, cohabitating partner or date, at some point in their lives. She noted that this information is nationwide. She cited the National Coalition Against Domestic Violence as her source. An estimated 835,000 men are assaulted by an intimate partner each year, which is considered low due to underreporting.

In terms of intimate relationships, trends show that same sex partnerships are more likely to involve domestic violence with about 40% of gay and lesbian couples experiencing it in their relationships. Ms. Mallory stated that their program grant this year will focus more on the LGBT community and will cater to their specific needs.

Ms. Mallory reported that there were 33 male victims in Pleasant Grove this past year, which is a fairly high number. Of those victims, there were 16 male perpetrators and 17 female perpetrators.

She explained that female perpetrators are more likely to assault someone using methods such as kicking, slapping, and throwing objects. Male perpetrators are more likely to use assault methods such as strangulation, beating with closed fists, and making threats with guns or other weapons. In general, male on male assaults are typically more severe. Ms. Mallory noted that men don't ask for services such as a shelter or safe house nearly as often as women because oftentimes they are more financially independent.

Mayor Daniels asked how statistics between male and female domestic violence cases compare to each other. Ms. Mallory explained that nationwide approximately one in four females experience domestic violence and one in 14 men. She reiterated that while the male cases seem lower, there is a significant amount of underreporting. She further noted that in Pleasant Grove she sees approximately 130 to 140 female cases per year. This past year there were only 33 male cases. Mayor Daniels asked if this was higher than the national average. Administrator Darrington explained that the numbers don't necessarily correlate.

Council Member LeMone asked what the program grant will specifically be used for. Ms. Mallory explained that in the past, all of her time working with the program grant has been dedicated to women. This year, however, changes have been made to include services for males. Additionally, the focus will be on individuals who don't identify with their assigned gender. Police Chief, Mike Smith, added that the City has received this grant the past several years and Ms. Mallory administers her own grant. He explained that while the grant awards is less and less each year, it is still a substantial amount of money that benefits the community.

Mayor Daniels asked how many of the 33 male domestic violence cases in Pleasant Grove involved adults. Ms. Mallory reported that they were all adults. She stated that often when there is a female perpetrator, it is a spouse or significant other. Most male perpetrators are either between father and son or siblings. Last, Council Member LeMone commended Ms. Mallory for her work and thanked her for her service to the community.

8) **ACTION ITEMS READY FOR VOTE:**

- A) **CONSIDER APPROVAL OF A NINE LOT SUBDIVISION FINAL PLAT CALLED MONSON ACRES PLAT A LOCATED AT APPROXIMATELY 921 EAST 100 NORTH IN THE R1-9 (SINGLE FAMILY RESIDENTIAL) ZONE. MONKEY TOWN NEIGHBORHOOD.** *Presenter: Director Young*

Community Development Director, Ken Young, presented the staff report, and displayed an aerial map of the subject property. He explained that a rezone from R1-20 to R1-9 for the proposed Monson Acres Subdivision Plat A property was approved by the City Council on December 16, 2014. The rezone included properties owned by Jane Lunceford and Thomas and Mary Monson located at 987 East 100 North and 955 South and 100 North, respectively. It was noted that the properties will not be included in the Monson Acres Plat A Subdivision. The addition of the properties was requested by the City to create more contiguous zoning in the area. Director Young noted that the preliminary plat for the proposed subdivision was approved by the Planning Commission on January 8, 2015.

The proposed plat will create nine lots from four properties. Lots 3 through 8 will access a new cul-de-sac, and Lots 1, 2, and 9 will access 100 North. All lots exceed the 9,000 square-foot minimum

lot size required in the R1-9 (Single Family Residential) Zone. Furthermore, all lots meet the minimum frontage, lot size, and lot width requirements for the zone. The proposed lot lines will not encroach on required setbacks associated with any remaining structures in the subdivision. The proposed subdivision plat meets all other requirements set forth in the City Code.

Mayor Daniels asked about the property located at the northeast corner and mentioned that there had been some discussion regarding whether the developer was interested in selling a portion of it to the City. Director Young stated that there is currently a wall in place that the developer was interested in matching with the property line. It appeared, however, that the developer did not pursue that plan. The wall was identified on an aerial map and City Attorney, Tina Petersen, noted that there is also an easement in the area relative to the usage of the water tank.

ACTION: Council Member Stanley moved that the Council approve a nine-lot subdivision final plat namely the Monson Acres Plat A located at approximately 921 East 100 North in the R1-9 (Single Family Residential) Zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

9) **ACTION ITEMS WITH PUBLIC DISCUSSION**

A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-1) AT THE REQUEST OF STEVEN STODDARD TO AMEND SECTION 10-18-2-N OF THE CITY CODE TO ALLOW THE SLOPE OF A SINGLE FAMILY RESIDENTIAL DRIVEWAY TO EXCEED THE CURRENT MAXIMUM OF 10% GRADE. Presenter: Director Young.**

Director Young explained that as Mr. Stoddard was preparing a site plan for the construction of his home, he determined that he would need to do some strange configurations on his property in order to meet the 10% slope grade for his driveway. As a result, he requested an ordinance amendment, and asked that the maximum driveway slope be increased to 20%. After consideration by staff, the proposed maximum slope was reduced from Mr. Stoddard's original request of 20% to 18%. Photographs of the subject property were presented to the Council.

Director Young stated that this particular section of City Code is not on the planning checklist for new homes and was not something staff examined previously. He explained that there are several other examples in the community of driveways that exceed 10%. In examining other driveways that exceed this minimum, staff determined that 18% was the most appropriate maximum slope.

The intent of the ordinance was to allow development options for property owners who cannot reasonably install a driveway with a slope under 10%. An added stipulation will be to prohibit vehicle parking on driveways that exceed 10%, which will ensure that the desire for safety in accessing and operating vehicles on driveways is preserved while allowing for steeper driveways. City Engineer, Degen Lewis, explained that property owners who choose to build driveways with a slope exceeding 10% will be required to provide four off-street parking spaces on relatively flat ground. He stressed that the goal of the ordinance amendment is to meet the needs of unique properties without allowing so much that there are unintended consequences.

Mayor Daniels asked for additional clarification on how staff determined the 18% maximum slope grade. Engineer Lewis explained that it was determined based particularly on Mr. Stoddard's

property needs including the height he needed versus what was available. Council Member Meacham asked if staff looked at any other slope grades. Engineer Lewis replied that he looked at what other cities in the area allow. The setbacks on Mr. Stoddard's property were discussed. It was noted that one side of his property is steeper than the other. Engineer Lewis reviewed the parking requirements and noted that Mr. Stoddard has at least a three-car garage. He also has a pad area in front of both garage doors where two other cars can park.

Director Young presented several slope diagrams to the Council. One compared a 10% slope to an 18% slope. Council Member Boyd asked if there are any safety issues with allowing up to an 18% slope. Engineer Lewis stated that the matter came forward at the request of the applicant, Mr. Stoddard. He explained that staff would not have otherwise presented the issue because there are good reasons to keep the maximum slope at 10%. Council Member Boyd questioned why it needs to be a City-wide ordinance. Administrator Darrington explained that an exception cannot be made to just one person. Attorney Petersen added that Mr. Stoddard would not qualify for a variance because the hardship is self-imposed.

Council Member Boyd commented that this is the best option for the applicant. Council Member Meacham remarked that a 10% slope is very flat. Furthermore, Council Member Meacham explained that in assessing other driveways in his neighborhood, he discovered that several of them are steeper than 18%. Council Member Stanley remarked that he lives in the same neighborhood as Council Member Meacham and agreed that there are many driveways that exceed 18%. He wanted to know how this happened since the current maximum slope is 10%. Engineer Lewis pointed out that the homes in his neighborhood were built in the 1970s and 1980s. He was not sure when the current 10% slope requirement was adopted into the ordinance. Director Young noted that the ordinance was redone in 1985, but several changes had been made since that time.

Mayor Daniels opened the public hearing.

The applicant, Steven Stoddard, gave his current address as 1160 North Murdock. He explained that the 10% slope requirement is buried deep in the ordinance. He explained that the topography of the bench where his property sits makes it difficult for some lots. Mr. Stoddard felt that the staff and elected officials should be more aware of what is taking place with developments in Pleasant Grove. He recalled that sometime in the early 2000s, a revised ordinance was adopted that addressed this issue. He also mentioned that there is a newer subdivision on Murdock Drive and that there are lots in that area with driveway slopes that exceed 10%. Mr. Stoddard stated that in reality he is able provide sufficient off-street parking, his driveway faces south and west, and he has four-wheel drive vehicles. He concluded that this would be a safe option for his property.

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

Council Member Meacham remarked that he doesn't like the 18% grade; however, by adding the other restrictions, other parking needs are met. He voiced his support for the proposed ordinance amendment. Council Member Stanley was also in favor of the proposed amendment and asked if there would be a better universal rule for the future, such as allowing up to 20%. Mayor Daniels suggested that staff look into the matter further. Mr. Stoddard requested that the process not be drawn out. Administrator Darrington stated that if the Council is comfortable with the proposed amendments as presented, they can be adopted now and any additional changes made later.

Council Member Boyd asked if there was any language in the ordinance that creates checks and balances so that each case can be evaluated on an individual basis. Attorney Petersen replied that the intent was to add a limiting factor by requiring additional off-street parking. She suggested that if the Council would like to add more limiting factors to the ordinance, staff can research the matter further. There was continued deliberation on possible variations to the proposed ordinance amendments. Mayor Daniels recalled that Fire Chief, Dave Thomas, once explained that several codes have been developed over a long period of time. Therefore, establishing an ordinance is a work in process.

ACTION: Council Member Stanley moved that the Council adopt an Ordinance (2015-1) at the request of Steven Stoddard to amend Section 10-18-2-N of the City Code to allow the slope of a single-family residential driveway to exceed the current maximum of 10% grade to an 18% grade, and adopt the exhibits, conditions, and findings contained in the staff report. A public hearing was held. Council Member LeMone seconded the motion. A voice vote was taken, with Council Members Stanley, Meacham, LeMone, Boyd, and Andersen voting "Aye". The motion carried.

Mayor Daniels requested that staff look at this item further to provide additional justification.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-2) AT THE REQUEST OF GUY FUGAL TO AMEND SECTION 10-13-B TO ALLOW 60 FEET TOTAL DRIVEWAY WIDTH AND 60 FEET BETWEEN DRIVEWAYS ON PROPERTIES WITHIN THE RURAL AGRICULTURAL OVERLAY. Presenter: Director Young.

Director Young presented the staff report and displayed an aerial map of the subject property. He explained that there are two properties in Pleasant Grove that currently have the Rural Agricultural Overlay. The first belongs to Guy and Paula Fugal and is located at 504 West 1100 North. The other is owned by Jackson Jones and is located at approximately 450 South 1100 East. The Jones property is accessed only by a stub road at 1100 East; therefore, this is the only frontage that exists. If Mr. Jones were to subdivide his property, he would no longer be in the Rural Agricultural Overlay, and this ability for driveways could not be applied to the property. Director Young explained that there is not a way to allow two driveways on Mr. Jones' property.

There is only one property in the City where the proposed ordinance amendment could be applied. The Fugal lot has a much lengthier frontage of about 296.88 feet and, therefore, allowing a larger combined driveway width would fit the scale of the lot. The Fugals have one driveway that is 26 feet wide. The maximum for two driveways is currently 40 feet. This would only allow an additional 14 feet for a second driveway on the property.

Director Young explained that because the Fugal property is in the Rural Agricultural Overlay and they operate a commercial business, it is important for them to have a secondary access that has a sufficient width. This is only possible if there is a wider maximum width between the two driveways on this type of property. At the suggestion of the Engineering Department, a space of 60 feet total driveway width and 60 feet between driveways is required. Staff felt this was a reasonable request. It was noted that the Planning Commission also unanimously recommended approval.

Council Member Boyd asked if the major concern had to do with the width of the driveway or the width between the two driveways. Director Young explained that the recommendation to have 60

feet between the driveways was so that they aren't too close to each other. In response to a question from Council Member Andersen, Director Young noted that the applicant wants to place the other driveway along his eastern property boundary.

Mayor Daniels asked why the driveways couldn't be closer together and for further rationale on how the numbers were determined. Director Young mentioned that both safety and appearance are the two main factors considered when making their recommendation to the Council. He pointed out that an agricultural commercial business can have trucks of substantial size traveling to and from the property. Therefore, having two driveways too close together could cause safety and visibility issues. Director Young stated that staff felt that 60 feet would be reasonable and that it would work well on this property.

Mayor Daniels opened the public hearing.

Diane Moss gave her address as 391 East 200 South and commented that if there isn't a well-defined safety issue, there isn't a reason to bother with regulations. If, however, there is a safety issue, the matter should be addressed.

Council Member Boyd echoed Mayor Daniels' previous comments about the distance between the two driveways. Engineer Lewis made reference to the old Maverick and the fact that it had a very large driveway. There is a safety concern with these types of situations if a vehicle can enter the property at any point. There is no refuge for pedestrians or users of the sidewalk. When reviewing the Fugal property, they realized that there was more frontage and the idea was that they would be scaling up the driveway and the space in between them. Staff was concerned with the property being located on 1100 North, which is a collector street. Engineer Lewis reviewed points made previously by Director Young. He concluded that staff's intent in crafting the ordinance was to meet the need and desire of the applicant, while minimizing any unforeseeable negative impacts.

In response to Engineer Lewis' remarks, Mayor Daniels stated that the rationale is reasonable. He asked if there is a specific engineering formula for determining some of the figures. He explained that in the future as more developments are proposed, having a formula will give staff a mechanism to make necessary reevaluations. Someday the family may move on and decide to do something new with their property. At that point, they would need to decide what to do with the space between the two driveways. Mayor Daniels explained that the staff and elected officials need to determine reasonable accommodations for the applicant while looking to the future at the same time.

Council Member Meacham asked if there is a maximum driveway entrance curb cut width. Engineer Lewis responded that the maximum is 32 feet for frontages that are less than 100 feet and 40 feet if there is 100 feet in front of the lawn. There was discussion regarding why the ordinance is written a certain way. Engineer Lewis explained that ordinances are drafted based on reactions from certain situations.

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

Council Member Boyd stated that the staff and elected officials make decisions based on the health, safety and welfare of Pleasant Grove citizens. All decisions that have been made, past or present, right or wrong, hinge from this primary objective.

ACTION: Council Member Andersen moved that the Council adopt an Ordinance (2015-2) at the request of Guy Fugal to amend Section 10-13-B to allow 60 feet total driveway width and 60 feet between driveways on properties within the Rural Agricultural Overlay. A public hearing was held. Council Member Meacham seconded the motion. A voice vote was taken. Council Members Stanley, Meacham, LeMone, Boyd and Andersen voted "Aye". The motion carried.

10) DISCUSSION ITEMS FOR THE JANUARY 27, 2015 MEETING

The agenda items for next week's meeting were discussed and it was noted that there will be two public hearings. The first public hearing will be to consider adoption of an ordinance amending the City Code to allow major home occupation businesses to have up to eight patrons at one time. Director Young explained that the applicant recently approached the Planning Commission with a request for a conditional use permit for a regular home occupation that would allow her to conduct music lessons in her home. The applicant requested to teach eight students per hour, however, the ordinance only allows six for most home occupations.

Director Young informed the Council that there is a code section that allows daycare centers to have up to eight children. Therefore, there are two sections of code that don't necessarily agree. The applicant was approved for a conditional use permit for six students. However, she has an active business and feels it is necessary to allow up to eight students in one hour. Staff assessed the potential impacts of allowing more students with this home occupation. Director Young referenced a situation that took place last year with a home occupation where swimming lessons were being taught. The conditional use permit was violated and the business became very out of line with the City's code. Staff was of the opinion that the difference between six and eight students per hour is minimal and that the applicant's request is reasonable.

Mayor Daniels asked how the parking will be governed in this case. Director Young replied that most students will be dropped off and there won't actually be eight cars parked on the street at the same time. Furthermore, there aren't any other employees associated with the business.

Council Member Meacham pointed out that with daycare, children are dropped off for long periods of time. For shorter time periods, such as hourly music lessons, there is a greater likelihood that there will be parking problems. They are two completely different business models. Mayor Daniels added that in the case of the swimming lessons, one of the concerns raised was the overlap between classes. Therefore, spacing between the lessons was required to accommodate parking and traffic. Director Young stated that class scheduling was not addressed in the application, however, it could be attached as a condition of approval. He mentioned that when the applicant applied for the conditional use permit, several neighbors stated that parking and traffic were not an issue with this business.

Council Member Stanley echoed other comments made and voice general support for the proposed ordinance amendment. He commented that there are likely several children in the neighborhood who will attend the classes and will be walking to and from the residence. He did not feel that traffic and parking would be an issue.

The second public hearing scheduled for the following week would be to consider adoption of an ordinance amending City Code Section 10-11-D-2 to add "General Storage and Warehousing" to

the Conditional Use list in the CS-2 (Commercial Sales-2) Zone. Director Young explained that the CS-2 Zone comprises two areas. The first is a small piece of property on the northwest corner of Macey's, along State Street. The second is on developable property in the rear, southeast corner of the Smith's store.

The applicant is seeking to do two different developments. One is townhomes and the other is storage units on the property located near Smith's. Currently there are older storage units on the south City boundary, southeast of the Smith's store. The applicant would like to clear out this area and construct new storage units with a 200-foot setback from State Street. This would preserve the retail requirement on State Street. In response to a question raised by Mayor Daniels, Director Young clarified that the applicant plans to level out the existing storage units and create new ones in a similar location.

Council Member Boyd stressed the importance of looking at the overall project. Director Young stated that the applicant has not submitted a concept plan so there isn't a way to assess their intent at this point. In response to a question raised by Mayor Daniels, it was confirmed that townhomes are allowed in the CS-2 Zone.

11) **ITEMS FOR DISCUSSION – NO ACTION TAKEN:**

There were no further items for discussion.

12) **NEIGHBORHOOD AND STAFF BUSINESS**

Mayor Daniels stated that the question has arisen as to whether it is a good use of time and money to have staff attend Council Meetings. According to Administrator Darrington, staff wants to be present at these meetings. Administrator Darrington stated that a couple of years ago the Council advised staff that they did not need to be present if they did not have an item on the agenda. The response from staff at the time was that they did not feel involved and informed if they don't attend meetings. Furthermore, if something comes up during the open session that pertains to their department, they should be present to address questions or concerns.

Mayor Daniels asked if staff is being compensated for attending the meetings. Administrator Darrington explained that every employee is exempt and they receive the same pay regardless of how many hours are worked. There is no additional compensation for employees who attend Council meetings. Mayor Daniels asked Administrator Darrington to revisit the discussion with staff in the next staff meeting, to determine whether employees want to continue attending Council Meetings.

Mayor Daniels asked NAB Chair, Libby Flegal, if the open neighborhood positions could be advertised in the newsletter and on the City's website. Ms. Flegal responded that there should be information included in the next newsletter. Council Member LeMone asked her to email her the information.

David Larson, Assistant to the City Administrator reported that with the start of the new year it is time to begin the process of nominating the Team Member of the Year. He informed the Mayor and Council that he would be sending an email with additional information soon. Library and Arts Director, Sheri Britsch, spoke about the elevator grant. Administrator Darrington reported that he

sent out a draft agenda for the budget retreat that is accessible through Dropbox. He requested that the Council Members get in touch with him by the following day with any changes. He remarked that he would like to get the agenda posted by the afternoon. The proposed retreat timeline was reviewed.

13) MAYOR AND COUNCIL BUSINESS

Mayor Daniels noted that Director Lundell sent out the quarterly report this past week. He explained when considering the timing of property and sales taxes and looking at the percentage of the year that has passed and projected expenses, it is difficult to determine whether the City is on target. Mayor Daniels asked how well utilized this information is by the Council and whether the way it is presented is helpful to the governing body. He commented that for him, the format is not as helpful as it could be. He acknowledged that while the report has been presented this way for many years, he does not find the content of the information to be helpful in determining the City's current position. Mayor Daniels suggested the matter be addressed during the budget retreat.

Council Member LeMone suggested looking at another City's model, which could be helpful for staff in determining a more comprehensible structure. Mayor Daniels recognized that the report Director Lundell prepared contains good information and that it is what he would ask for in business. However, the nature of the ebbs and flows of financing in government is not the same as business. Director Lundell stated that the Finance Department needs to prepare a quarterly report. He was amenable to looking at new ways to structure the report. There was continued discussion regarding the budget retreat agenda.

14) SIGNING OF PLATS

There were no plats signed.

15) REVIEW CALENDAR

There were no further calendar items to review.

16) ADJOURN

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

The City Council Meeting adjourned at 7:44 p.m.

Minute approved by the City Council on February 10, 2015.

Kathy T. Kresser, City Recorder

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