

**Pleasant Grove City
City Council Meeting Minutes
November 17, 2015
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

Staff Present: Scott Darrington, City Administrator
Dave Thomas, Fire Chief
Kathy Kresser, City Recorder
Deon Giles, Parks and Recreation Director
Marty Beaumont, Public Works Director
Tina Petersen, City Attorney
David Larson, Assistant to the City Administrator
Ken Young, Community Development Director
Sheri Britsch, Library and Arts Director
Degen Lewis, City Engineer

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

1) **CALL TO ORDER**

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

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Courtney Varney.

3) **OPENING REMARKS**

The opening remarks were given by Jack Freeman.

4) **APPROVAL OF AGENDA**

The Council suggested that Items 10A and 10B be discussed prior to Item 9A. Council Member Stanley recommended holding an Executive Session to discuss personnel at the end of the Regular

Meeting. City Administrator, Scott Darrington, stated that Item 10C needs to be continued to December 1, 2015.

ACTION: Council Member LeMone moved to approve the agenda with the aforementioned changes. 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.

Lisa Liddiard, who resides at 1095 East Canyon View Lane, requested clarification on discussion that took place at the last meeting on Proposition 1. She quoted statements that were made during the meeting. Council Member LeMone explained that earlier this summer, the Council voted to put Proposition 1 on the ballot to give the citizens an opportunity to vote on the matter. They also voted to not support UTA but rather to support more money coming back to the local municipalities. She noted that she would need to review the minutes to recall additional details. Ms. Liddiard argued that the Resolution the Council passed did not remove the UTA component, as explained by Council Member LeMone. She noted that this information is available on the City's website in the staff report, the minutes, and resolutions that were passed. City Attorney, Tina Petersen, explained that she made modifications to the Resolution based on the Council's preferences. The paragraph expressing support for mass transit was removed. Further, she stated that she made a specific note to the League of Cities and Towns when she sent them the approved resolution pointing out the change and notified them of the Council's position on the matter. She would need to review the exhibits that Ms. Liddiard was refereeing to before commenting on her allegations. . There was further discussion on what took place. Mayor Daniels apologized for the confusion.

Clifford Sorensen gave his address as 1710 Blackhawk Circle, came across an old *Deseret News* article that listed Pleasant Grove as the 12th most indebted City in Utah. Mr. Sorensen remarked that at the conclusion of the elections he researched campaign contributions and was alarmed at the amount of funding donated by real estate companies. One candidate received 86% of their overall campaign funding from real estate interests. Another received 80% and a third candidate received 75%. He suggested that those candidates identify themselves and be recused from certain real estate discussions. Large donors included Utah Central Association of Realtors (UCAR), the Fugals, St. John Properties, and Pleasant Grove United.

Council Member LeMone noted that members of the UCAR were present at tonight's meeting. She invited the citizens to direct questions to their association directly. She also explained that with every election, the association interviews candidates from all over the County. Every candidate in the race was interviewed, and the association supported the candidates they felt would best represent Pleasant Grove homeowners. They are not realtors selling land, but rather they represent the homeowners themselves.

Mr. Sorensen commented that he was not questioning anybody's honesty but raised the issue as a matter of appearances. He reported that he served as Management Officer for the State Department

for many years and in government when such large sums of money are received from a source one would need to be excluded from an action that serves that donor's interest.

Council Member LeMone disagreed and stated that campaign donations are not unusual. Furthermore, she explained that Mr. Sorensen is questioning the integrity of the Council Elect and wanted to address his concerns. Council Member LeMone stated that it is not unethical or illegal to accept campaign donations from an organization. She then read a statement from Taylor Oldroyd, CEO of UCAR, explaining the organization's mission and purpose. Mr. Sorensen emphasized that his remarks were not intended to threaten anyone's integrity but to bring this issue up as a matter of transparency. Council Member Boyd added that campaign donations from UCAR have been made to local candidates for several years.

Christy Belt, who resides at 266 East 1640 North, thanked the Public Works personnel who helped her find a culinary water leak on her property. She noted that they even came and helped her on a Saturday and provided excellent service.

Blaine Thatcher gave his address as 120 North 1400 East and stated that Pleasant Grove is at a crossroads. Some of the comments been made in the open session are indicative of a continued divide among citizens. Mr. Thatcher expressed concern with the discrepancy between what was discussed in public meetings regarding Proposition 1 versus what was published on the City's website. Many of the City's leaders were counting on the tax increase from Proposition 1 to provide more money for road funding in Pleasant Grove. Three of the candidates, Lynn Walker, Eric Jensen, and Cyd LeMone, campaigned with the anticipation that funding from Proposition 1 would be a source of road funding for the City. He stated that it is deceptive to try and correct the record about their support for Proposition 1. Mr. Thatcher added that there is a widening credibility gap with the City's elected officials. He cited the Public Safety Building as an example. He implored the Mayor and Council to change their course of action.

Emily Varney gave her address as 1756 North 390 West and stated that Blaine Thatcher does not represent her view as a citizen and the vote and election stand on its own. Ms. Varney appreciated the integrity of the candidates who won and thanked them for their willingness to serve.

Molly Andrew, who resides at 1125 Sage Drive, stated that she is a citizen of Pleasant Grove and that Blaine Thatcher doesn't represent her opinion. Ms. Andrew also commented that the bathrooms at the Rec Center look great. With regard to Public Safety, the Committee still has not reached a decision and are currently researching several options. Ms. Andrew stated that the meetings are open to the public and invited all to attend. Next, she explained that PG United is not a group of realtors. They donated \$423.37 to each campaign and the remaining funding went toward service projects. She stated that as a member of PG United she is a housewife, preschool teacher, and mom and not a realtor. She noted that Drew Armstrong is the only member of PG United who is actually a realtor. Ms. Andrew then addressed the comments from Mr. Sorenson with regards to answering to the realtors. She asked Mr. Sorenson if the PG3 had won if he knew who they would answer too. She noted their largest donation was from Knight West at \$1993.50, Utah Valley Home Builders \$1,500, St. John's Property \$1,500. Kuhni Landscaping \$1,126 and Frank Anderson was \$995.31.

Mayor Daniels referenced the June 6, 2015, Council Meeting minutes, page 14, first paragraph, which sets forth the Council's actions pertaining to the UTA portion of Proposition 1 clarifying that the paragraph supporting UTA was removed.

Karl Kuhni gave his address as 2115 North Crestwood Boulevard and identified himself as the owner of Kuhni Landscaping, and a large donor of PG3. Mr. Kuhni stated that his company will continue to donate should they choose to do so in the future. There was heated discussion between Council Member LeMone and Mr. Kuhni.

Drew Armstrong gave his address as 995 East Center Street and stated that he is a real estate broker. He expressed appreciation for the Council's honesty and integrity. Mr. Armstrong noted that he usually donates \$500 per year to campaigns from his personal finances, which are not tax deductible. He appreciated the candidates who interviewed with him and he hoped that more will interview in the future. Mr. Armstrong clarified that he is the only member of PG United who is a realtor and he acknowledged that he donated extensively out of his own pocket. He personally asked Brandon Fugal to support the trustworthy candidates he felt would best serve Pleasant Grove City. He collected the check from Mr. Fugal and the money was spent as a group in a manner they determined it should be.

Blaine Thatcher commented that the contributions made by UCAR and other realtors during the campaign is a dramatic departure from what has typically occurred in previous elections. He also stated that UCAR has a vested interest in accessory apartment issues, which is an item on tonight's agenda. Mr. Thatcher reiterated comments he made earlier in the open session.

Steve Swasey, who resides at 1141 North 300 East, commented that the three candidates who represented his viewpoints lost the election; however, he invited the Council Elect to come visit with him to hear more about what the other half of the City has to say. Mr. Swasey stated that they want to move forward and make allies instead of enemies.

Mayor Daniels thanked everyone for exercising their American liberty to express themselves.

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

6) **CONSENT ITEMS**

- a) **City Council Meeting Minutes:
City Council Minutes for the October 20, 2015 meeting
City Council Minutes for the October 27, 2015 meeting
City Council Minutes for the October 29, 2015 meeting**
- b) **To consider approval of payment vouchers for November 9, 2015.**

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

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **ACTION ITEMS WITH PUBLIC DISCUSSION**

Note: Items 10A and 10B were discussed before Item 9A.

A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-46) FOR A PROPOSED TEXT AMENDMENT REGARDING ACCESSORY APARTMENTS, CREATING CITY CODE SECTION 10-15-47 AND AMENDING SECTIONS 10-6-2: DEFINITIONS, 10-9A-2: PERMITTED, CONDITIONAL AND ACCESSORY USES, 10-9B-2: PERMITTED, CONDITIONAL AND ACCESSORY USES, 10-9C-2: PERMITTED, CONDITIONAL AND ACCESSORY USES, AND 10-14-24-2-C: PERMITTED, CONDITIONAL AND ACCESSORY USES PERMITTING ACCESSORY APARTMENTS IN THE PLEASANT GROVE CITY CODE. (Pleasant Grove City Applicant) (CITY WIDE IMPACT) *Presenter: Director Young.*

Community Development Director, Ken Young, stated that the City has been working on and off with the issue for the past 15 years. There have been several proposed ordinances come forward but none have been approved. This has been a difficult issue to address because there are so many citizen opinions and preferences. It appeared that the majority of the public want accessory apartments to be permitted. Director Young noted that the Planning Commission recommended approval with only one Commissioner who did not give their support.

Although accessory apartments have been allowed in the past, they have not been permitted since 1985. Accessory apartments were built with a permit before that time that are still in use. They were permitted in multi-family downtown village zones, but have not been allowed in single-family residential zones. Although there are several different housing types throughout the County, demographics show a need for affordable housing in Pleasant Grove. Many of the multi-family housing units in the City are condos or townhomes that are sold, and do not meet affordable housing requirements. Accessory apartments are a way for young people who grow up in Pleasant Grove to continue living in the community in their young adult years before they are able to purchase their first home.

Director Young presented the conditions included in the proposed ordinance. First, separate external entrances may not be side-by-side front doors as this lends itself to the appearance of a duplex. Addressing should be "A" and "B" for primary and apartment units. A minimum of six off-street parking spaces must be provided for the home. Director Young explained that currently all single-family homes are required to have four off-street parking spaces, which includes a garage. Therefore, staff saw fit to require an additional two off-street parking spaces for an accessory apartment. While there are exceptions, the ordinance should be crafted in a way that allows for all potential situations for homes with accessory apartments.

The living area must be separate from the principle use and the Building Code regulations need to be met. Interior access must be maintained between the two units for emergency service purposes. Apartments cannot be sold and must be registered. Staff was proposing a \$25 one-time registration fee to cover inspections. If the ordinance is approved, a two-year period will start in order to allow for registrations. In other words, anyone who currently has an accessory apartment will need to register with the City within two years from the date the ordinance is adopted. Failure to register within this two-year period will lead to a potential fine of \$1,000. Staff will exercise their best efforts in advertising the new requirement.

Staff was very confident that the guidelines are reasonable and that the City needs to take responsible actions with respect to accessory apartments. They are approaching the issue from the perspective of maintaining the health, safety, and welfare of the community. Situations where a family is living in the basement of a home are considered mother-in-law apartments, and are not defined as accessory apartments.

Mayor Daniels opened the public hearing.

Michael Butt gave his address as 936 North 1420 West and referenced the FAQs listed on the City's website as well as an excerpt from the minutes of a City Council Meeting held in March 2015. The minutes indicated that citizens had ample opportunity to express their opinions on the matter. Mr. Butt agreed. The FAQs indicate that three surveys have been conducted to garner public input, none of which would be considered statistically accurate. Mr. Butt disagreed with this statement and requested further clarification.

According to the FAQs, the majority seems to support the permitting of accessory apartments. FAQ #10 states that ultimately it may be an issue that requires an informed decision to be made based on the facts and needs as they relate to the health, safety, and welfare goals of the community rather than on the opinions of people with limited awareness of the pertinent facts and issues. Mr. Butt asked if the City has a statistical report where data has been compiled at least since 2009 that demonstrates that the health, safety, or welfare of the citizens has been compromised in direct relation to the existence of an accessory apartment. City Administrator, Scott Darrington, did not believe any study had been conducted to this end; however, they could refer to ambulance and other emergency calls. Mayor Daniels added that this information hasn't been tabulated in finite numbers; however, the Council relied on input from the City's public safety personnel with respect to what occurs when they go into a home that has an accessory apartment that has to be accessed through the home.

Mr. Butt remarked that in the absence of such a report it is difficult as a citizen to be informed. Therefore, he was lead to fall back on his ideology as a conservative constitutionalist, which in part means that the rights of people are not to be denied or diminished. Mr. Butt pointed out that in FAQ #9, there are only two options that are stated. He suggested that three potential options be made available as follows:

1. Yes, without regulation.
2. No.

3. Yes, with some regulation.

Mr. Butt stated that he would like to have the FAQs updated based on the comments made at the March Council Meeting.

Last, Mr. Butt stated that accessory apartments should be permitted without regulation. He reiterated that he goes back to his ideology regarding government regulation and bureaucracy in the absence of specific data showing there is an actual issue. Otherwise, decisions are made based on perception alone.

Vaughn Mayo gave his address as 15 North 1300 East and stated that he is a real estate investor. He attended the most recent Planning Commission Meeting on this item. He is in favor of allowing accessory apartments; however, he has a problem with all of the regulations. Mr. Mayo explained that it will be difficult, if not impossible, to enforce the regulations that have been presented and the last thing that is needed right now are complaints that would continue to divide the City. Mr. Mayo shared experiences he has had recently with his tenants and stated that the City already has building codes in place to provide the needed amount of regulation.

Craig Ririe gave his address as 141 West 2600 North and stated that he attended the last Council Meeting where the issue was brought up. He was surprised by the lack of compassion shown. For most people who live in or own accessory apartments, it is out of their control. There are a lot of people in Pleasant Grove who are struggling and the City should give them the benefit of the doubt. He suggested that if there are safety complaints, the City can then address those issues.

Steven Moon gave his address as 895 South 1550 East and expressed his support for a change in how accessory apartments are addressed in the City. There are a few wording changes that he would suggest, which are a result of serving on a committee last spring that reviewed the issue and drafted a proposal. The committee sought to take all perspectives into consideration. Mr. Moon reviewed the proposed ordinance and suggested some language modifications. He supported accessory apartments with regulations.

Stan Williams, who resides at 175 South 1300 East, expressed concern with the language that indicates that failure to register within the two-year period "will" result in a \$1,000 fine. He suggested the language be changed to read "...could result in a \$1,000 fine." Director Young stated that the actual ordinance will reflect this modification. Mr. Williams was also concerned with the elderly community and explained that if he can't have an accessory apartment he might not be able to remain in the community.

Lisa Liddiard gave her address as 1095 East Canyon View Lane and wanted to see accessory apartments legalized with little or no additional regulations beyond what is already written in the Code. Ms. Liddiard reviewed the proposed regulations as previously stated by Director Young and did not believe any of the proposed actions should be required. She added that the wording pertaining to the home inspection process is unclear. Ms. Liddiard stated that citizens have the right to own and choose how to use their property as long as they are not infringing on their neighbors' right to do the same. She did not believe existing accessory apartments should be

combined with new ones because it could end up being extremely expensive for a homeowner to conform to the new regulations.

Ms. Liddiard explained that many cities have adopted complaint-based law for when enforcement becomes necessary. She does not believe this method of law enforcement fosters equal treatment to all citizens. If the City follows this type of law, citizens can sue the city if they can prove that their life, liberty, or property was destroyed because of a law not being properly enforced. Ms. Liddiard expressed additional concerns relative to the proposed off-street parking requirements. She asked for further clarification on whether the City was trying to protect life safety issues for the property owner, the renter, Public Safety personnel, or all of the above. She referenced Mr. Butt's remarks pertaining to whether or not the City can prove that the health, safety, and well-being of the citizens is being jeopardized or if these decisions are being made based on opinion. She argued that if the life safety issues are valid it would make sense to enforce the same requirements on mother-in-law apartments as well.

Ms. Liddiard asked why it is necessary for accessory apartments to have their own separate kitchen and address. Additional questions were raised with regard to home ownership and whether it is fair or necessary to dictate whether the homeowner chooses to live in one part of the home or rent it out to two separate families. She referenced certain HUD laws as part of her argument and stated that the government should not dictate whether a property owner chooses to host family members for more than 30 days. Ms. Liddiard concluded by quoting a statement made by Director Young during the Planning Commission Meeting where the item was discussed.

Jennifer Bischoff gave her address as 1395 North 390 East and stated that in the past she has primarily been opposed to accessory apartments; however, after listening to the Planning Commission Meeting held on September 22 she has a better understanding of why the City is seeking to create the proposed new regulations. Ms. Bischoff was of the opinion that certain regulations should be tied to the allowance of accessory apartments in the City.

Drew Armstrong gave his address as 995 East Center Street and stated that he is serving as the Planning Commission Chair this year. He explained that the Commissioners all had very different ideas while drafting the ordinance in terms of what is important and what is not. He noted that the parking proposal does not represent what he personally would have recommended, however, they came up with the best proposal based on countless hours of deliberation as a Commission. Mr. Armstrong did not doubt that changes will need to be made to the ordinance over time, because unexpected issues will inevitably arise. He explained that as a Commission they sought to balance property rights. The ordinance is designed to work for the entire community. Mr. Armstrong clarified a statement made by Ms. Liddiard and explained that it is important to find an appropriate solution for situations where Code compliance is not being met. Furthermore, he stressed that the purpose of the ordinance is to protect the safety of homeowners, tenants, and public safety personnel.

Matt Godsey gave his address as 1026 East 1100 North and read the verbiage contained in Provo City's Code which relates to accessory apartments. It states that "*...in no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises*". He felt that if the City adopted similar language many of the issues would be resolved.

Director Young clarified that there will not be planned inspections unless it is determined by staff that there needs to be follow up. Therefore, the Code includes a provision that allows the applicant to submit pictures and signed statement that shows how they are meeting Code requirements. In response to a question raised by Mr. Godsey, Attorney Petersen read a statement directly from the Code indicating that there is a provision for grandfathering in existing dwellings that were constructed pursuant to the Code at the time they were built. He asked for clarification on the purpose of requiring multiple addresses. Council Member LeMone responded that it is for safety so that police and fire personnel can easily identify that there is an apartment on the basement level. Mr. Godsey made concluding remarks regarding the economic view that the founding fathers had on private property rights and stated that he disagrees with the proposed regulations, especially requiring multiple addresses.

Debbie Hong, who resides at 993 East 100 North, was in favor of accessory apartments and the registration process that has been proposed. She also noted that she favors owner-occupied units. Ms. Hong felt that the proposed regulations will help protect the safety of the tenants and felt that it was sensible to require an off-street parking space for each car.

Michael Butt explained that technology makes it possible for blueprints of homes to be scanned and made readily available anytime changes need to be made. Medical records and any kind of personal information is also easily accessible. He stated, however, that this does not represent a world of liberty. In a world of liberty there is risk, accidents, tragedy, and death. There are also people who rely on the mercy of God during those times. Mr. Butt explained that although it would be nice to have regulations in place, there needs to be statistical data showing that there really is a problem. The City needs to make a choice as to whether to maintain freedoms and rights, meaning that as citizens they do not need to ask for permission from their government when making decisions about their personal property.

Blaine Thatcher asked why there hasn't been more discussion on the committee organized by the City on this issue. He stated that no evidence has been presented indicating an increase risk to the City and first responders simply from having accessory apartments in Pleasant Grove. Mr. Thatcher expressed additional concern with discussion that has taken place regarding a person's inalienable right to own and maintain property.

Ron Tews gave his address as 1655 Leslie Circle and commented that the proposal presented looks great. He was in favor of permitting accessory apartments in Pleasant Grove. Mr. Tews stated that they have a mother-in-law apartment and wanted to know if they would be required to register it under the new ordinance. Mayor Daniels stated that the ordinance does not apply to mother-in-law apartments. However, the day they choose to turn it into a rental, they will need to register it as an accessory apartment.

Kira Harris gave her address as 60 Alpine Drive and stated liked the language in Provo City's ordinance pertaining to parking for accessory apartments. She preferred to have this implemented in Pleasant Grove's ordinance rather than what is currently proposed. She also suggested that the City look at State laws regarding rentals since some of the issues might already be addressed.

Director Young was unable to address the State's laws but they will be requiring applicants to submit photos of smoke alarms that have been installed in the accessory apartment at the time of registration. Attorney Petersen added that the State has general and specific laws and there are areas where the State has preempted the field. She did not believe, however, that this is one of those areas, thereby allowing the City to regulate within their own jurisdiction.

Dean Hale gave his address as 480 South 1400 East and pointed out that within the written proposal and intent portion of the proposed ordinance on accessory apartments, there isn't any mention of the health, safety, and welfare of the citizens. Mr. Hale was of the opinion that enforcing regulations would be an infringement of property rights. Furthermore, he personally knows people who have accessory apartments that would be burdened financially if they were required to come into compliance with the proposed ordinance.

Mayor Daniels requested that staff include a statement in the ordinance relating to the health, safety, and welfare of the citizens. He then asked Director Young to elaborate on how apartments that qualify for grandfathering in will be handled. Director Young explained that any new construction or remodeling will be dealt with immediately upon registration. If an accessory apartment has been constructed and permitted under previous code by the City, they will not be required to retroactively meet current regulations. Director Young stated that there will be situations where accessory apartments simply will not be permitted. There may be existing situations that simply cannot meet the basic level of requirements. The proposed ordinance was not intended to create a situation where anyone could have an accessory apartment without regulation or concern for health and safety issues.

City Engineer, Degen Lewis, recalled that there were certain electrical issues in the basement of his home when it was first purchased. This indicated to him that inspections by professionals are important to help mitigate potential problems in the future. Engineer Lewis explained that specification requirements are primarily generated from specific problems that have occurred in the past. The requirements are then written to avoid a negative outcome from occurring again. With regard to the ordinance, a narrative in history is missing on why it is important. He continued that the biggest challenge the City has faced is that the Council has not funded Code Enforcement. In the past, there has been a Code Enforcement Officer who has actively sought out obvious problems rather than investigating complaint-based issues. Engineer Lewis stated that it is important to have a Code Enforcement Officer because it is not always easy for a citizen to approach a neighbor with a concern. If the Council decides to approve the ordinance, it would be remiss of them to not also fund a Code Enforcement Officer.

Julio Homer, who resides at 935 East 510 North, explained that he has a rental unit that he relies on financially. He argued that even without regulations, there is no law that states that a tenant cannot and should not stay in any particular unit. Mr. Homer sided with the statements made with regard to property rights as outlined in the Constitution. He did not believe that everything needs to be heavily regulated and gave other examples where overregulation has been detrimental.

Ashley Francom gave her address as 945 East Center and was supportive of accessory apartments without regulations. She supported the parking laws that have been proposed but felt they should be applied City-wide rather than just to accessory apartments.

Jennifer Baptista gave her address as 32 North 1300 East and commented that this has been a brutal issue to face as a Planning Commission. She stated that the Council communicated to the Planning Commission that they wanted to enact registration of accessory apartments so that people who have them could “come out of the dark”. The issue then turned into a matter of health and safety, which requires more regulations. The discussion started to shift to how much money could be collected from accessory apartments. Ms. Baptista disagreed with this concept. She did not believe the regulations are fair and felt that they would be punishing people for collecting an income. The City is not liable for the apartments and the homeowners carry that responsibility.

Ken Millet, who resides at 490 South 1100 East, was supportive of the City moving forward with accessory apartments.

Melanie Pryor gave her address as 640 South Spruce Street and stated that if the City cannot provide enforcement they should not regulate. She argued that safety has to do with structure and not with what one chooses to do with it. She gave examples in the community of large homes that have accessory apartments and explained that it might not be practical to put additional regulations in place. Ms. Pryor expressed support for homeowners who want to rent a part of their home to individuals who are not necessarily part of their family. Citizens will always have their own choice as to whether or not to be responsible.

John Pryor gave his address as 640 South Spruce Street and stated that he supports accessory apartments with less restrictions. He asked the Council to consider the strong majority of those who have spoken and taken the time to be active citizens in the community.

Kira Harris gave her address as 60 Alpine Drive and commented that it is odd that the only difference between an accessory apartment and a mother-in-law apartment is who is living in the unit. The City is proposing regulations to accessory apartments when there aren't any regulations in place for mother-in-law apartments. Ms. Harris remarked that they either need to regulate both or regulate neither.

Donna Jolley, who resides at 1380 East 150 North, suggested that 911 dispatchers ask if the person making the emergency call is in the main part of the home or an accessory apartment.

Director Young explained that many of the comments made tonight were ideological. The people who have worked on this issue have brought forward staff's proposal. If the ordinance is amended further, the matter goes beyond community development and planning and becomes an ideological and political issue. He made suggestions on additional verbiage that could be added based on the public feedback received.

With regard to parking, City Code Section 10-18-3 states that all dwellings need at least two parking spaces. Director Young argued that the requirement for accessory apartments is in line with what is already indicated in the Code. They are trying to set a base standard for what should normally work.

Jill Butt gave her address as 936 North 1420 West and asked for further clarification on Director Young's comments. She suggested that the citizens draft an ordinance based on the ideas proposed tonight.

Steven Moon commented that there have already been numerous citizen committees that have approached solutions to the issue. Ms. Butt remarked that based on tonight's comments, it does not appear that the citizens have had enough involvement because the proposal does not appear to represent what the citizens want.

Jason Hunter, who resides at 680 East 300 North, he would like to make sure that there is enough off-street parking to accommodate all of the vehicles. He was supportive of the Council finding a way to make accessory apartments legal with some regulations.

Director Young stated that even though there may be a majority opinion of those present tonight, it does not necessarily reflect the majority opinion in the community. He encouraged the Council to consider all of the public input given over the years.

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

The Mayor summarized the discussion and positions expressed tonight. The majority of citizens who spoke tonight were in favor of accessory apartments with little to no regulation. He explained to the Council the type of decision that needs to be made on the matter.

Council Member Boyd remarked that the issue has been discussed for many years and the same arguments always been raised. Council Member LeMone recognized the 15 years of work that has gone into determining a legal solution for accessory apartments. She liked the idea of Provo City's ordinance that states that the parking requirements are based on the number of people in the home. She explained that if an existing accessory apartment is required to make a lot of changes it could be very expensive for the property owner. In those cases, they will not come forward and register their apartments.

Council Member LeMone agreed with Ms. Baptista that the liability is on the property owner rather than the City. She believes that the \$1,000 fine for not registering within the two-year time frame is too high. She did not agree with requiring a separate outside entrance. Furthermore, she did not see the difference between a family of eight to 10 and two families living upstairs and downstairs. She preferred owner occupied units. She did not believe the City could tell people what they can and cannot do with their property; especially since an accessory apartment could increase their property value. With regard to enforcement, the City does not have the budget to hire a full-time officer to oversee Code compliance.

Council Member Jensen preferred owner occupied units and explained that accessory apartments have always been an issue in Pleasant Grove. He noted that his daughter lives in an accessory apartment in Logan and safety is of concern to him, especially when it comes to electrical wiring. When campaigning, a lot of the feedback he received was to keep it simple and have less regulation. Council Member Jensen addressed Ms. Jolley's remarks by explaining that sometimes

when people call Dispatch, they are not in the right frame of mind to answer a lot of questions. If emergency responders already knew which unit the caller is in, the process would be simplified.

Council Member Andersen commented that she has 10 people living in her home, including her children and aging mother. She was completely in favor of accessory apartments; however, she had had conversations with people who are not in favor of allowing them in Pleasant Grove. One reason for opposition was the perceived value for certain types of zoning, and the claim that people buy property based on that perceived value. She asked if there is a way to approve the matter while protecting the perceived value while allowing others to exercise their property rights. Some regulation needs to exist with one example being to add an owner occupied requirement. Council Member Andersen agreed with Council Member LeMone that the \$1,000 penalty for not registering within the two-year period is unfair.

Council Member Stanley agreed with Council Member Andersen that there are citizens in the City who are opposed to allowing accessory apartments in the City. He had also heard the argument that accessory apartments change the fundamental character of certain zones. He echoed Council Member LeMone's remarks about the extensive amount of time and work that has gone into addressing the issue. Council Member Stanley stated that in a free society, issues of aesthetics and property values should be handled through private, consensual contracting. In a free society there are covenants, conditions, and restrictions that run with the land that people can agree to voluntarily. The role of government is to oversee the health, safety, and welfare of the community. Tonight the point was made that there is no basis to distinguish between the regulations imposed on whether people are related or unrelated. He argued that if they require a property owner to comply with building codes, they are in effect covering health and safety issues for accessory apartments as well. Council Member Stanley was opposed to overregulation and the ordinance as presented.

Council Member Boyd agreed that accessory apartments should be allowed in the City, but did not like the proposed ordinance as written. She stated that parking is the biggest issue in the City, so if the ordinance needs to be tightened up in that regard, it should be for the entire City. She agreed with the remarks made about questioning the integrity of zoning by allowing accessory apartments. Council Member Boyd's view was that this is a choice of the people. She did not feel that accessory apartments need to be regulated.

Mayor Daniels summarized the discussion and asked the Council to consider whether they are in favor of no regulations or the bare minimum in order to ensure the health, safety, and welfare of the community. He invited staff to share why certain requirements were included in the ordinance based on their fields of expertise.

Director Young suggested that if the Council would like to receive good responses from staff, rather than an off-the-cuff answer to each of the provisions, more time may be needed to prepare a report. He would have hoped there would have been a bit of confidence in their professional ability and review; however, he realizes that much of this item comes down to ideology. In the end, he was not sure how much of a difference a more detailed report would make for the Council's final opinion and decision. The matter had already been discussed at length and now it comes down to majority opinion. Mayor Daniels stated that it is fair for staff to take more time to prepare

a report as suggested by Director Young. Director Young suggested that in the meantime, anyone who hasn't already read the FAQs do so. He stated that it will be impossible to satisfy everyone's wants and desires. Administrator Darrington requested that the Council email specific questions to staff so that they can be addressed with the public directly.

Police Chief, Mike Smith, brought up the 4th Amendment, which pertains to search and seizure laws. Public Safety is put in a difficult situation when they need to search an entire home and the problem does not really exist in Apartment A but rather involves Apartment B. He worked personally on a case where they served a search warrant for drugs and stolen property and nothing in their records showed there was an accessory apartment in the structure. Chief Smith was of the opinion that the community is being harmed in terms of response times by not regulating accessory apartments.

Fire Chief, Dave Thomas, explained that fire codes exist because of generations of mistakes and horrible incidents that have occurred. Therefore, it makes complete sense for the Fire Department to advocate for the regulation of accessory apartments. Chief Thomas explained that regardless of status or position, everyone deserves the same level of service from the Fire Department. It is his job to meet that expectation and to be a safety advocate for everyone in the community. Without regulations for accessory apartments he had no way to advocate for the tenant. He believed that the property owner desires to advocate for their tenants by putting in place all of the necessary safety elements; however, he cannot guarantee this for every citizen without some kind of regulation.

Council Member LeMone asked staff to have confidence in the Council that they are fulfilling their responsibilities as elected officials through the process.

ACTION: Council Member Andersen moved that the Council continue Ordinance 2015-46, for a proposed text amendment regarding accessory apartments, to a date uncertain. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

ACTION: Council Member LeMone moved that the Council address Item 11A on December 1, 2015. Council Member Jensen seconded the motion. There was discussion regarding whether to discuss the aforementioned item tonight or at another meeting. A voice vote was taken with Council Members LeMone, Boyd and Jensen voting "Aye", Council Member Stanley voting "Nay", and Council Member Andersen abstaining. The motion passed 3-to-1 with one abstention.

10) ACTION ITEMS WITH READY FOR VOTE

Note: Items 10A and 10B were discussed before Item 9A.

A) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-038) AUTHORIZING THE MAYOR AND MUNICIPAL COUNCIL SITTING AS THE BOARD OF CANVASSERS TO ACCEPT THE ELECTION RETURNS AND DECLARING AND CERTIFYING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2015 AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Recorder Kresser.*

City Recorder, Kathy Kresser, distributed the official Election Results from Utah County, which would be posted on the City's website.

ACTION: Council Member Stanley moved that the Council adopt a Resolution (2015-038) authorizing the Mayor and Municipal Council sitting as the Board of Canvassers to accept the election returns and declare and certify the results of the General Election held on November 3, 2015, declaring the winners to be Eric Jensen, Cyd LeMone and J. Lynn Walker, and declaring Proposition 1 as having failed by 64.22%. Council Member Andersen seconded the motion. A voice vote was taken, with Council Members LeMone, Boyd, Andersen, Jensen and Stanley voting "Aye". The motion carried unanimously.

B) TO CONSIDER A REQUEST BY MURPHY'S EXPRESS FOR SITE PLAN APPROVAL FOR A 1,200 SQUARE FOOT CONVENIENCE STORE WITH AN 8 PUMP FUEL STATION OPERATED 24 HOURS PER DAY, 7 DAYS PER WEEK, SELLING BEER AND TOBACCO ON PROPERTY LOCATED AT APPROXIMATELY 1679 WEST STATE STREET IN THE GROVE ZONE COMMERCIAL SALES SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Community Development Director, Ken Young, clarified that the convenience store will sell items commonly found in convenience stores; not just beer and tobacco products. He then proceeded to present the staff report, an aerial map of the area. and photographs of the subject property. He noted that the building will have a canopy, which will be generic in color and match the design criteria for the area. There will be an average of 25 feet of landscaping surrounding the property. The proposal meets Code requirements and staff and the Planning Commission both recommended approval.

A representative for the applicant was present and it was noted that this will be the first Murphy's Express in Utah.

ACTION: Council Member Stanley moved that the Council approve the request of Murphy's Express for site plan approval for a 1,200 square-foot convenience store with an eight pump fuel station to be operated 24-hours per day, 7 days per week, selling beer and tobacco on property located at approximately 1679 West State Street in the Grove Zone Commercial Sales Subdistrict. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, Stanley and LeMone voting "Aye". The motion carried unanimously.

Construction of Murphy's Express was anticipated to begin in March.

C) TO CONSIDER ADOPTION OF A RESOLUTION (2015-039) AUTHORIZING THE MAYOR TO SIGN A LAND LEASE AGREEMENT WITH VERIZON WIRELESS FOR PROPERTY LOCATED AT 1500 NORTH 100 EAST, A PORTION OF THE MANILA PARK, FOR THE PURPOSE OF CONSTRUCTING A TELECOMMUNICATIONS FACILITY AND ACCOMPANYING SUPPORT EQUIPMENT AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen *Continued to December 1, 2015.*

D) TO CONSIDER ADOPTION OF A RESOLUTION (2015-040) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH KEVIN COOK FOR A PARCEL OF PROPERTY OF 0.347 ACRES IN SIZE LOCATED AT 383 SOUTH LOCUST AVENUE, PLEASANT GROVE, UTAH, AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Engineer Lewis.*

Engineer Lewis presented the staff report and explained that the City has a long standing policy of acquiring properties that are adjacent to the park and Rec Center as they become available. Mr. Cook contacted Administrator Darrington a few months earlier and expressed a willingness to sell the subject property because he will be moving out of the state. Staff looked at the property and negotiated a price after obtaining an appraisal. Council Member Jensen asked what the plans were for the two homes currently on the property. Parks and Recreation Director, Deon Giles, recommended that the home on the north be rented and the other be demolished because it is not rentable. Engineer Lewis noted that the Cooks had a fire in their home recently and it was reflected in the appraisal of the property. The appraisal came in at \$140,000 and Mr. Cook asked for \$145,000 to reflect differences in the legal description.

ACTION: Council Member Andersen moved that the Council adopt a Resolution (2015-040) authorizing the Mayor to sign a Purchase Agreement with Kevin Cook for a parcel of property of .347 acres in size located at 383 South Locust Avenue, Pleasant Grove, Utah, in the amount of \$145,000; and provide for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Stanley, LeMone, Jensen and Boyd voting "Aye". The motion carried unanimously.

Note: There was a brief break starting at 10:22 p.m.

11) ITEMS FOR DISCUSSION - POSSIBLE ACTION

A) THREE-YEAR COORDINATED ROAD MAINTENANCE PLAN. *Presenter: Director Beaumont * Continued to December 1, 2015.*

12) DISCUSSION ITEMS FOR THE DECEMBER 1, 2015 MEETING

Mayor Daniels briefly reviewed the items on next week's agenda, as well as the items continued from tonight's meeting that will be discussed next week.

13) NEIGHBORHOOD AND STAFF BUSINESS

Members of staff shared updates pertinent to their respective departments. NAB Chair, Libby Flegal, reported that she is looking for a Chair in the Little Denmark Neighborhood and will soon need a new Chair for the Monkey Town Neighborhood. Director Giles reminded those present of the Trail Open House this Thursday night from 6:00 to 8:00 p.m. Public Works Director, Marty Beaumont, reported that the storm drain line on 1300 West was tied in yesterday. Library and Arts Director, Sheri Britsch, announced that the Library has a lot of programs going on this week. Tonight was the Parenting with Love and Logic class and tomorrow will be a Home Buying 101 class as well as a Reading with a Dog program. A Book Club meeting will take place tomorrow night. A Writer's Series, After School Program, a Mother-Daughter Book Club, Book Sale, and Teen Night will also take place this week.

Administrator Darrington reminded those present that there will be a ribbon cutting for Battle Creek Park and the new fieldhouse at the high school next Tuesday at 4:00 p.m. Engineer Lewis reported that he had an opportunity to visit Geneva Rock at the Point of the Mountain the previous day. He commented that many people don't realize how much of an asset that facility is to the area. City Recorder, Kathy Kresser, thanked Parks and Recreation and Public Works Departments for their help putting signs and flags out at the polling locations for the General Election.

14) MAYOR AND COUNCIL BUSINESS

Council Member Jensen remarked that while there were comments made in the open session that did not represent him correctly and he disagrees with them, he is looking forward to moving forward as a City. Council Member Andersen asked when the Christmas lights will be turned on. Director Giles responded that they will be turned on Wednesday, November 25. The Tree Lighting was scheduled for Monday, November 30th at 6:00 p.m. Council Member Stanley asked if there is a time frame for patching the road where the water main was repaired in the Battle Creek neighborhood. Director Beaumont replied that they will coordinate those repairs sometime within the next week.

Mayor Daniels commented that he cannot attend all events that take place in the City and has started to invite Council Members to participate and serve in other capacities. There was a Public Safety Building Committee Meeting scheduled for the next day where they will be reviewing the RFPs from various architects. There were six RFPs to review.

15) SIGNING OF PLATS

No plats were signed.

16) REVIEW CALENDAR

It was reported that the City Offices will be closed November 26 and 27.

17) EXECUTIVE SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-4-205 (1)(a))

ACTION: At 10:36 p.m. Council Member Stanley moved to go into executive session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Andersen seconded. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

Staff Present: Scott Darrington, City Administrator

ACTION: At 11:09 p.m. Council Member LeMone moved to come out of executive session and go back into regular Council session. Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

Blaine Thatcher reminded the Council that since they are no longer in executive session the meeting must be recorded. Mayor Daniels asked Administrator Darrington to record the meeting on his phone.

Mayor Daniels then noted that the Council came out of executive session and it has been pointed out that the meeting needs to be recorded because we are back in public session. He said that the City Attorney has been offered a position that is 2 – 3 times the size of Pleasant Grove for substantially more money than we are currently compensating her. She has seventeen years of experience with the City and she also serves as the acting City Administrator when Administrator Darrington is out of town.

The Mayor said that the question in front of the Council is do you want to retain the City Attorney in sight of the fact that we have replaced 3 Directors in the last year or do you want to keep this person. The tool in front of us to keep this person is raising their salary to mid-point.

Council Member Andersen noted that she is only speaking as a business owner never would I let seventeen years of experience walk out the door without at least an attempt to retain them, especially in the situation that we are in. This person is also interacting with all of the departments because of her administrative role; this is a key position and she would love to offer her the mid-range salary as compensation.

Council Member Stanley remarked that from his perspective the timing of this request is poor. There has been concern from the public about compensation levels of the executive staff and while he values every single city employee and the good that they do he thinks that the Council has the obligation to quantify levels of performance. He is grateful that all senior staff are in their pay

ranges now and thinks that this is the wrong time to entertain a pay raise when the public has made clear that their priority are the roads.

Council Member Jensen said that if you want to talk about quantifying he thinks that the City Attorney has showed that with her seventeen years with the City with her experience and knowledge and helping the City out in various cases that has come before the City. He agreed with Council Member Andersen in that we should bring her up to mid-range and retain her.

Council Member Boyd noted that her value is immeasurable. A few years ago, when we went back to DC for the 10 Commandments she was the leading attorney. The work that she does with the contracts and with the Hammons Group has saved us many dollars. She felt that the Council should offer her more than mid-range it will show her how much we value her and the work that she has done. A new person would not have the knowledge of the City that this Attorney has.

Council Member LeMone remarked that seventeen years' experience the City has made an investment in an employee that we need to try to retain. Some Directors and employees are within their pay ranges, so that is not accurate and what has been portrayed in the public the last 6 months is not accurate there is a group of people that said the Directors are over their pay level and that is not true either. As to what Council Member Stanley said we could not control the timing it is what it is, it is not good timing coming off the election but if we want to retain an employee with seventeen years, has done an amazing job, and knows the history of the City and works well with other departments is quantifiable. We should do what we need too, to keep her here and retain that knowledge and experience within the City.

Mayor Daniels then called for a motion.

ACTION: Council Member Andersen moved to offer mid-range salary to the City Attorney and direct staff to make the offer. Council Member LeMone seconded. Council Member Andersen, Boyd, Jensen and LeMone voted "Aye". Council Member Stanley voted "Nay". The motion passed with the vote being 4-1.

Council Member Stanley stated that for the record his opposition includes a desire to see progress on roads before doing any further salary increases.

The Mayor then called for a motion to adjourn.

18) **ADJOURN**

ACTION: At 11:22 p.m. Council Member LeMone moved to adjourn. Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 11:22 p.m.

Minutes of November 17, 2015 were approved by the City Council on December 15, 2015.

Kathy T. Kresser, City Recorder, MMC
(Exhibits are in the City Council Minutes binders in the Recorder's office.)