

Pleasant Grove City Council Meeting Minutes
July 1, 2014
6:00 p.m.

PRESENT:

Mayor: Mike 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
Degen Lewis, City Engineer
Ken Young, Community Development Director
Sheri Britsch, Library and Arts Director
Kathy Kresser, City Recorder
Tina Petersen, City Attorney
Marc Sanderson, Fire Chief
Mike Smith, Police Chief
Marcus Wager, Planning Intern
Lynn Walker, Public Works Director

Other:

Brad Myler
Jonas Otsuji, Applicant
David Land, Evermore
Scott Richardson, Planning Commission Member

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

2) **PLEDGE OF ALLEGIANCE.**

City Council Member, Cyd LeMone, led the Pledge of Allegiance.

3) **OPENING REMARKS.**

Council Member, Ben Stanley, gave the opening remarks.

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

ACTION: Council Member LeMone moved to approve the meeting 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 Work Session Minutes for May 27, 2014;
City Council Minutes for June 3, 2014.**
- b) **To consider for approval change order No.2 and No. 3 for Geneva Rock Products, Inc. for the 2013-2015 Street Preservation Micro-Surface Project.**
- c) **To consider for approval paid vouchers for (June 23, 2014).**

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

6) **OPEN SESSION.**

Mayor Daniels opened the open session.

Mark and Colleen Bezzant, 1192 East 200 South, commented that they wanted to bring each of the Council Members an American flag and some strawberries and cream to thank them for their support with Strawberry Days. They were happy to hear that Miss Pleasant Grove was selected as the second attendant for Miss Utah.

Fire Chief, Marc Sanderson, reported that they had a presentation to make during open session. Chief Sanderson turned the time over to fireman Ryan Rackman who indicated that they wanted to recognize a certain individual that the department did a fundraiser for. Throughout the years the Fire Department selects a firefighter or firefighters' family to assist in some way.

When the Fire Department heard about Landon's story they knew he was a courageous and determined kid and that he had many of the attributes a firefighter must possess. The department decided to run the Utah Valley Marathon with Landon this year. Landon has cerebral palsy and only recently began walking again after extensive therapy. The firefighters helped push, run, and walk with Landon.

Firefighter Rackman stated that the money raised will only have a small impact on the cost of future medical needs and therapy but the memories of the experience will last a lifetime for all of the firefighters who participated. He thanked Landon for inspiring all of the firemen.

Special thanks was given to doTERRA for their donation of \$80 per mile that Landon was pushed. They donated a total of \$1,088. The Fire and Police Association raised \$1,500. The citizens of Pleasant Grove also donated money at the Fire Department Breakfast. They raised a total of \$2,722.

Landon's grandfather thanked the Fire Department for what they did for Landon and their family. He stated that Landon is an inspiration to their family and he was grateful for the wonderful community of Pleasant Grove.

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

7) **BUSINESS.**

A) PRESENTATION BY BRAD MYLER ON DEVELOPMENT IN THE GROVE ZONE.

Brad Myler reported that he lives in Highland, Utah, and works in American Fork and for many years he has had land in Pleasant Grove. Some of the property was sold not long ago to a school for autistic children. Mr. Myler stated that there is a similar school in Bountiful that is very difficult to get into and people travel long distances to attend, which is why they decided to open the school in Pleasant Grove. The school will be called Spectrum Academy. Mr. Myler showed an aerial photograph of Sam White's Lane. The school had 420 spots available with more than 380 spots already taken. He informed the Council of this to help them make a decision on his proposal.

Mr. Myler proposed to develop an apartment complex of 132 units. He indicated that it would also serve the Spectrum Academy because they expect there will always be at least six families who would use it at any given time. He asked the Council to consider the complex use because of the nature of the developments in the area. Although this would require a small zone change to his six acres of property, he felt it would be a worthy change. There are other apartments and condominiums that have either been built or approved to be built in the same area so he did not think it would be a big stretch to allow this development.

Mr. Myler stated that the alternative would be to have the property developed into office space, which would match other development in the area. He felt it would be more appealing for the school, community, and families that attend the school to have a nice complex rather than office space. Mr. Myler stated that he owns an additional eight acres in the same area that the City would like to purchase for a detention pond and he would be willing to offer a discount to the City on that land. He stated that the sale would be completely disconnected from the apartment complex proposal, but he hoped that both parties would be willing to help each other get what they wanted.

Mr. Myler stated that the proposal includes three buildings that are each four stories. There would be a clubhouse, pool, and playground for the families that live in the complex. The intent is to have one, two, and three-bedroom upscale apartments with rent of \$900 to \$1,200 per month. The square footage would range from 1,300 to 1,400 square feet. If the Council approved the complex he and the City could work together to create a similar look and feel in the complex and down into the property where the detention basin will be as well as over to the school.

Mayor Daniels stated that the Council could not give a decision at this meeting but they could discuss the proposal and take the temperature of the Council to determine how the majority of the

Council feels. Council Member LeMone asked if the eight-acre field would include soccer or other field types for the residents. City Attorney, Tina Petersen, stated that they discussed that but the water table is too high to allow for City used fields. City Administrator, Scott Darrington, remarked that the other issue would be the need to build parking and restrooms.

Mayor Daniels explained that in order to serve the purpose of the detention basin they would need the entire eight acres and because the ground would be too wet year round it could not be used as a program field. City Engineer, Degen Lewis, stated that there would likely be a walking path around the property but little else.

Council Member Meacham asked what the master plan for landscape was. Engineer Lewis responded that they anticipate putting down sod. Due to the channel with the water it will likely be a naturalized area for the most part but they have not finalized any plans. Administrator Darrington explained that there may be some other possibilities but they have not discussed it in detail yet.

Council Member LeMone asked if Mr. Myler considered developing retail on his property. Mr. Myler stated that he considered it and had discussion regarding retail with staff and Mayor Daniels. He stated that they may be interested in putting a restaurant on the property but he did not know what other retail would be successful there. He felt that a restaurant of some sort would be a nice complement to the school.

Mr. Myler agreed to entertain the idea of more retail as it would benefit both him and the City but he wanted to be sure it will succeed. It has to be the right kind of retail. Council Member Andersen felt that with all of the residential in the area a restaurant would be very successful. Mr. Myler stated that they considered a pizza place or sandwich shop.

Mayor Daniels indicated that at one time there were requirements with lot size averaging and clustering and he asked if that was still part of the code. Administrator Darrington stated that lot size averaging can still be done but he did not know if this area would qualify for that. Attorney Petersen explained that this project would likely require a few different zone changes and that we no longer have a residential PUD zone that would allow for clusters. First would be to allow the residential component and the second would be to allow for the proposed density. Administrator Darrington indicated that the density across the whole area excluding the detention basins would be 9.5 units per acre.

Council Member Boyd asked what is allowed in the BMP zone. Community Development Director, Ken Young, explained that BMP stands for Business Manufacturing Park and is intended to be a higher end office park that requires greater setbacks, more landscaping, and is set up to be a class A office area. The only facility that currently meets that vision is Close to My Heart. There has not been any development in this zone for a long time. Close to My Heart is the only thing that has developed according to the zoning guidelines for the area. There have been inquiries, but the restrictions have discouraged builders. Director Young felt that the zoning was a challenge and thought the City may want to consider rezoning. They could divide it up and let the western half go to the Grove Zone and the eastern half go to the MD Zone.

Council Member Boyd stated that the only way she would feel comfortable with the request was to keep the zoning of the office retail on the front end. Mayor Daniels asked if this is serving as the SOB area. Director Young commented that now that the Spectrum Academy has been approved

there is a 600-foot distance requirement from any school to an SOB. As a result, it is a challenge to find an area where an SOB could be located. They have not redrawn the map yet. Attorney Petersen indicated that all the City has to do is have a zone designed for it to be located in and if other things develop around it first, which make the 600 foot limit impractical, that is acceptable. The City is not obligated to find, create, and preserve an area. They are, however, obligated to provide an area even if it changes later.

Administrator Darrington reported that if Mr. Myler takes his six acres with the 132 units there are 20 units an acre. If the City changes the ordinance and allows some sort of clustering and this becomes part of his open space requirement, it is 9.5 units per acre. The discussion needs to include whether the City is willing to allow the development to be part of the open space requirements especially because the City will own some of that property. Director Young explained that there will be some zoning amendments that will have to be addressed. Currently the maximum density allowed is 12 units per acre, so that may need to be changed depending on how they choose to count the number of units per acre.

Mayor Daniels stated that there will be no decision made tonight but he wanted to provide an indication to Mr. Myler of where the Council stands on this issue to help him proceed. Council Member LeMone was interested in units with the retail component. There are already so many apartments in the area and the retail will be an important piece. Administrator Darrington clarified that the Steeple Chase is not all retail but is commercial and said that Council Member LeMone wants retail that is sales tax generated. She felt that retail or restaurant would complement both the school and the residential.

Council Member Boyd felt there was no reason to change the zoning to allow more apartments especially in an area where they are anticipating retail and other business. Council Member Stanley stated that he likes Mr. Myler's vision of the luxury apartment but he would like to see some commercial. He did not think it has to be only retail and thinks commercial office would be useful as well. He felt that Director Young's suggestion to split the zone could be a good option if the Council determines the zone is not useful. He is always open to growth and development for the City.

Council Member Andersen liked the price point, luxury, and size of the apartments but also felt that retail was important and would like to see a sit down restaurant. Council Member Meacham commented that the school has thrown a loop in the area and he feels the zoning no longer fits. He was comfortable with the commercial but did not feel strongly about the retail in the area. He liked the idea of partnering with Mr. Myler and saw no problem working together to get the open space and satisfy both parties.

Mayor Daniels informed Mr. Myler that the proposal would be considered if there was some retail, commercial, or restaurant activity in the area.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-24) ADDING LAND USE #4200 MOTOR VEHICLE TRANSPORTATION TO CITY CODE SECTION 10-11D-2E CONDITIONAL USES IN THE SOUTHERN AREA OF THE CS-2 ZONE, BETWEEN MAIN STREET & STATE STREET AND 700 SOUTH & APPROXIMATELY 1000 SOUTH (CITY BOUNDARY). (APPLICANT BRENT HOLDAWAY) (CITY WIDE) Presenter: Director Young.

Director Young reported that the applicant approached staff and requested the opportunity to place his business in a zone where the use is currently not permitted. The Smiths and Macey's are the only two areas in the CS-2 Zone. There are only a few pieces that are not developed. Mr. Holdaway would like to use the property for his trucking business. The development would include an office space that would act as a garage for him to park two of his trucks. There is a home with a deep lot on the front that faces off the street. Mr. Holdaway would purchase the back portion of the lot. This type of use is not currently permitted in this zone. The CS-2 Zone allows for commercial sales and multi-family housing. The vision for the area is more for retail with a mix of multi-family housing.

Director Young stated that Mr. Holdaway requested to allow the addition of motor vehicle transportation as a use to be permitted in the zone as a conditional use. This would allow Mr. Holdaway to develop the property as long as it meets any specific conditions imposed by the Planning Commission. As part of the motor vehicle transportation use there are other types of uses that are similar to this one that could also be permitted in the zone by conditional use. These could include bus transportation with terminals and garages, motor freight transportation terminals and garages, and other motor vehicles such as taxi cabs and ambulances.

Director Young stated that the Council should look beyond Mr. Holdaway's specific proposal and consider the impact this might have if the City allows the aforementioned types of uses in the zone. The vision was that this area is an important commercial area for the City and has potential for larger projects. Director Young was comfortable with how the zone is currently set up.

Mayor Daniels opened the public hearing.

The applicant, Brent Holdaway, gave his address as 604 East 930 South and said that Mont Pulham has owned the property for a very long time and has been trying to sell the property for many years but continues to run into the same problem. His property is very long and narrow and is not wide enough for commercial retail. Mr. Pulham wanted to sell the entire parcel and not just a portion of it. Mr. Holdaway was in favor of retail along Geneva Road. He proposed that if the City allows him to proceed he would place his building that will house his trucks in the back. He would retain an access next to the animal hospital that would allow him to access the back of the property. If in the future someone wanted to purchase the front portion of the property for retail they would likely have to buy the tax office next store to have enough space. He was, however, open to the idea.

Mr. Holdaway stated that on the back portion of the property is Utah Power and Light and they have a similar set up with a building and parking. He wanted to meet his own needs, the City's needs, and the seller's needs at the same time. He felt this would benefit the City. It will not be a maintenance shop or something that creates a lot of traffic or disturbance.

Mayor Daniels clarified that the public hearing tonight was to discuss the use of the property. He asked Mr. Holdaway to go into more detail about that. Mr. Holdaway stated that the back of the property will be commercial and the front part portion that has a home on it will be rented out until someone wants to purchase the land. He owns a small trucking company and hauls sand and gravel. He needs a place to park his trucks off the road and this property will meet his needs.

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

Director Young stated that in the review by the Planning Commission they recommended that if this were to go forward, it would be more appropriate to apply it to the southern CS-2 area rather than including both areas in that zone. Their recommendation to the City Council was that if this is approved it should only be for the specific area. Staff felt that the General Plan and vision for the area was to be commercial retail in nature. They did not feel strongly about opening the area up to other uses.

Council Member Stanley asked if the public came to discuss this topic at the Planning Commission Meeting. Director Young stated that there was no public input. Council Member Boyd thought the area was supposed to be higher end retail and commercial development and one of the best areas for development in the City.

Mayor Daniels said that the parcel being discussed came before the Council previously for multi-family housing. He stated that they need to determine if the RDA the City created is working and is it doing the job it was intended to. Director Young said it is not doing as well as they had hoped. Administrator Darrington stated that the RDA expired and did not pan out the way they anticipated.

Mont Pulhman gave his address as 865 South Main and reported that they have owned the property in question for 50 years. He would like to sell it to get away from the highway and he felt it would be good to sell to Mr. Holdaway. Mayor Daniels asked how many people have approached him about his property in the last 10 years. Mr. Pulhman stated that there have been many inquiries with respect to uses such as apartments but the City has ideas of what they would like in the space, which has made selling it difficult. He explained that they do not have enough frontage for a commercial business.

Council Member Andersen felt it was unlikely that a developer would come in and develop only that strip of property. She also felt that if a large developer purchased all the land in the area they would not have a problem with one garage and office in the back.

Mayor Daniels asked Planning Commission Member, Scott Richardson, if he had any comments. Commissioner Richardson stated that they discussed the same issues the Council did. They discussed what could be done with such a small amount of frontage. They looked at both CS2 areas and did not think the change would fit in the upper one due to the condos and Macey's but felt more of a fit down at the bottom. They voted unanimously and saw this as a win/win for the applicant and the City. The applicant can now develop and leave an option open for future retail development.

Council Member LeMone commented that if they wait to make changes or to sell the property there may be something bigger and better down the road than selling pieces of property as they go. She thinks the area still has great potential even though nothing major has happened to this point.

Mayor Daniels stated that this request is for a conditional use and would be developed off the street on the inner piece next to the six-foot drop off at Smiths. The applicant will not raze the house, which effectively leaves everything that is still on Geneva Road to be assembled in the future.

Council Member Boyd commented that they are discussing the uses allowed in the area and not his specific property. The uses this would open up would change the zone substantially. Council Member Meacham remarked that there is not a lot of property available for use in the designated CS2 area.

ACTION: Council Member Stanley moved to approve Ordinance (2014-24) adding Land Use #4200 Motor Vehicle Transportation to City Code Section 10-11D-2E Conditional Uses in the Southern area of the CS-2 Zone, between Main Street & State Street and 700 South & approximately 1000 South. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, LeMone, Meacham and Stanley voting "Aye", and Council Member Boyd voting "Nay." The motion carried.

C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-25) AMENDING THE CITY CODE SECTION 10-15-14 BY ADDING SECTION O "HALF CUL-DE-SAC ROAD." (CITY WIDE) (APPLICANT JONAS OTSUJI)
Presenter: Director Young.

Director Young said the applicant has requested an amendment that would allow for something that would be considered a hybrid between creating a full cul-de-sac street and a flag lot stem which would be a private street. Through vicinity map planning the City planned future potential cul-de-sac roads. Staff determined that there are 16 locations where this half cul-de-sac road could occur. By looking at development proposals, if a City street can be developed in place of a potential flag lot, that is the preferred development scenario. In the case of the applicant, the property has narrow frontage but is a deep lot with a wider area behind the home off of the street. There is development potential to get a few additional lots there but he would either have to tear down the existing home and build a City street through it or as he is proposing he could do a flag lot. Because the vicinity map planning for the City had proposed cul-de-sac requirements straddle his property and the neighbor to the south, he was informed that he would have to do the regular cul-de-sac.

Director Young reported that the applicant approached his neighbor to the south who said he did not want to develop his property but was willing to sell a small sliver that gives better access in front but it does not give him enough to develop a City street. Staff reviewed what would be important features in this type of proposal and worked with the applicant to identify the important elements.

Director Young stated that the criteria would be as follows:

1. The applicant provides evidence of the effort to obtain the right of way for a full cul-de-sac. The City would prefer that a full cul-de-sac be built but sometimes the other property owners will not cooperate.
2. The subject property is identified on the Pleasant Grove City vicinity plans as a location or future cul-de-sac that has development potential as a half cul-de-sac.
3. The cul-de-sac will be built to the street standards in section 11-3-4 with the exception of partial street width. The maximum width possible shall be provided, however, in no case shall the portion of roadway acting as a flag lot stem provide less than 28 feet of street improvements.

4. The half cul-de-sac shall be built to have sufficient turn around for emergency vehicles.
5. Additional requirements may be made by the City Engineer and Public Works Director in regards to the pavement, parking or other issues on any half cul-de-sac street related to safety issues and other City street standards.
6. A homeowners association shall be established having covenants and restrictions that are recorded and filed with the City regarding the shared responsibility of property owners to maintain the half cul-de-sac street to City standards until such time that the full cul-de-sac is completed and dedicated to the City.
7. As a condition of approval all property owners having access to the half cul-de-sac will be required to dedicate the right of way when the full cul-de-sac is completed.

With the established criteria staff was satisfied that the concerns and issues that the City might be dealing with will be addressed. The Planning Commission unanimously recommended approval.

Council Member Meacham stated that the City has a similar case conditioned for roadways and asked if this verbiage was taken from that portion of the Code. Director Young stated that some of it was used to formulate the criteria. Mayor Daniels explained that this is not the first time the Council has considered this particular area for development. Director Young stated that the zoning is R1-8. Roughly three homes could go on this particular property.

Mayor Daniels opened the public hearing.

The applicant, Jonas Otsuji, stated that if they do this project it will be very high quality. The Council can be reassured that if the project is approved it will be a gorgeous community.

Council Member Boyd asked if a lifetime flag lot will not work or if the City just does not want them. Director Young stated that they prefer full through streets built to City standards first, with cul-de-sacs second, and flag lots as a last resort. A half cul-de-sac is better than a flag lot.

Reed Bair gave his address as 945 North 100 East and reported that he offered the applicant a small part of his property totaling roughly 13' x 120', to prevent the applicant from having to tear down his own home. Mr. Bair had no objection to the proposal.

Council Member Boyd asked if aside from the property Mr. Bair is selling if any of his future development was impaired by any of the proposed development or half cul-de-sac. Mr. Bair indicated that it was not.

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

Council Member Meacham felt this was a good way to guarantee a future cul-de-sac. Council Member Andersen agreed. Council Member Stanley stated that the first criteria regarding the applicant showing effort to obtain the right of way for a full cul-de-sac should be more definitive in

terms of what efforts have been undertaken and what standards the City will have. He felt it was too vague. City Attorney, Tina Petersen said she understood his concern but did not know how to craft something that would cover all instances.

Engineer Lewis stated that this is the verbiage from the half street portion of the ordinance. It was crafted to be a very limited exception. The thought was that the applicant would provide the Planning Commission and City Council with evidence of effort and because it is not defined, it allows the Council to say they do not think it is enough effort. Council Member Meacham stated that in reality this will provide a half improved flag lot. The only inconvenience comes when the other half of the cul-de-sac is completed.

Director Young remarked that if he feels future applicants should be considered for approval a plat will be prepared and approved in preliminary format by the Planning Commission. It would then then come back in final format. It will be reviewed City Council multiple times who will give input.

ACTION: Council Member Andersen moved to approve Ordinance 2014-25 amending the City Code Section 10-15-14 by adding Section O “Half Cul-De-Sac Road” 11d-2e of the Pleasant Grove City Code and adopt the exhibits, conditions, and findings contained in the staff report. Council Member Meacham seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voting "Aye." The motion carried.

D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-26) AMENDING THE CITY CODE SECTION 10-14-15-X-5 PARKING LOT LANDSCAPING, BY ADDING PROVISIONS FOR LARGE COMMERCIAL PARKING LOTS IN THE GROVE ZONE. (APPLICANT EVERMORE) (SAM WHITE’S LANE NEIGHBORHOOD) Presenter: Director Young

Director Young reported that staff has reviewed two site plan submittals for Evermore so far and they are concerned that the way they have proposed their parking lot does not meet current City Code for parking lot landscaping in the Grove Zone. There is a stricter requirement for parking lot landscaping in this zone than in others. They are required to have one parking island between every 10 parking stalls. The reason for the requirement was to eliminate large areas of asphalt.

When the doTERRA site plan was brought forward there was the ability to have some waivers to certain requirements built into the code for the overlay that doTERRA was developed under and the City did allow for a variance in their parking lot. Rather than islands they constructed diamonds or circles with a tree to keep the landscaping but not take up so much space. After working with Evermore they determined it would probably be a good idea to not spread out the land mass area for parking just because they like having trees in the parking lot. They would prefer to consolidate. Staff proposed with Evermore’s agreement that with every six stalls there be a tree diamond. This will bring more trees than what is actually required in the zone but less actual landscaped area. The Planning Commission unanimously recommended approval.

Mayor Daniels opened the public hearing.

Evermore's representative, David Lane, gave his address as 234 West Sienna Drive. He stated that as they design Evermore they are trying to create an immersive experience. In order to do that they propose mounding as high as the City will allow around the parking lot with extensive landscaping. They want to create an environment that makes it so you cannot see the outside world even in the parking lot. They are not proposing to reduce landscaping but will do far more than is required. They are landscaping with numerous large trees.

Mayor Daniels asked about the size of the tree diamonds. Director Young responded that they are a minimum of four feet. The four-foot minimum will limit the size of tree that can be planted, which will be a considerable shade tree. Council Member LeMone asked if Evermore is satisfied with the requirement that every six spaces have a tree rather than 10 spaces. Mr. Lane stated that they are just trying to get as much parking as possible. Their expected number of guests has increased by more than double what was initially planned for.

Council Member Meacham asked how many other parking lots will be affected by this change. Director Young stated that the change will be for large parking lots with more than 300 stalls. Currently there are no parking lots in the City with more than 300 stalls. There will, however, be a lot this size with doTERRA's second parking lot in their second phase. There is a chance that future shopping centers could have 300 plus stalls.

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

ACTION: Council Member Meacham moved to approve Ordinance 2014-26 amending the City Code Section 10-14-15-X-5 Parking Lot Landscaping, by adding provisions for large commercial parking lots in the Grove Zone. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, LeMone, Meacham, and Stanley voting "Aye". The motion carried.

E) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-27) AMENDING THE CITY CODE SECTION 11-7-5 EXPIRATION DATE OF FINAL PLATS. (CITY WIDE) (AT THE REQUEST OF DEGEN LEWIS CITY ENGINEER) Presenter: Engineer Lewis.

Engineer Lewis stated that currently all of the City's approvals have an expiration except for final plats. This will provide for a 12-month expiration date.

Mayor Daniels opened the public hearing.

Phil Holland a Layton resident, asked for future reference when the final plat is set to expire if there is there a way to extend it. Engineer Lewis recommended Mr. Holland ask the Council for an extension which is typically good for 3 to 6 months.

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

Council Member Stanley asked why the length of the plat is not greater than 12 months. Engineer Lewis responded that 12 months is adequate because the plats are typically close to completion

when they come before the Council. After a period of time things can change at the State and City level and this allows for review and updates.

Council Member Meacham asked if there is a limit to the number of extensions a person can have. Engineer Lewis responded that there is not as long as they come back through staff for review and then the City Council for approval.

ACTION: Council Member Stanley moved to approve Ordinance 2014-27 amending the City Code Section 11-7-5 expiration date of final plats. Council Member Meacham seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, LeMone, Meacham, and Stanley voting "Aye". The motion carried.

F) TO CONSIDER FOR APPROVAL MUIRFIELD ESTATES SUBDIVISION FINAL PLATS "A-F" AND PHASING PLAN ON PROPERTY LOCATED AT APPROXIMATELY 1450 WEST 3300 NORTH IN THE R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE. (MANILA NEIGHBORHOOD) Presenter: Director Young.

Director Young reported that there have been many meetings with the City Council and Planning Commission and the zoning and plat process is now complete and ready for approval. There are 67 lots in the area being proposed in the R1-20 Zone. Director Young displayed an aerial map of the property and lots. The plan is to be considered both a phasing plan for development and individual plats. The preliminary plat was approved by the Planning Commission and staff recommended approval of the final plats.

ACTION: Council Member Stanley moved to approve Muirfield Estates Subdivision Final Plats "A-F" and Phasing Plan on property located at approximately 1450 West 3300 North in the R1-20 Zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

G) TO CONSIDER FOR APPROVAL THE GROVE COMMONS COMMERCIAL SITE PLAN LOCATED AT APPROXIMATELY 1700 WEST STATE STREET IN THE GROVE ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) Presenter: Director Young.

Director Young reported that the development area is to the north and west of the Walmart development. There is a front lot that is not currently being developed. The property in the proposal is adjacent to that lot. Director Young showed a map of the property and the access for it. There will be two vacant pads in front of Walmart. To the west on State Street there is a commercial retail building with six units. One is being planned with a drive through area. There will be landscaping to match the mountain design theme. The office buildings also meet the design criteria. Director Young reported that the site plan and architecture design have been reviewed by the Design Review Board and the Planning Commission who recommended approval. The recommended criteria was attached to the site plan that came from the Design and Review Board.

ACTION: Council Member Boyd moved to approve the Grove Commons Commercial Site Plan located at approximately 1700 West State Street in the Grove Zone. Council Member LeMone

seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

H) TO CONSIDER FOR APPROVAL FINAL PLATS B-F AND PHASING PLAN FOR PALISADES SUBDIVISION LOCATED AT APPROXIMATELY LOCUST AVENUE 950 EAST 640 SOUTH IN THE R1-9 (SINGLE FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) Presenter: Director Young.

Director Young reported that the above proposal has been a challenge for several years and this portion of the development area has been reviewed several times. Some neighbors below the proposed area have concerns about how the proposed development will coincide with their development plans. This developer was required to create a vicinity plan for the City, which he has done. Not all of the neighbors are happy but the concept works for the City and the neighbors were given the opportunity to present their own alternatives, which they did not choose to do. Staff felt this was a scenario that works. Director Young reported that currently one lot has been approved and the rest is a new subdivision. The vicinity plan shows how all the connections work throughout the property. The proposal came before the Planning Commission in preliminary format and they recommended approval.

Council Member LeMone asked if the neighbors had other ideas about development. Director Young indicated that they sat down with some neighbors as staff to discuss concerns. Some people had ideas about the size of future lots that could be developed and how the roadways should go through the property. Many of the neighbors' ideas lined up with the applicant's ideas.

Council Member LeMone stated that she has had residents ask when development will begin. Director Young reported that Phase One will begin as soon as possible.

ACTION: Council Member LeMone moved to approve Final Plats B-F and the Phasing Plan for the Palisades Subdivision located at approximately Locust Avenue 950 East 640 South in the R1-9 Zone. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the council. The motion carried.

I) TO CONSIDER FOR APPROVAL OF A CLASS A OFF-PREMISE BEER LICENSE FOR THE WAL-MART NEIGHBORHOOD MARKET STORE #4700, LOCATED AT 1707 WEST STATE STREET. (SAM WHITE'S NEIGHBORHOOD) Presenter: Attorney Petersen.

Attorney Petersen reported that the above matter is an application for an Off-Premise Beer License for the Walmart Neighborhood Market Store. It is similar to other Off-Premise Beer License permits the Council has granted in the past. There are no issues and the applicant has received State approval. They paid their fees, updated their business license, and completed all necessary background checks and inspections. All required verifications were also successfully completed.

ACTION: Council Member Boyd moved to approve a Class A Off-Premise Beer License for the Walmart Neighborhood Market Store #4700, located at 1707 West State Street. Council Member

Andersen seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

J) TO CONSIDER APPROVING THE WORDING AND DESIGN OF THE PIONEER PARK MONUMENT SIGN AND PLAQUE. *Presenter: Director Giles.*

Parks and Recreation Director, Deon Giles, reported that they recommend two signs be installed at Pioneer Park. The entrance sign will be placed next to the current Pioneer Park sign. The second will go next to the Ten Commandments monument. The signs will be 24" x 18" laser cut and placed on a post. Council Member Meacham asked if the monument will affect the current monuments. Attorney Petersen responded it they will not. The new plaques will be explanatory in nature.

ACTION: Council Member Stanley moved to approve the wording and design of the Pioneer Park Monument Sign and Plaque. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

K) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-022) TO ENTER INTO A CAPITAL LEASE WITH ZIONS BANK TO FINANCE A 2009 LADDER TRUCK (\$501,994), 2001 FIRE ENGINE (\$204,238), 3 REFURBISHED AMBULANCES (\$276,048), FITNESS EQUIPMENT (\$65,000), AND COMPUTER EQUIPMENT (\$40,000) FOR A TOTAL OF \$1,087,280; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Lundell*

Finance Director, Dean Lundell, reported that the above matter represents finalization of the lease. He noted that they received a good rate through Zions Bank for seven years. Council Member Boyd thanked Fire Chief, Marc Sanderson, for finding a way to meet the needs of the City, Fire Department, and citizenry.

ACTION: Council Member Boyd moved to approve Resolution 2014-022 to enter into a capital lease with Zions Bank to finance a 2009 ladder truck (\$501,994), 2001 fire engine (\$204,238), three refurbished ambulances (\$276,048), fitness equipment (\$65,000), and computer equipment (\$40,000) for a total of \$1,087,280; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voted "Aye." The motion carried.

L) TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-28) AMENDING TITLE 4 SECTION 7 SUBSECTION 2 ADOPTING CERTAIN RESTRICTIONS OF THE USE OF FIREWORKS WITHIN CERTAIN AREA OF THE MUNICIPALITY IN THE EAST SIDE OF TOWN IN THE WILD LAND URBAN INTERFACE AREA AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen reported that State fireworks statutes have been somewhat fluid in the last couple of years. The City adopted a fairly recent change to the City's Firework Ordinance, which prohibited aerial fireworks. Last year the State Statute prohibited the City from restricting one specific type of firework. The City adopted a temporary ordinance that just covered last year's

firework season, modified the restricted areas, and clarified language that all fireworks were prohibited in the wild land urban interface area. The statute also requires them to show some degree of specificity that the area being prohibited is in some sort of danger. The Wild Land Urban Interface Area is dangerous because of the wild land that is so close to the City boundary. A fire in the area could travel up the mountain and into forest land rapidly. The City can be held responsible for restitution for the cost of fighting fires in forest land areas if we have not regulated dangerous activities like fireworks in the area.

Attorney Petersen reported that last year this was done on a temporary basis. They have now created a map that shows about 150 feet from what is the Urban Wild Land Interface Area. The Fire Department recommended that the temporary ordinance become permanent. The City will not have to address this issue each year going forward once it is finalized.

Mayor Daniels asked if the new ordinance is more or less restrictive in terms of the area it covers. Attorney Petersen said it is less restrictive than before. The City cannot prohibit a single type of firework, such as aerial fireworks. They have to prohibit all fireworks if they want to restrict any. Chief Sanderson stated that legally purchased aerial fireworks should not travel more than the designated 150 feet and should not be problematic.

Council Member Meacham asked if sparklers are permitted. Attorney Petersen indicated that they are not. It was noted that the ordinance covers all Class C fireworks.

ACTION: Council Member Meacham moved to approve Ordinance 2014-28 amending Title 4 Section 7 Subsection 2 adopting certain restrictions of the use of fireworks within certain area of the municipality in the east side of town in the wild land urban interface area and providing for an effective date. Council Member Stanley seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, LeMone, Meacham and Stanley voting "Aye". The motion carried.

M) DISCUSSION ON LION'S CENTER RENTALS. *Presenter: Administrator Darrington.*

Administrator Darrington stated that current users at the Lion's Center are Center Stage, the Sportsman, the Lion's Club, and particular City events. Private rentals are also available for residents to schedule. In 2013 there were 53 private rentals of which 37 paid. The 16 that did not pay were club members before the agreement that said they would not be charged for extra rental fees. The 37 that paid generated over \$5,000. There have been some scheduling issues since Center Stage and the Sportsman have begun needing the space more and more. This has been a challenge for private rentals. Administrator Darrington stated that they are working to improve scheduling to avoid overlaps.

Library and Arts Director, Sheri Britsch, stated that Center Stage has expressed concern about the challenges with sharing the space. They have large sets that they set up and take down on a regular basis because of private events, which is a challenge. The Lion's and Center Stage are not charged a fee to use the space.

Director Giles stated that when the City took on the facility and maintenance the original agreement said that City events were priority one. Then the Lion and Sportsmen have second priority and then

the public came next. The Lion's meet once or twice a month and the Sportsmen meet at least once a month but their members have the ability to shoot in the basement if the building is not in use.

Council Member LeMone commented that it seems like some improved calendar coordination could help resolve many of the problems. She asked how scheduling currently works. Administrator Darrington stated that previously scheduling was not very organized but a Google calendar was created and eliminated a lot of the problems.

Administrator Darrington reported that currently the City charges \$35 per hour or \$150 for the day to rent the facility. There is a \$150 deposit. There are often problems with people not cleaning up after their party because it is worth the \$150 to have the City take care of the mess. He recommended significantly increasing the deposit and rental fees.

Administrator Darrington stated that some potential ideas were to do away with private rentals. Currently when the building is rented the person renting the facility picks up the key and has full access. If private rentals continue the City could have a person who is either contracted out or hired as an employee to open the building for the party and stay on site during the event and then make a determination as to whether the cleaning has been done properly and determine whether the deposit is to be refunded. Administrator Darrington stated that the scheduling and payment should all be centralized at City Hall.

Council Member LeMone asked how the other buildings the City owns are scheduled. Administrator Darrington stated that everything is done through either the Sportsman or the Rec Center. Director Giles commented that the Sportsman Club would like to be able to shoot when no one is in the building. The problem is that the Sportsman program only allows them to break the schedule into two blocks rather than multiple blocks to allow multiple events in one day.

Council Member LeMone stated that it seems that the staff at the Rec Center could run the calendar and take the rental funds. She asked if it is necessary to have a staff member on site at the other City rental facilities. Administrator Darrington stated that for parks and the Rec Center they do not require that. Director Giles commented that another option would be to have a staff member check the private party and then leave and return at the end of the event and check them out.

Mayor Daniels asked if this was something that can be handled administratively or if the Council needs to be involved. Administrator Darrington stated that the main question is if the Council wants to do away with private parties altogether. The second question was if the Council determines that private parties will continue to be allowed, what the rental and deposit fees should be increased to. Council Member Andersen asked about the operating expense of the facility. Administrator Darrington stated that most of the expense is just the maintenance of the building and the utilities. The private rental fees cover most of the operating fees but not necessarily the long-term maintenance.

Council Member Stanley said he proposed to raise the rates so high that the majority of private parties would not be interested in renting the facility. Administrator Darrington stated that raising the rates will discourage some people, but the real intent of raising the rates is to cover the City's cost. Another issue was that there are numerous keys to the building circulating in the community. The intent was to rekey the facility.

Mayor Daniels commented that they have a lot of properties that the City has acquired for numerous purposes and this is another facility that the City is expending funds for that are not covering the cost of use. He asked if they could sell this building. Director Giles stated that the main problem is that Center Stage has gotten so large that they need the space and the City would have to find them another place to practice if they sell the building. Mayor Daniels asked if the City needs to be in the performing arts business. Council Member LeMone stated that they do because it is a City program that the City supports the youth of the community. If they do away with that facility they will have not have a place to perform.

Council Member Boyd felt they should continue to rent to the community. Traditionally there are a lot of residents that use the facility. She recommended raising the rates. Mayor Daniels commented that it seemed like the Council prefers to continue to own and operate the facility and rent to the public. The way to handle it would be to raise the rental rate and deposit in order for staff to perform the functions necessary.

Administrator Darrington stated that the deposit is the more important change. He suggested raising the deposit to \$400. Renters will get their money back if they leave the building in good condition. The Council agreed that a staff member should open and close the building but not stay during the event. Director Giles stated that the main issues at the Lion's Center is that private parties go beyond curfew. The second problem is that private parties bring alcohol even though it is prohibited. Council Member LeMone asked why the rates need to be raised if a staff member is there to check the parties in and out. She asked what damage has been done in the past. Director Giles stated that there have been broken windows, doors pulled off of the walls, stains, and similar types of damage. Council Member LeMone suggested having staff check private parties in and out before raising the rates. Council Member Andersen asked if there was a way to write into the rental contract that any damage has to be paid for by the party. Council Member Meacham supported raising the rates enough to cover the cost to the City.

Director Giles reported that the current rental fee is \$35 per hour for residents and \$45 per hour for non-residents. The recommendation is to raise the rate to \$50 and the deposit to \$400. The Council expressed concern about raising the deposit to \$400. Police Chief, Mike Smith, suggested adding to the Rental Agreement language specifying that if any violation to the agreement occurs, such as bringing in alcohol, they will forfeit their deposit. The Council supported that idea. Administrator Darrington agreed to draft a proposal and present it to the Council at a future meeting.

N) DISCUSSION ON CAPITAL FUND NEEDS. *Presenter: Administrator Darrington.*

Administrator Darrington reported that a public hearing is scheduled for the following week regarding the potential sale of Battle Creek Park to the high school. If the sale of the park does not go through, the discussion will not need to continue. If the sale does occur, they would like to use the funds on three particular projects that were high priority when they did the budgeting but were canceled due to lack of funding. When the budget was initially prepared and discussions were held with the school district regarding the property, the proposed cost was \$300,000. After the appraisal and through the negotiation process the actual sale price was determined to be \$415,000. Pending the sale going forward there is \$115,000 more than initially thought in capital money for other projects.

Administrator Darrington stated that the three projects that they would like to fund pending the sale of the park are the public works roof at a cost of \$35,000, a document imaging system at a cost of \$37,000, and a dumbwaiter for the library to shuffle books upstairs and downstairs at a cost of \$21,000. Council Member LeMone was of the understanding that the last bid for the document imaging system was \$22,000. Administrator Darrington indicated that they estimated what they thought it would cost, however, after going through the RFP process, \$37,000 was the actual number.

Administrator Darrington stated that the softball field is still planned to begin and will be bid in October. They may choose to put seed in the field rather than sod in order to save money. Play will begin in 2016. There also needs to be an additional parking lot. Park Impact Fees will be used to build one of the fields. The other field has to be completed using capital funds.

Council Member LeMone stated that if the road does not go through near Melanie Lane, the City should take some money and fix up the basketball court or do away with it. If the road is going to be done they may want to remove the basketball court. Administrator Darrington stated that to this point discussions have indicated that the road will not be built.

Council Member Boyd asked if the road was ever going on the master plan or if they should approach it again at a later date. She agreed that a final decision should be made about the road in order to move forward and do something about the basketball courts. Administrator Darrington stated that after discussions with the Council they decided to leave it as-is and perhaps address the road in the future. He commented that they were comfortable improving the courts pending fund availability.

Administrator Darrington reported that \$93,000 has been accounted for in the above mentioned projects. This leaves \$22,000 for other projects. Mayor Daniels asked what it would cost to put in an elevator instead of a dumbwaiter. Administrator Darrington responded that they had not priced that at this point. Director Britsch believed that once an elevator is put in, the entire building has to become handicap accessible, which would require numerous changes. Attorney Petersen suggested they do more research on the topic.

Administrator Darrington stated that they would prefer to hold the additional \$22,000 as a buffer for now that could potentially be used for the softball field. The intent when they discussed building the road or improving the area was to sell the lot to pay for the cost of building the road. There are no funds currently set aside to improve the area unless the Council wants to redirect some of the capital project funds. Mayor Daniels asked if they knew what the cost would be to rehab the basketball court area. Administrator Darrington stated that they would have to tear out the concrete and start over. He thought if there was any intent to build the road in the next five years they should remove the concrete and landscape the area.

Council Member Boyd asked about the cost of a pickle ball court. She said they often act as a multi-use court. Director Giles remarked that it was important to remember that there will not be any parking in the area. It may not be a large enough space for major programming. Administrator Darrington agreed to look into the cost of removing the concrete and the cost of a pickle ball court.

Council Member LeMone asked if there are other department needs that would come before the three projects mentioned or if staff has determined that these are the three priority needs of how the money should be spent. Administrator Darrington stated that when the priority list was reviewed these were the projects at the top of the list. The first two items were at the top of the list for five years.

Council Member Boyd expressed concern about the dumbwaiter. Administrator Darrington said initially they had planned to obtain the materials needed for the dumbwaiter as part of a service project but the individuals involved pulled out. All of the changes made at the library were made with the understanding that there would be a way to move the books up and down the stairs. The dumbwaiter is necessary to complete the library projects.

The Council was in favor of moving forward with the three projects presented. Administrator Darrington agreed to gather quotes for the other items discussed.

8) NEIGHBORHOOD AND STAFF BUSINESS.

Engineer Lewis stated that Auto Zone would be having their soft opening the following day. No date, however, was set for the grand opening.

Assistant to the City Administrator, David Larson, reminded those present that Thursday at 5:30 p.m. is the Special Freedom Day at the Promenade. He reported that Truck Tuesday was fantastic because they avoided controversy and all of the groups were supportive. The Chamber planned to take a larger role in organizing it.

Public Works Director, Lynn Walker, reported that they received another 15% allocation at Deer Creek. The City should be okay in terms of water for the rest of the season.

Chief Sanderson stated that their event running with Landon was incredible and the presentation did not reflect the work that firefighters Ryan and Jake put into it. He stated that they did an amazing job.

Director Britsch reported that she recently returned from a conference in Las Vegas. Her staff is excited and on board with future plans.

Administrator Darrington indicated that they added the fourth offense to the Drought Plan violation door hanger. In order for the City to enact it they will need to amend the ordinance and will do that the following week. The watering schedule was also added. The website will be updated to clarify any watering questions. When the door hangers are distributed they will also get the watering schedule as well as a notice explaining how the City's water shares work in a drought year. He stated that the City will enforce the days the residents water, whether they are overwatering, and eliminate watering on Sunday.

Council Member LeMone stated that Cedar Hills' website has two meters that show how much water the City has currently used as well as what the City recommends for usage. She thought this would be a useful way for residents to see where the City is at in terms of water usage.

Attorney Petersen stated that a part-time Prosecutor has been hired by the name of Mikkel Davis. He currently works part-time for Utah County in the Justice Court. He would be introducing himself to the Council at a future meeting.

9) MAYOR AND COUNCIL BUSINESS.

Council Member Meacham asked about the possibility of discussing the firework email. Mayor Daniels agreed to leave the room if the Council wants to discuss the emails. He owns part of the area that has the firework show and one of the emails complains about that, which is a conflict.

Council Member Andersen wanted to come up with a consensus of how to respond to emails and was of the understanding that the Council Members are blind copied on a regular basis. She was concerned about having the entire Council respond to emails without first having had a group conversation. Council Member LeMone suggested having the Mayor either respond to emails that go to the entire Council or delegate who should respond to emails. The Council decided that before any response goes to an individual, that the Council have an opportunity to discuss it. Administrator Darrington stated that typically staff needs to conduct research before a reply can go out to those types of emails.

Administrator Darrington stated that generally that is already the process they try to follow. He thought it would be nice to have the Mayor respond to emails and inform them that they will get back to the individual after research and discussion has taken place. Council Members will not respond to these types of emails without the direction to do so.

Council Member Andersen did not want to restrict them from having conversations with citizens but thought it was important to respond to emails in a manner that indicates that more research and discussion needs to take place. Mayor Daniels said it is always important to respond to people when they reach out but simply tell them that they will conduct research when applicable and appropriate. The Council Members all agreed to forward group emails to the Mayor and applicable staff. The Mayor will give an initial response to let the person know they are working on the question or concern. If appropriate all Council Members will copy each other on group emails.

Council Member Andersen asked if there has ever been discussion regarding reimbursement for personal cell phone when used for City Council business. Mayor Daniels said there has been but he does not know what the current policy is. In his last administration the City paid for the Mayor's phone but plans were very different at that time. Mayor Daniels suggested there be a discussion at a future meeting. Administrator Darrington said most employees have a City-owned phone that they are allowed to use for personal use as well as long as they do not go over on minutes. There is unlimited data as well. Some employees prefer to have their own cell phone and are offered a cell phone allowance.

Council Member Meacham asked if there is a legal issue with using personal phones. Attorney Petersen said there could be and they will need to perform additional research. She said there could be issues regarding GRAMA requests or disciplinary issues.

Council Member LeMone asked for an update on the Jodi O'Neal hearing. Attorney Petersen said the conditional use permit was revoked by the Planning Commission the previous week. She received a phone call from the neighbor who had been spearheading the action to have their

business license revoked. The neighbor reports that Jodi has ceased operations from her home and has made arrangements to use another pool outside of the City. The neighbors were asking not to take action on the actual business license as long as she is complying with the revocation of the conditional use permit. Attorney Petersen felt this was a good decision for this point in time.

Mayor Daniels said he was questioned as to why one resident could drive another out of business. Mr. Richardson said there were many residents that came to the Planning Commission hearing and spoke against it. Many people signed a petition in favor of the business but none came to the hearing. Mayor Daniels explained that there were two issues. One was the conditional use permit and the other was business license. The conditional use permit is dealt with by the Planning Commission and the Council has not discussed it. He received a phone call from Ms. O'Neil who was very aware that she was not in compliance with the conditional use permit.

Council Member LeMone reminded the Council that it is important to recognize when representatives for agenda items are at the meeting, such as Evermore or Walmart to make an effort to move them to the top of the agenda. Administrator Darrington said that public hearings are held first because they are noticed. They make every effort to tell representatives that they should come late to the meeting if they are further down the agenda.

Director Young stated that the Board of Adjustment granted a variance to the Bishop property so there are no further requests from the Bishops.

Mayor Daniels indicated that he cannot be part of the discussion regarding the fireworks issue in terms of making a decision, but he was interested in the facts of what took place because it affects him both in public office as well as in his personal business. He would not be involved in speaking but wanted to listen to the facts. Council Member Meacham was not sure what happened other than there was a display of fireworks on Saturday night that spurred a resident to write the emails. The fireworks took place at the Water Gardens. He asked if there is a certain code or ordinance specifying when fireworks are to be displayed and the protocol to be followed outside of that time period. Administrator Darrington said the matter was discussed extensively in staff meeting to make sure they understood how this needs to work moving forward. Council Member Boyd requested that they get an explanation of what exactly took place.

Chief Sanderson reported that he received a phone call from the manager at the Water Gardens who was requesting information on putting on a firework show. That occurred before Strawberry Days. He referred the Manager to Chief Cluff who handles fire prevention. Their intention was to shoot the fireworks off of the roof of the Water Gardens. Chief Cluff looked into the codes and learned that fireworks have to be 30 feet outside of any structure. At that point the firework plan was put together. Chief Sanderson visited the site and determined that there was a 150 foot radius and that the fireworks were safe that they wanted to use. Chief Sanderson assumed that the firework vendor was licensed but he did not look into that detail. He approved the firework show without any interaction with the Mayor. The Fire Department was on standby and the show went off as planned with no incidents or issues.

Council Member Stanley asked when a show is approved if there is some sort of written indication that it has been approved. Chief Sanderson said they accept their insurance form and collect their site map. The only thing that made this an issue is that the man who lit the fireworks was not permitted through the State.

Attorney Petersen said the State Legislature has a statute that specifies that fireworks can only be fired off between July 1 and July 7. It specifically states that during that time period municipalities may not prohibit this type of firework. The City is obligated to allow them during that window. What the City found out after conducting research was that it is possible to have displays outside of that window, but the requirement is that the person who is lighting them off must be a State Certified Ignition Expert. That is where the City did not follow up and make sure that the person conducting the activity outside the window was authorized to do so. That was the only violation.

Council Member Meacham asked if there was a noise ordinance violation. Attorney Petersen did not know. The noise ordinance goes until 10:00 p.m. She did not know how late it went or how loud the noise decibel was. They did not find out that the person was not permitted until after the email. The email pertained to a noise issue and in an effort to respond to the citizen's email and perform appropriate research, they found out about this violation.

Council Member LeMone stated the resident's other concern was fire hazard. The resident felt that the homes bordering that area were very close to the fireworks. Attorney Petersen said it is similar to the Firework Ordinance discussed earlier. Those kinds of fireworks are designed and advertised to not go beyond 150 feet. The fireworks were within the bounds of regulations. Attorney Petersen reported that the resident cited the Utah County Code for nuisances which was not applicable as they are not an unincorporated area.

Attorney Petersen stated that in order to violate the noise level you have to have a decibel unit to measure the noise level and that obviously was not done. There was only one resident that complained about that particular firework display. Attorney Petersen said her unofficial legal opinion was that the State has chosen to broaden out the fireworks. They have permitted the aerals and extended the timeframes for setting off fireworks. If the residents of the State, and the City in particular, are unhappy with that nuisance of fireworks then people will have to ask the State Legislature to tighten the restrictions. The City has very little control.

Chief Sanderson remarked that the other thing the City cannot enforce is within that seven day window is the 10:00 p.m. ordinance because the State specifies that they fireworks can go off until 11:00 p.m. Strawberry Days obtains a special permit to shoot fireworks. Chief Sanderson felt the City had issued a Special Use Permit to Water Gardens. There is not an official form but there will be going forward to outline the regulations. There were no noise cutoffs outlined for the Water Garden show. He stated that the message that needs to go out is that the show was permitted by the Fire Department and it was done safely.

Council Member LeMone did not feel that any major changes need to be made to the ordinances based on two complaints out of 35,000 residents. Council Member Boyd agreed to forward both emails to Attorney Petersen in order for her to address both of them. She recommended responding as soon as possible. Attorney Petersen said that going forward their suggestion will be to have all firework displays occur within the permitted window. Chief Sanderson wanted to be clear that the Strawberry Days Celebration was handled in the same way that the Water Gardens display was handled. They were both approved the same way and the safety was addressed the same way. All of the same rules were followed and information was gathered.

Council Member Stanley did not think these types of celebrations should be restricted. They are fun events that strengthen the community. As long as rules and regulations are followed they are good events for the City. Administrator Darrington commented that one thing the City needs to address is if they are going to limit the noise ordinance to go past 10:00 p.m. They will need to make that part of the designation going forward and would get it in writing shortly.

Council Member Meacham said he would like to be notified of the approved permits so they can inform residents if questions arise.

10) SIGNING OF PLATS.

No Plats were signed at this time.

11) CALENDAR REVIEW.

There were no calendar items to review.

12) ADJOURN.

ACTION: Council Member Stanley moved to adjourn. Council Member Andersen seconded the motion, and the motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 10:03 p.m.

Approved by the City Council on August 5, 2014.

Kathy T. Kresser, CMC, City Recorder

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