

**Pleasant Grove City
City Council Regular Meeting Minutes
July 19, 2016
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

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

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

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

1) **CALL TO ORDER**

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

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Jensen.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Walker.

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

Council Member LeMone requested that discussion on the Lions Center be moved to after the Open Session, prior to the Consent Items.

ACTION: Council Member Stanley moved to approve the agenda with the aforementioned change. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

5) OPEN SESSION

Mayor Daniels opened the open session.

Jay Fidel gave his address as 1719 Black Hawk Drive and explained that he is a retired soldier and former police officer from Provo. Three of his five sons-in-law are also in law enforcement. He stated that the United States flag is important to him. He has known people who have given their life in protection of America, in both military and police service. He explained that the black and white American flag – which dons a thin, blue line – honors police officers. He then presented a black flag with a thin blue line and offered to purchase some of the flags for the Pleasant Grove Police Department to replace that one that are currently displayed in front of the police station.

Mayor Daniels thanked Mr. Fidel and noted that there was representation from the Honorary Colonels at tonight's meeting. He invited Sandy Carter to accept the gift on behalf of the Honorary Colonels and stated that the Police Department can discuss where they should be flown.

Sandy Carter gave her address as 2708 North 450 West and expressed appreciation for Mr. Fidel's remarks. She noted that she has many family members, past and present, who have served in the military. She commented that she also has high regard for the American flag and all that it represents. Ms. Carter explained that the blue line flag memorializes law enforcement and those who have given their lives in the line of duty. The black and white tones symbolize somber tones of death and the blue line represents the police officers that protect communities. The flag is not meant to offend anyone or show disrespect. She stressed that the Honorary Colonels seek to honor law enforcement.

Carma Millar gave her address as 523 East Sierra Lane and explained that she has lived in Pleasant Grove for over 60 years. She stated that she has always been proud to be from Pleasant Grove until last week. She commented that it tears her heart to see the stars and stripes in any color than red, white, and blue. She explained that the American flag has served the nation for years and draped the coffins of fallen soldiers and former U.S. Presidents. Ms. Millar stated that she respects police officers and mourns with the families of the fallen; however, she believes that allowing the flag to be in any colors other than red, white, and blue is disrespectful. She stated that the police should have a flag that is uniquely designed and it should not include the stars and stripes of the American flag.

Mr. Fidel explained that his and Ms. Millar's hearts are in the same place. He stated that the blue line flag has spread nationwide and provides significant meaning for past and present police officers.

Mayor Daniels expressed appreciation for everyone's comments and stated that the Police Department and Honorary Colonels will further discuss the issue.

Mayor Daniels closed the open session.

6) **CONSENT ITEMS**

- a) **City Council Meeting Minutes:
City Council Minutes for the June 21, 2016 Meeting**
- b) **To consider approval of Partial Payment No. 1 to the Planned Engineered Construction Inc. for the FY 2015-16 Sewer Rehabilitation project.**
- c) **To consider approval of Payment No. 1 to Geneva Rock Products Inc. for the Locust Avenue and 300 South Rehabilitation Project.**
- d) **To consider approval of payment vouchers for (July 8, 2016)**

The consent items were briefly reviewed and discussed.

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

7) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

There were none.

8) **PRESENTATIONS**

Mayor Daniels read a letter from the Government Finance Officers Association, based in Chicago. The letter was meant to award a Certificate of Achievement in Financial Excellence to Finance Director, Denise Roy, for Pleasant Grove City's Comprehensive Annual Financial Report. Mayor Daniels noted that this is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant achievement by government and its management.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-14) AMENDING CITY CODE SECTION 10-14-20, URBAN DESIGN STANDARDS, MODIFYING THE DESIGN REQUIREMENTS FOR DEVELOPMENTS IN THE GROVE ZONE CHAPTER OF THE PLEASANT GROVE CITY CODE. *Presenter: Director Young.***

Community Development Director, Ken Young, presented the staff report and explained that several years ago the City adopted architectural design standards that created specific architectural themed districts within The Grove Zone. Initially, there were four areas that were later changed to the three currently in the Code, as shown below:

- 1. The Mountain District (northern area near State Street), with an emphasis on contemporary design that has rustic exterior materials as the dominant features of the buildings;
- 2. The Garden District (central Grove area), with emphasis on the design of 1920s to 1930s with contemporary design enhancements, and augmented by garden features; and

3. The Interchange District (near the I-15 interchange), with contemporary architecture using "green" building design techniques, to create a unique flare to the main entrance of the City.

Built into the ordinance is verbiage that allows the City Council to grant a waiver of the specific district design requirements.

Director Young explained that over the last few years there have been a handful of projects that have come in seeking development approval including a waiver of the requirements. After approving the waivers, the desirability and reasoning behind having specific architectural design requirements has come into question. Staff was instructed to look at the options of good development design standards that would be less specific to certain types of architecture to replace the current Urban Design Standards in City Code Section 10-14-20. The Planning Commission reviewed the proposal on June 23, 2016 and with slight modifications, and unanimously recommended approval.

In researching what other communities use for design standards to assist a Code amendment proposal, staff found information and examples that seemed appropriate for use. Eliminating all verbiage relative to specific architectural styles, the new proposal rewords some existing Code verbiage and inserts new text that covers what is deemed to be a solid level of development standards, with a focus on quality of construction and site design, rather than architecture. Director Young then read the ordinance amendments in their entirety, noting the sections that were removed and the verbiage that was added.

Council Member Stanley asked who makes determinations when design criteria are applied on a case-by-case basis. Director Young stated that each case is reviewed by staff, the Design Review Board, the Planning Commission, and the City Council, which is the same process that has always taken place. Director Young explained that no buildings should contain more than three types of materials. City Administrator, Scott Darrington, asked if stucco is a type of fiber siding. Director Young answered in the affirmative. Council Member Stanley asked if brick is currently allowed. Director Young stated that currently it is not, however, the ordinance amendment will make that change.

Mayor Daniels expressed approval of the proposed changes, noting that they will provide developers with more flexibility.

Council Member LeMone asked if other communities have themes in their high traffic areas. Director Young answered in the affirmative and stated that Pleasant Grove is in the minority for establishing themes. For example, Park City, Cedar Hills and Scottsdale, Arizona, have specific design themes. Director Young stated that he served on the Cedar Hills Planning Commission when their design standards were adopted. As a result, their City has a consistent design aesthetic.

Council Member LeMone asked if in addition to having a maximum number of design elements, the ordinance will also outline a minimum number of design elements. Director Young explained that there are ways of doing more minimalistic designs while making them still look nice. Council Member LeMone stated that she wants to avoid the construction of buildings in areas such as the

Interchange that are made entirely of one element, such as stucco. She stated that without setting a minimum standard, the overall feel could be cheapened. Staff and the elected officials further deliberated on this point.

Mayor Daniels opened the public hearing. There were no public comments. The public hearing was closed.

Mayor Daniels asked Director Young if when comparing the ordinance amendments and the allowed uses in the zone, what the likelihood would be of getting an applicant with a flat proposal of buildings containing only one material and color, with little to no variation. Director Young replied that relief variations are always an option in addressing that particular problem.

Council Member LeMone stated that a Council Member from Lindon contacted her about this particular item and expressed the importance of maintaining a high design standard for the area. The two communities need to work together to ensure that the gateway is a showpiece to both cities. In addition, all design requirements need to be stated in writing.

Council Member Stanley indicated that he was in favor of the ordinance as written. Council Member Walker was in favor of setting a minimum standard of two materials and a maximum of three. Director Young explained that tilt ups are usually a different material in combination with the rest of the building. Mayor Daniels discussed uses and explained that the types of businesses that will be attracted to the area would not be inclined to use cheap materials because it would be detrimental to their business.

Council Member Jensen stated that in other cities, buildings with tilt ups are still using two or three different types of materials. He was also favorable to the ordinance amendments as presented by staff. Council Member LeMone stressed that outlining design requirements will serve the City as a safety mechanism for avoiding cheap-looking developments.

Administrator Darrington explained that this item came up when St. John Properties came forward to the City with their first proposal. Initially, their buildings were square, brick buildings with no parapets. This was of concern to the Council and they expressed their concerns to the developer who had differing interpretations of language contained in City Code. They, however, responded to the Council's feedback and came back with a better looking building, which was more in line with the City's vision for the area. St. John Properties required a waiver; however, the City is now seeking to make amendments that grant developers more design flexibility.

ACTION: Council Member LeMone moved to adopt an Ordinance (2016-14) amending City Code Section 10-14-20, Urban Design Standards, modifying the design requirements for developments in The Grove Zone Chapter of the Pleasant Grove City Code, with the change that the City require a minimum of two exterior materials and colors per building. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken, with Council Members Andersen, Jensen LeMone, Stanley, and Walker voting "Aye". The motion carried unanimously.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-15) AMENDING CITY CODE SECTION 10-15-41, STREET FRONTAGE IMPROVEMENTS, ADJUSTING THE THRESHOLD REQUIREMENTS FOR WHEN IMPROVEMENTS ARE REQUIRED AND THE CRITERIA FOR APPROVING EXCEPTIONS. *Presenter: Director Young.*

Director Young presented the staff report and explained that following a Joint Work Session of the Planning Commission and City Council in April, as well as previous discussions held by the Planning Commission, staff was directed to prepare a proposal to address the method and criteria used in reviewing requests for an exception to installing street improvements. Commonly referred to as Waivers of Protest, the process of granting an exception required the applicant to seek conditional use permit approval from the Planning Commission. The Planning Commission has struggled with the approval process for such requests since there has not been a recent update to the threshold numbers (cost in dollars and square footage of construction) that would require installation of missing street improvements. In addition, the Code has not provided sufficient criteria for whether an exception should be granted. Staff met and reviewed the reasoning and potential criteria for approving exceptions. From that meeting, a proposal was forwarded to the Planning Commission. The Planning Commission reviewed the proposal on June 9. After making additional modifications on June 23rd, they recommended approval to the City Council.

Director Young reviewed the changes made throughout the ordinance, including the following:

1. Changes to the thresholds for home additions and remodeling:
 - a. Increasing the size of building additions from 300 square feet to 700 square feet, to allow for a standard garage. This permits compliance with the City Code requirement for single-family residences to have a two-car garage without having to incur additional expenses.
 - b. Removing any dollar amount related to interior remodeling as a threshold. Remodeling projects should not be subject to this requirement in that they are only improving the value of the home, which also adds value to the community. This falls in line with the reasoning used for making exceptions on basement finishing projects.
2. Change to the threshold for building accessory structures:
 - a. Increasing the structure size from 500 square feet to greater than 10% of the minimum lot size, which is the current approvable size without a conditional use permit. For example, a lot in the R1-8 zone could have a structure of up to 800 square feet before street improvements would be required.
3. Types of exceptions that may be approved:
 - a. Interior or exterior remodeling that does not increase the footprint of the building;

- b. Building additions, or accumulation of building additions, less than seven hundred (700) square feet;
 - c. Residential basement finishes;
 - d. Replacement of any single-family residential home damaged by fire, flood, or similar natural disaster, as long as it does not exceed the square footage of the original home;
 - e. Any historically significant sites where installation of street improvements would adversely affect historic features of the property, upon receipt of a written recommendation from the Historic Preservation Commission;
 - f. Any existing situations involving topographical or storm drain issues that are unable to be mitigated, as determined by the City Engineer;
 - g. The property is more than three hundred feet (300') away from existing street improvements and a letter recommending the exception is submitted by the City Engineer;
 - h. Any single-family residential site, on a corner lot, where both frontages are missing improvements. The City shall determine which of the two (2) frontages is to be completed after consultation with the owner. Required improvements include the corner around to the second missing frontage.
4. All exceptions meeting one of the above criteria may be approved administratively – conditional use permit approval no longer required.
 5. All approved exceptions require the signing of a waiver of protest. The exception and the waiver are not transferrable.
 6. Missing improvements are to be installed at the time of property sale, unless a new exception is approved, following a determination that the property still qualifies under one of the exceptions listed above.

Council Member Andersen asked about Section 5, which pertains to any historically significant sites where installation of street improvements would adversely affect historic features of the property. Director Young explained that there are situations on slopes on historical sites, as well as areas where existing street improvements coming from a certain direction to the next property create a storm drain issues because the water is forced into unnatural areas. If there are areas where there are few street improvements, more issues are created by only having spot improvements, than if there were no improvements at all. These cases are assessed individually by the City Engineer.

Council Member LeMone asked how many historical sites are required to put in improvements each year. Director Young noted that there are a handful of cases each year. Council Member LeMone asked about the residents' reactions when they learn they have to put in a sidewalk.

Director Young stated that it is an added expense and usually they do not respond favorably. However, sometimes there are a few who wanted to put in the improvements anyway. Director Young explained that they need to draw a line in the sand as to when improvements are deemed necessary.

Council Member Andersen asked about Section 6, which specifically addresses exceptions. She wanted to know if the language contained in the section was put into place to protect the new owner. Director Young answered affirmatively. Administrator Darrington stated that this section will provide notice to the resident regarding the criteria for being granted an exception to this requirement. If the resident meets the criteria in a subsequent review by staff, they may be granted another waiver.

City Attorney, Tina Petersen, explained that the section serves as a method of making potential buyers aware of the requirements prior to making an investment. Council Member Andersen asked how waivers are tracked. Director Young noted that they are recorded on the plat. Attorney Petersen explained that new property owners are required to reapply for the Waiver of Protest and if the same circumstances exist as before, they may be granted another waiver. However, if something has changed in the neighborhood or storm drain issues are no longer an issue they would not qualify for a new waiver. At that point, the only way to get around the requirement would be to apply for a variance through the Board of Adjustment.

Mayor Daniels opened the public hearing. There were no comments. The public hearing was closed.

Council Member Stanley stated that the changes will reduce the number of curb, gutter, and sidewalks built in the City because there are far fewer triggers. Mayor Daniels explained that there was an effort to change the threshold from an arbitrary number that may have made sense at the time, to something that is more percentage based. The changes also give the City assurance that knowledge and fairness has been applied. Mayor Daniels also asked staff and the Council to consider the benefits of creating districts where over time, sidewalk improvements can be made to entire neighborhoods all at once.

Council Member Andersen added that another trigger could be that of improving streets to avoid runoff from going onto a shoulder. She agreed that doing several streets all at once would be beneficial. Mayor Daniels stated that this would be a different trigger that could be discussed by the Public Works Department at a different time. The Council discussed that while the amendments have fewer triggers, they better respect the rights of the property owners.

ACTION: Council Member Stanley moved to adopt an Ordinance (2016-15) amending City Code Section 10-15-41, Street Frontage Improvements, adjusting the threshold requirements for when improvements are required and the criteria for approving exceptions. Council Member Jensen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone Stanley and Walker voting “Aye”. The motion carried unanimously.

C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-16) TO AMEND CITY CODE SECTION 10-15-14, FLAG LOTS STEM LENGTH, ADJUSTING THE STEM AND COMMON STEM DEVELOPMENT STANDARDS, SPECIFICALLY THE STEM MAXIMUM LENGTH CRITERIA FOR NEW FLAG LOT SUBDIVISIONS. (Dennis Thayne, Applicant) *Presenter: Director Young.*

Director Young presented the staff report as well as an aerial map of the subject property. He stated that the City would not be approving a Code for Dennis Thayne but would rather approve amendments that will apply to all similar situations. He explained that Mr. Thayne owns property on both sides of the border with Cedar Hills. On the Pleasant Grove side, he has property that is a one-lot flag lot. Adjacent to that to the north is a one-half acre parcel in Cedar Hills that is landlocked with no road access.

Mr. Thayne claimed he has attempted to seek a border adjustment with Cedar Hills to allow the property to be in Pleasant Grove and the request was denied. He has otherwise been unable to work out other options to provide access to the property through Cedar Hills. He wanted to be able to include the Cedar Hills property in a new two-lot, flag lot subdivision combined with his property in Pleasant Grove. This would grant road access to 4000 North in Pleasant Grove.

The challenge to Mr. Thayne's desire to create a new flag lot subdivision was that City Code currently provides a maximum length for a flag lot stem road to be no more than 300 feet. In order to access the Cedar Hills property off of 4000 North, a stem road of 400 feet in length would be required as part of the new flag lot subdivision. In order to limit the opportunities for an increased maximum length to be applied, Mr. Thayne suggested that the extended length be permitted only in cases where it will provide access to landlocked properties where there are no other planned roads in the Pleasant Grove Streets Vicinity Plan. Additionally, staff recommended that a requirement for approval of the extended length be imposed by the Fire Department. If the proposed amendment to increase the maximum length of a flag lot stem were approved, he would need to obtain approval for a new subdivision from both Cedar Hills and Pleasant Grove.

Although Mr. Thayne has made the request to amend the ordinance, there is another possible avenue for him to pursue. It is possible that he could be approved for a variance from the Board of Adjustment in that he has a hardship that does not appear to be self-imposed. Receiving approval in this manner would not require the City Code to be amended. The Planning Commission determined that there is sufficient reason and limited opportunity for future applications for the proposed amended Code provision to be applied to other properties. They recommended that the City Council approve the request to amend Section 10-15-14 G.

Council Member LeMone asked if the Planning Commission's recommendation was forwarded unanimously. Director Young noted that there was one descending vote. Council Member Jensen asked how many other properties it could affect. Director Young stated that they have not identified any other properties in Pleasant Grove that would be affected. However, as properties subdivide there could be a future situation where this would apply.

Mayor Daniels commented that it appears that the house on the property is in good shape and that the road already extends approximately 300 feet. Furthermore, there is not any other property on Mr. Thayne's lot that is designated as being in Pleasant Grove. He asked why the applicant can't just build the extra stem to his own private road and why an amendment is needed in the first place. Director Young stated that an amendment is needed due to the fact that they are two, separate legal parcels, regardless of jurisdiction. One of the parcels currently does not have any legal access, as per City Code.

Mayor Daniels stated that the City of Pleasant Grove has no jurisdiction over development in Cedar Hills. He stated that Mr. Thayne only has one home on the parcel. Mayor Daniels asked why Pleasant Grove City needs to grant Mr. Thayne permission to extend his private driveway since Mr. Thayne currently has no limitation to do so. Attorney Petersen explained that Cedar Hills will have the same frontage requirements as Pleasant Grove to obtain a building permit. Mr. Thayne hoped that if Pleasant Grove extends the length of the stem within Pleasant Grove's ordinance, he can then go to Cedar Hills and show that he has frontage on a public street through Pleasant Grove, which he hoped they will accept.

Mayor Daniels stated that regardless of whether Pleasant Grove changes their ordinance, the City has no way of positively or negatively impacting the development of the property in Cedar Hills. Attorney Petersen confirmed that that was the case. Director Young explained that the only action Pleasant Grove can take is to create a provision for how development can occur. Approval will be needed from both Councils in order for construction to take place. Mayor Daniels stated that while he has no preference as to what Mr. Thayne does with his private property, he wants to make sure that they aren't creating unnecessary ordinances within the City. Administrator Darrington stated that they could table the issue until Mr. Thayne can get an idea of what Cedar Hills will or will not allow.

Mr. Thayne stated that he has spoken with the City of Cedar Hills and they have given direction as to what they would like to be built. They've advised him on preferred placement of the road and as far as Mr. Thayne is aware, there haven't been any objections from Cedar Hills. He explained that there is a fire turnaround on the first lot and Cedar Hills has indicated that another emergency access is needed for the other home as well. Cedar Hills has not communicated to Mr. Thayne that he would not be able to obtain a building permit from them.

Administrator Darrington asked about sewer and water hookups. Mr. Thayne explained that there are three existing sewer and water lines that separate the lots. The utility lines are currently stubbed to the road. The water would be from Pleasant Grove and the sewer would most likely come from Cedar Hills. Administrator Darrington stated that they are now running into issues beyond access, and he was not sure if those issues should be resolved before worrying about adopting an ordinance.

With regard to water, Administrator Darrington stated that the Manila Water District no longer exists, and he was not sure if any prior expectations were documented in writing. Public Works Director, Marty Beaumont, stated that the City did not approve three laterals to be installed at that stem. Instead, they were installed at Mr. Thayne's expense with the understanding that they may potentially develop three lots rather than two. The actual design plans have only two laterals

shown for each of the lots. Director Beaumont recalled that Mr. Thayne decided to install three lines in the event he was able to subdivide into three lots. He stated that he would verify that information for accuracy.

Mayor Daniels asked if the Council would be serving Mr. Thayne and the public by modifying the ordinance when what Mr. Thayne is trying to accomplish requires more comprehensive study and approval in order for him to move forward. The Mayor stressed that there are a lot more logistics involved in addition to this ordinance in order for Mr. Thayne to accomplish his goal. Staff and the Council deliberated on an appropriate ordinance.

Scott Richards identified himself as the listing agent for the property and stated that there are two buyers who are currently looking at the property. Mr. Richards stressed that they need to move forward on the property for marketability reasons.

Administrator Darrington agreed with Mayor Daniels that there more complicated issues involved with Mr. Thayne's request. He stated that they would likely be able to address the issues that were previously discussed in a timely manner. Mr. Richards expressed concerns with whether Cedar Hills would move as quickly. Staff continued to deliberate with Mr. Richards on the areas over which Pleasant Grove does and does not have jurisdiction.

ACTION: Council Member Andersen moved to continue adoption of Ordinance (2016-16) to amend City Code Section 10-15-14, Flag Lots Stem Length, adjusting the stem and Common Stem Development Standards, specifically the stem maximum length criteria for new flag lot subdivisions, to a date uncertain. Council Member Walker seconded the motion. A voice vote was taken, with Council Members Andersen, Walker, Jensen and Stanley voting "Aye". Council Member LeMone was not present for the vote. The motion carried unanimously.

D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-17) ADJUSTING THE BOUNDARIES BETWEEN PLEASANT GROVE CITY AND THE CITY OF CEDAR HILLS. (DAY, WILSON, DAVIES AND EDGAR PROPERTIES) *Presenter: Attorney Petersen.*

Attorney Petersen presented a map outlining the relevant properties to this request. She explained that 60 days ago the Council passed a resolution indicating their intent to make the boundary adjustment at the request of the aforementioned applicants. The request was instigated due to emergency sewer issues and Cedar Hills allowed the residents to connect to their sewer line with the understanding that they would make a boundary adjustment request to Pleasant Grove City. Attorney Petersen noted that the applicants were not present at tonight's meeting. Attorney Petersen stated that this is not an issue on which the City is taking a position. Rather, the request came directly from the property owners. The plat they submitted contained three minor corrections to be made that need to be addressed in the motion.

Mayor Daniels opened the public hearing. There were no public comments. The public hearing was closed.

ACTION: Council Member Stanley moved to adopt an Ordinance (2016-17) adjusting the boundaries between Pleasant Grove City and the City of Cedar Hills (Day, Wilson, Davies and

Edgar properties) subject to the requirement that three minor corrections be made with the plat prior to recordation. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken, with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

10) ACTION ITEMS READY FOR A VOTE

- A) TO CONSIDER APPROVAL FOR A FINAL PLAT FOR A THREE-LOT SUBDIVISION CALLED FOREST PHILLIPS DEVELOPMENT PLAT A CONSISTING OF APPROXIMATELY 0.47 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 10 SOUTH 400 EAST IN THE R1-7 (SINGLE-FAMILY RESIDENTIAL) ZONE. *Presenter: Director Young.***

Director Young stated that this is a small subdivision, both in terms of number and lot size. He presented an aerial map of the subject property and identified on the property where the lots split. He explained that the subdivision meets the minimum lot size and setback requirements. The preliminary plat was approved in March at the Planning Commission level. There were a few property boundary and drainage issues that existed that have since been addressed. Approval of the subdivision is subject to a final boundary line agreement. Staff recommended approval of the subdivision.

ACTION: Council Member Stanley moved to approve a final plat for a three-lot subdivision called Forrest Phillips Development Plat A consisting of approximately 0.47 acres on property located at approximately 10 South 400 East in the R1-7 (Single-Family Residential) Zone, and adopting all the findings, conditions, and exhibits contained in the staff report with the following conditions:

1. A Boundary Line Agreement with the property owner to the south be finalized before the plat is recorded.
2. All Final Planning, Engineering, and Fire Department requirements are met.

Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

- B) TO CONSIDER AWARDED NEWMAN CONSTRUCTION THE BID FOR THE GARDEN DRIVE CULINARY WATER AND STREETS IMPROVEMENT PROJECT AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT AND NOTICE TO PROCEED. *Presenter: Director Beaumont.***

Director Beaumont presented the bid from Newman Construction and explained that there have been issues in this area with Garden Drive. Namely, on the 4th of July there was a water leak that needed to be repaired. The project will fix that leak as well as a couple of side streets. Director Beaumont noted that the bid came in under budget at 15% below the Engineering Department’s estimate. The City may consider adding an additional street in the same vicinity, which would

come forward as a separate recommendation. They will also be reconstructing an entire road as part of the coordinated road plan effort.

ACTION: Council Member LeMone moved to award Newman Construction the bid for the Garden Drive Culinary Water and Streets Improvement Project and authorize the Mayor to sign the agreement and notice to proceed in the amount of \$603,500. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

C) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-031) AUTHORIZING THE MAYOR TO DECLARE A 2006 CHEVROLET COLORADO PICKUP TRUCK, A 2003 GM SIERRA K2500 HD TRUCK, A 2012 FORD F350 SUPER DUTY PICKUP TRUCK AND A 2010 FORD EXPEDITION AS SURPLUS AND DIRECT THAT THEY BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY. *Presenters: Director Beaumont and Chief Thomas.*

Director Beaumont explained that as of today, staff discussed removing the 2006 Chevy Colorado pickup from surplus at this time, to discuss whether it could be used in another department. If it cannot be used elsewhere, staff will forward the matter to the Council again. He explained that the 2012 Ford F350 Super Duty Pickup Truck is in good condition but they have had difficulty turning it around in cul-de-sacs and staff does not feel they have a need for such a large truck. They want to sell it now while it has good value and replace it with something smaller. The 2003 GM Sierra has served the City well and is still in decent condition. Surplusing that vehicle is part of an ongoing process of replacing older vehicles in their fleet.

Council Member Stanley asked if the City purchased the 2012 Ford when it was new. Director Beaumont answered in the affirmative. The vehicle has low mileage and is in good condition. It was anticipated that it could be sold at a good price. The 2012 Ford F350 is not much different than its 2016 counterpart.

Fire Chief, Dave Thomas, explained that the 2010 Ford Expedition has been a staff vehicle. He stated that the Pleasant Grove Fire Department participates with several other departments in the County as part of the Utah County Special Rescue Team and they have a super heavy trailer that is full of equipment for handling collapse and trench rescue. Currently, they do not have anything with which to pull the trailer. As a result, they are looking to surplus the 2010 Ford Expedition in order to purchase a heavier duty pickup. They anticipate using the heavier duty pickup long term. It will not be included in the rotation with their other staff vehicles.

Administrator Darrington explained that surplus vehicles are taken to the TNT Auto Auction or sold in another public forum such as www.ksl.com. It was noted that there needs to be a public opportunity for bidding on vehicles.

Council Member Stanley asked Director Beaumont if when transferring out a vehicle such as the Chevy Colorado, there be any branding changes that need to take place. Director Beaumont explained that the City's logo is the same but there may be some lettering that needs to be changed

based on the department for which the vehicle will be used. Funds are allocated in the budget for such rebranding.

ACTION: Council Member LeMone moved to adopt a Resolution (2016-031) authorizing the Mayor to declare a 2003 GM Sierra K2500 HD Truck, a 2012 Ford F350 Super Duty Pickup Truck, and a 2010 Ford Expedition as surplus and direct that they be disposed of according to the City's policy for disposing of surplus property. Council Member Stanley seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting "Aye". The motion carried unanimously.

11) ITEMS FOR DISCUSSION

A) DISCUSSION ON LIONS CENTER.

Note: The following discussion took place after the Open Session.

Parks and Recreation Director, Deon Giles, explained that staff has done research on the Lions Center because the floor and supports are weak. They brought in a Structural Engineer to provide estimates on redesign of the floor system, at which point they realized that an asbestos study was needed. Unfortunately, the asbestos test came back positive. Therefore, staff sought bids for its removal. The low bid that came in at \$22,624. This removal process would need to be done prior to further structural maintenance. Director Giles noted that the cost of the engineering study/survey on the floor was \$2,000. He explained that the City has one of two options. First, they can do nothing, which would cause problems for Center Stage, as well as interrupt currently scheduled building rentals and eliminate future rentals. Second, the City can proceed to make the repairs although the expenses have not been accounted for in the budget.

Council Member LeMone asked where the funding would come from should they decide to move forward. Administrator Darrington replied that the funds would come from the 2016 Budget, which would require an amendment. In response to a question from Mayor Daniels, Director Giles stated that staff has clearly identified that the floor itself is moving. They either need to prohibit use or have it repaired. They cannot move forward with the floor repairs without first removing the asbestos. Mayor Daniels asked what the workaround plan would be for Center Stage. Director Giles was unsure, but noted that the asbestos removal is a two-week project and the company is currently booked out. Furthermore, depending on whether new beams and/or posts are needed, the total project timeline could be even longer. Council Member LeMone asked if the Structural Engineer has given any idea as to what the floor repairs will cost. Director Giles answered in the negative.

In response to a question from Mayor Daniels, Director Giles explained that the only available rehearsal space for Center Stage is at the old Recreation Center. However, they already have several boutique shows and other events scheduled there for the rest of the year. Council Member LeMone asked if Center Stage could be relocated temporarily until the issues at the Lions Center are resolved. She indicated that the best case scenario would be to have everything resolved by September. Staff reviewed scheduling at the old Recreation Center as well as that of the contractor.

Emily Varney, from Center Stage, explained that children meet in the dance room for warm-ups. There are 120 children who are part of the warm-ups and they could divide them up so that they aren't all jumping on the floor at the same time. If they were divided, there would only be a maximum of 40 kids on the dance floor at a time.

Council Member Andersen asked about the square footage of the building. Ms. Varney noted that there are 7,000 square feet combined between the upstairs and downstairs. The dance room alone is around 5,500 square feet. She noted that there is a room used for music and another room downstairs used for acting. She stated that they use the entire building. Staff and the Council discussed other possible rehearsal spaces large enough to accommodate Center Stage and agreed that their best starting point was the old Recreation Center. Mayor Daniels stated that they need to stop using the Lions Center until further assessment takes place. Council Member Andersen asked if the area is condemned by any other definition. Director Giles answered in the negative.

ACTION: Council Member LeMone moved to approve the removal of asbestos from the Lions Club Center and for the Council to advise staff to proceed to engage with the contractor to have it removed. A budget amendment was to be presented in two weeks. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

Council Member LeMone stated that there are several large spaces in the Smith's complex and they may be willing to donate one-month's worth of rent. She suggested that staff try to contact them. Administrator Darrington agreed to pursue the matter and noted that they will first examine all possible City locations.

B) DISCUSSION REGARDING THE PERMITTED USES IN THE DOWNTOWN VILLAGE ZONE.

Director Young explained that the Downtown Village Zone has gone through several changes during the time he has worked for the City. A lot of the changes have been based on a R/UDAT study conducted by the City. From there, the Downtown Master Plan and guidelines were created as well as the Downtown Village Zone. Director Young presented maps of the area including cross hatches and districts that make up the compilation of the Downtown Village Zone. He pointed out that there are certain uses permitted in some but not all areas of downtown, particularly the Transitional District. This district exists between 300 East and 100 East, excluding the properties that actually front 100 East. Another transitional area is 100 North to 200 North. The Transitional District allows for limited commercial opportunities and increased density in housing.

The Commercial Sub-District allows for commercial opportunities such as professional services offices, and retail. He identified a property where the senior housing overlay is applied and explained that the larger area of downtown is the mixed use overlay. The overlay allows for multi-family development to occur in conjunction with commercial development. Other permitted uses exist when they are adjacent to State Street. Director Young identified the Old Fort and Historic Districts as outlined on the map. Density concerns were raised in light of current developments, such as Bella Grace, which is currently under construction north of the Library. Staff has had discussions with property owners and potential business partners that would like to relocate to Main Street. It was recommended that the Council define what exact uses will be permitted.

Director Young described what is currently permitted in the Commercial Sub-District. He read from the ordinance that any development in the downtown mixed use overlay zone shall locate commercial space immediately fronting on Main Street on a collector or arterial street. Commercial uses include retail, wholesale, general merchandise, food, automotive, and personal services.

In response to an inquiry from Council Member LeMone, Director Young explained that auto repair would require a conditional use permit and no auto sales are permitted in the zone. Other services that might be included are finance, insurance and real estate, business services, professional services, construction, government, and miscellaneous service organizations. Director Young read from the Code that any development in the Mixed Use Overlay zone shall locate commercial space immediately fronting Main Street. Staff was seeking feedback on what exactly is meant by commercial activity and whether it is broad enough to include uses such the aforementioned potential uses.

Council Member Andersen asked about the printing store on Main Street. Director Young stated that the store in question would be grandfathered in. Administrator Darrington asked if the City just wants retail sales tax generators on Main Street. Council Member Andersen asked what the Design Review Board has suggested. Director Young stated that they have not had time to review the matter yet. Council Member Stanley agreed that feedback from the Design Review Board would be helpful. Council Member LeMone asked if they could establish a certain percentage of mixed use. Staff explained that percentages would be difficult to defend.

Mayor Daniels explained that the concept of free market is to drive the highest and best uses and whether it is a consumable or service will depend on who wants to invest in the area. As a City, they need to assess how much retail Pleasant Grove can sustain and then take action based on the market. With the consent of the Council, Director Young noted that they will continue to prohibit residential uses on Main Street, Center Street, or 200 South.

Council Member Andersen identified her property on the aerial map displayed and explained that there have been issues with a gentleman who has set up an antique car shop in his home, which is located near 300 East and 200 South. In looking at transitional areas, she stated that she does not want to be surrounded by businesses. Council Member LeMone explained that for this reason, she contacted staff about adding this discussion item to the agenda. She was of the opinion that 100 East would be a good dividing line between retail and multi-unit housing.

Director Young explained that the following uses are currently allowed in the transitional district: single, two-family dwellings and with a conditional use permit, multi-family residential of up to 12 units per acre. Lower impact commercial businesses are also allowed in transitional areas. Director Young discussed the Bella Grace project and explained that a few years ago, the entire block was a planned development area that allowed for this type of development. The density of 14 units per acre, is permitted through the mixed use overlay, specifically for this property. In other words, there won't be any more multi-family units in the area. It is denser because it is calculated based on the entire block.

Director Young presented an aerial map of 100 East and Center Street. On the corner, there is a house that has been used as a duplex illegally, but is currently vacant. The property owner wants to pick up the neighboring properties and develop six to eight units. If the property owner were to purchase additional properties on the block, they could potentially combine them to develop an apartment complex.

Mayor Daniels asked about height concerns and whether the development would fit in the area. This led to further discussion on density and whether the City wants more multi-family units to be developed. Mayor Daniels stated that citizens who have come forward on the matter are concerned about certain uses changing the entire dynamic of their neighborhoods. It was noted that Bella Grace is 40 feet in height, which is slightly higher than the maximum allowable height of 35 feet for other homes. This height extension was allowed because it was in the mixed use overlay

Council Member LeMone commented that she is opposed to apartments in Pleasant Grove and argued that they don't fit in the area east of 100 East. She was of the opinion that Bella Grace should be the last complex that should go on Main Street, with the exception of one other project that was recently approved. Council Members Jensen, Andersen, and Walker agreed.

In response to a question from Council Member Andersen, Director Young noted that the east side, transitional, and west side are all part of the commercial sub-district, but are not within the overlay area which is across the street. He noted that the area in question used to be zone R1-7. Mayor Daniels asked if the Council would be more supportive of the residential areas being single-family, to which they indicated in the affirmative. Council Member Andersen added that she would also prefer them to be owner occupied. Mayor Daniels asked whether owner occupancy can be controlled. Attorney Petersen replied in the negative. Council Member LeMone addressed the different needs in the City and expressed concerns that they are taking up land for residential developments. Commercial uses are needed in order to meet all of the City's needs. Staff and the Council briefly reviewed other potential areas where residential could still be built within Pleasant Grove. Council Member Stanley agreed with several of the remarks made, which were subsequently recapped by Mayor Daniels.

Administrator Darrington identified two properties that are currently owned by the City and are for sale. He explained that the buyer is interested in purchasing them under the guise of the current zoning. Mayor Daniels stated that when someone has purchased and obtained approval under current ordinances prior to amendments, they are allowed to finish their development. Attorney Petersen provided clarification on the vesting rule. She explained that the buyer would have to submit a completed application and pay all relevant fees before they would be considered vested. In this instance, it may be difficult because the sale is still pending. Depending on how quickly changes to the zone are approved, there might be a timing issue for the buyer to actually be considered fully vested. Furthermore, Attorney Petersen explained that there is pending legislation that could possibly trump the current vesting rule. In this case, even if the buyers were to pay an application fee, an application may not be approved because the matter has already been on the agenda and has been discussed by the Council in an open forum.

Administrator Darrington stated that the stipulations may halt the current sale.

Jenny Hales gave her address as 200 South 100 East and identified herself as the realtor. She informed the Council that the buyer is scheduled to close on the property the following day. Furthermore, they are set to close on another property within the same week. Ms. Hales stated that they were not aware of any of the issues until the previous day. She explained that they do not intend to build an eyesore and are looking to develop a triplex or duplex for the corner house. Either which would be the same size as a large single-family home. Ms. Hales stated that the buyer is offering a great deal more than the appraised price with the understanding that they can put a triplex or duplex in that location. If it turns out that they are unable to move forward with the project, the buyer will be significantly negatively impacted. Changing the zoning from multi-family to single-family would completely diminish the property value. There was further discussion with Ms. Hales regarding what the proposed triplex or duplex would look like.

Administrator Darrington explained that staff received direction to sell the properties a few months ago and are now nearly ready to finalize the sale. He stated that someone has to take a risk. Either the City needs to trust the buyer to do what they say they will do or the buyer needs to move forward with the sale of the property at the risk of the City changing the zoning. The City could either talk with the buyer about the pending legislation which could affect the sale or the City could hold off on having any pending legislation at all. This could be sufficient to close on the sale but could affect future development.

Ms. Hales stated that if the zoning on the property is going to change in the future, it would be better for the buyer to back out now. Otherwise, they will have wasted an exorbitant amount of money investing in a property based on the knowledge that they could develop it as multi-family. Staff, the Council, and Ms. Hales further deliberated on the matter. Attorney Petersen stated that she and Administrator Darrington could draft a compromise solution so that both parties are satisfied.

Mayor Daniels expressed frustration that the sale of the property was brought up at the end of the discussion rather than the beginning.

Note: The Council took a break from 8:58 p.m. to 9:11 p.m.

12) **REVIEW AND DISCUSSION OF THE AUGUST 2, 2016 CITY COUNCIL MEETING AGENDA**

Staff and the Council briefly reviewed the agenda for the August 2 meeting. Public Hearing items included a rezone request from Adam Loser, who is also hoping to purchase property from the Alpine School District as part of a forthcoming development proposal. The rezone is for 43.34 acres of Rural Residential to R1-20. Another public hearing is scheduled to review an ordinance amendment pertaining to materials required for construction of off-street accessory apartment space, of which Director Beaumont provided a brief overview. Currently, the only action item ready for the next meeting was to authorize the Mayor to sign an agreement between the Mountainland Association of Government (MAG) and Pleasant Grove City for congregate meals and services. Director Giles explained that the agreement will cover all meals for those who are homebound. He provided an overview of the agreement between to the two entities.

The Council briefly discussed how in-depth discussions of forthcoming agendas should be in terms of transparency. Attorney Petersen explained that there is a balance between advising staff prior to public hearings and having the majority of conversation take place during the assigned agenda items. Council Member LeMone explained that due diligence is contained in Council packets and Council Members have an opportunity ask questions of staff throughout the week. She agreed with Attorney Petersen that the majority of conversations on agenda items need to take place during the meeting for which they are scheduled.

13) NEIGHBORHOOD AND STAFF BUSINESS

Director Beaumont reported that staff conducted a Pre-Construction Meeting the previous week for the 45 South Main project. Construction will likely begin in the next week and the project will finish by mid-February of next year. The exterior structure should be completed by Halloween. Mayor Daniels asked how construction will affect traffic. Director Beaumont stated that there will be an impact to the sidewalk and staff has discussed maintaining pedestrian access with the contractor while construction is underway. A portion of the sidewalk will be removed during construction and they will have chain link fencing set up to direct pedestrian traffic. The road should not be shut down other than for making various service connections. Director Beaumont also reported that the following day they will do cement treated base on Locust Avenue. The project is on schedule and should be completed by the time school starts. The same details apply to the project on Loader Avenue.

Director Young reported that the Downtown Advisory Board will be doing two events this summer. The first event is this Friday night and will consist of food trucks and entertainment in the park. The next event scheduled for August 5th will be a car show and food trucks in the park.

Fire Chief, Dave Thomas, indicated that tonight was the first time he had heard of the Public Works Department doing a possible vehicle transfer. He noted that they ordered a truck earlier in the week and it will have a classified hitch and pulling abilities. Director Roy reported that the City's water revenue bonds were reviewed and upgraded to AA minus standard, due to changes in methodology.

Administrator Darrington announced that the Employee Picnic will be held on August 8th, from 6:00 to 8:00 p.m. He also announced the dates for the upcoming Finance Academy, which will be August 10th, 24th, and September 7th. The Academy will review information on the budget process, explain the various types of City funds, how taxes and fees work, and how expenditures are set up. They will also review the City's debt philosophy, fund balances, and tax incentives. The Academy is open to anyone with a limit of 10 to 12 participants.

14) MAYOR AND COUNCIL BUSINESS

Council Member Andersen reported that she has received several phone calls about the unsightly building on Center Street. She wanted to know exactly what was approved because she was not happy with how the building looks.

Council Member LeMone reported that Economic Development Director, James Dixon, has resigned. She inquired as to where the City is in terms of filling the position. Administrator Darrington stated that he and David Larson would meet soon to discuss the position and create a recommendation for the Council.

Mayor Daniels announced that he will be gone on August 2nd.

15) **SIGNING OF PLATS**

16) **REVIEW CALENDAR**

The next City Council meeting is scheduled for August 2nd. The City Offices will be closed on July 25th in commemoration of Pioneer Day.

17) **ADJOURN AND CONVENE AS THE REDEVELOPMENT AGENCY OF PLEASANT GROVE CITY**

ACTION: Council Member Stanley moved to adjourn as the Pleasant Grove City Council and convene as the Redevelopment Agency of Pleasant Grove City. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council adjourned as the City Council and convened as the Redevelopment Agency at 9:46 p.m.

18) **ADJOURN AND AS THE REDEVELOPMENT AGENCY OF PLEASANT GROVE CITY AND RECONVENE AS THE PLEASANT GROVE CITY COUNCIL**

ACTION: Eric Jensen moved to adjourn as the Redevelopment Agency of Pleasant Grove City and reconvene as the Pleasant Grove City Council. Lynn Walker seconded the motion. The motion passed with the unanimous consent of the members of the Redevelopment Agency.

19) **ADJOURN**

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

The meeting adjourned at 9:47 p.m.

The minutes of July 19, 2016 City Council meeting were approved by the City Council on August 16, 2016.

Kathy T. Kresser, City Recorder, MMC

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