

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

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen
Cindy Boyd
Cyd LeMone
Jay Meacham
Ben Stanley

Staff Present:

Scott Darrington, City Administrator
David Larson, Assistant to the City Administrator
Dean Lundell, Finance Director
Deon Giles, Parks and Recreation Director
Degen Lewis, City Engineer
Ken Young, Community Development Director
Sheri Britsch, Arts and Culture Director
Kathy Kresser, City Recorder
Tina Petersen, City Attorney
Marc Sanderson, Fire Chief
Mike Smith, Police Chief
Marcus Wager, Planning Intern
Lynn Walker, Public Works Director

Other:

Jonathan Besinger, Aroma Tools
Chris Pastor, Architect for Aroma Tools
Dave Erickson, Strawberry Villas Representative
Phill Hatterley, VCBO Architecture

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

1) **CALL TO ORDER.**

Mayor Daniels called the meeting to order. He noted that Council Members Andersen, Boyd, LeMone, Meacham, and Stanley were present.

2) **PLEDGE OF ALLEGIANCE.**

Boy Scout, Riley Court, led the Pledge of Allegiance.

3) **OPENING REMARKS.**

Community Development Director, Ken Young, gave the opening remarks.

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

ACTION: Council Member LeMone moved to approve the meeting agenda. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

5) **CONSENT ITEMS:**

- a) **City Council and Work Session Minutes:
City Council Minutes for April 1, 2014;
City Council Minutes for April 15, 2014.**
- b) **To consider for approval Partial Payment No. 2 for the 220 South Waterline Project for Dennis Lierd II Construction Inc.**
- c) **To consider for approval Change Order No. 1 for the Grove Creek Irrigation Pipe Project for S & L Inc.**
- d) **To consider for approval paid vouchers for (April 23, 2014).**

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

6) **OPEN SESSION.**

Mayor Daniels opened the open session.

Sandy Carter gave her address as 2708 North 450 West and stated that the Fire Department came to her home on two occasions recently to help with her mother. She complimented them on their professionalism and kindness and thanked them for their good work. Ms. Carter reported that Linda Walker put together a page on Facebook containing information on water and when secondary water will be turned on. She suggested that the community Facebook page be used to disseminate more such information. Ms. Carter reported that her house alarm went off recently by accident and police were dispatched to her home. She appreciated the City and staff and thanked them for all they do. She stated that she feels safe and secure living in Pleasant Grove.

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

7) **BUSINESS.**

A) **PRESENTATION OF THE TEAM MEMBER OF THE YEAR.** *Presenter: Administrator Darrington.*

Mayor Daniels stated that each year City employees submit the names of those they believe represent the values of the City, the employee base, and who exemplify service. Employees submit names along with a write-up of why they are submitting the name. A vote is then taken. The person who receives the most votes is presented with the Team Member of the Year Award. Bill Canland was selected as Team Member of the Year for 2013. Mayor Daniels presented him with the award.

B) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-15) REZONING A PORTION OF LOT 7 IN THE CANYON BROOK SUBDIVISION FROM AN RR (RURAL RESIDENTIAL) ZONE TO R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE LOCATED AT APPROXIMATELY 359 WEST 2900 NORTH. (MANILA NEIGHBORHOOD) (Scott Bishop applicant)** *Presenter: Director Young.*

Director Young reported that the Council received the above request last year. The current request is for a left over piece of property as a result of poor planning. The lot is roughly 300 square feet short of the required minimum square footage for a lot in the zone. The owners would like to either sell or develop but because of the property's inadequate size, the City cannot issue a building permit.

When the application was presented to the Council roughly one year ago to change the zoning to R1-20, the Council thought it would be more appropriate to redo the plat rather than allow spot zoning. The new plat would allow lot size averaging. The applicant was unable to get the cooperation of the neighboring property owners, which is required. The City previously discussed the desire to eliminate R1-20 Zones above 2600 North. This property is above 2600 North, however, another development has since been rezoned R1-20 on the west side of the City. After reviewing the application several months earlier, the Planning Commission forwarded a unanimous recommendation to rezone the property R1-20.

Director Young stated that by rezoning the property to R1-20, animal rights will be lost. Council Member Boyd had no concerns with the request because the property owner did all they could to make the lot buildable. She asked if there was a way to avoid rezoning it R1-20. Director Young stated that the only way to make that happen is if lot size averaging had been approved.

Mayor Daniels opened the public hearing.

Kenneth Card gave his address as 2899 Canyon Road and expressed opposition to rezoning the lot R1-20. He explained that there is currently a temporary easement off of Canyon Road. He has documentation stating that the Bishops were originally supposed to add on to the driveway so Mr. Card would have a 12% grade access onto Canyon Road. The issue was never resolved but he felt

that it should be. He stated that he requested a permanent easement from the Bishops many times but it was never done.

City Attorney, Tina Petersen, stated that the easement on Mr. Card's property is a temporary emergency access easement until a second access is established in the Canyon Brook subdivision. Several other areas have similar easements. It is intended to go away once another access is established. Until then the access cannot be built on.

In response to a question raised by Mayor Daniels, the applicant, Andrea Bishop, stated that there is no plan to do anything other than rezone the property. She explained that they have never denied an easement to Mr. Card but they are trying to figure out what to do with the lot in question because currently it is a vacant piece of property.

With respect to the easements that are currently in place, Council Member Boyd asked if the zoning is changed to R1-20 if there will be enough land to make it a buildable lot. City Engineer, Degen Lewis, responded that it should be buildable since the lot is nearly .5 acre. Council Member Boyd stated that they should be certain that the lot will be buildable in the R1-20 zone before making changes. Director Young stated that there may be certain home plans that will not fit on the property but there are more that will. Development should not be a problem with R1-20 zoning. Administrator Darrington stated that the easements may affect setbacks but there will still be room for a home.

James Pruitt gave his address as 2869 North Canyon Road and stated that he lives in the house just below the property in question. The two main reasons he purchased the home were because of the size of the lot and the nature of the neighborhood. He enjoys the animal rights and having room for gardening and children to play. He was opposed to changing the zoning. Mr. Pruitt stated that he was recently approached by the Bishops who asked to purchase a small portion of property from the rear of his lot to potentially enlarge their lot. He felt there were other potential options to make the lot work without changing the zoning. Mr. Pruitt did not think that an emergency vehicle could get through the temporary access and stated that the temporary easement could potentially be in place for a very long time.

Mr. Pruitt asked if was possible to grant an exception rather than rezone the property. Council Member Stanley stated that a variance is unlikely to be granted due to the hardship being self-imposed. Attorney Petersen stated that they could apply for a variance and see what the Board of Adjustment does. There was a slim chance it could be granted. Mr. Pruitt thought it was unfair to alter the rules and change the lot and the zoning so that the Bishops can make a profit because it was their mistake.

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

Council Member Boyd suggested advising the applicant to perform more due diligence to determine if there are any other options. She also thought it would be wise to have the matter referred back to the Planning Commission to confirm the easements and setbacks.

Council Member Anderson explained that the size of the property is not an issue for her, however, she did take issue with the easements. Engineer Lewis stated that to his knowledge the applicants have done a great deal of due diligence but could not get cooperation from their neighbors.

Council Member Stanley was interested in working with the neighbors to find an alternative to a zone change. He did not want an oversight to keep the property owners from developing their property. He felt there may be some creative solutions that will satisfy all parties involved. Fire Chief, Marc Sanderson, stated that this will be a good opportunity for the City to look at emergency easements that are in place throughout the City since some do not make sense from an emergency response standpoint.

ACTION: Council Member Boyd moved to continue the request to rezone a portion of Lot 7 in the Canyon Brook Subdivision from an RR (Rural Residential) Zone to an R1-20 (Single Family Residential) Zone and send the application back to staff and the Planning Commission and have the Public Safety Department review the emergency easements. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Anderson, Boyd, LeMone, Meacham and Stanley voted "Aye." The motion carried.

**C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-16)
AMENDING THE CITY CODE SECTION 10-9B-7-F5 "REAR AND SIDE YARD
SETBACKS" ON A CORNER LOT. (CITY WIDE) (MIKE MILLER APPLICANT)**

Presenter: Director Young.

Director Young reported that the applicant approached staff with a request to build a detached garage in his rear yard. He owns a corner lot that requires a 25-foot setback on the street side. It was noted that the setbacks for a corner lot significantly impact usability of a rear yard. This request came about for one specific situation but as staff reviewed the request they determined that there was no good reason to require a 25-foot setback in the rear yard. The amendment would be applied to all corner lots in the City. Director Young stated that the verbiage will read, "Accessory buildings shall not be located closer than 10 feet from the street side property line in the rear yard of a residential corner lot."

Council Member Boyd asked why a City-wide change is proposed based on the request of one individual. Director Young responded that that is typically how new ideas come about. The amendment will apply to all R1 zones. All R1 zones currently require 25-foot side and front yard setbacks on corner lots. The change should not create any major issues in any of the R1 zones.

Director Young explained that currently the required setback for an accessory building is three feet. The building must be 10 feet off the curb, gutter, and sidewalk and three feet from the neighboring property. Council Member Meacham was not sure he was in favor of the proposed change but stated that for consistency the City may not want a building to project out when the rest of the block will be at the required 25-foot setback. Council Member LeMone asked why the 25-foot requirement was created in the first place. Director Young stated that 25 feet is a common number that is used in many communities.

Director Young stated that the Planning Commission recently recommended approval of the amendment. Council Member Andersen remarked that she lives on a corner lot and typically they do not have back yards and only exposed side yards. She and other residents have approached City about having their specific needs and requests approved. The owners of corner lots typically have little to no back yard. She supported the proposed change.

Council Member LeMone asked if there was a limit to the height of a structure under the amended ordinance. Director Young explained that the setback will increase from three feet if the structure exceeds 15 feet in height. There will be a required additional one foot of setback for every foot higher than 15 feet with a maximum height of 25 feet. A 25-foot building, for example, would require a 20-foot setback.

Mayor Daniels opened the public hearing.

Diane Moss gave her address as 391 East 200 South and expressed concern with making this a City wide change. She stated that some homes could have their views obstructed if a structure is built in the line of sight of someone's driveway. This would not be safe for children or for people pulling in or out of the driveway. She had a similar experience with her own corner lot and had to move her structure further into her property. Ms. Moss suggested that each corner lot request be approved on an individual basis.

Council Member Stanley asked if the Clear View ordinance addresses driveways or just corners. Engineer Lewis responded that when he reviews a fence permit for a corner lot he looks at the neighbors' driveway location and their ability to see out. He has required property owners wanting to put in a fence to make adjustments on the sides of the yard that could create an unsafe situation for the neighbor trying to back out of the driveway. Engineer Lewis agreed with Ms. Moss that there may be safety issues with some properties. Council Member Stanley stated that if the proposed amendment is approved they will need to ensure that a rigorous review policy is in place.

Mike Miller gave his address as 330 East Murdock Drive and stated that on this particular property they have submitted the request so that they are 10 feet off the rear yard and 12 feet off the sidewalk. In this location there is not a safety issue with the desired structure.

Planning Commission Member, Scott Richards, reported that the request was presented to the Planning Commission as a specific item but the ordinance stated that it would be City wide. He had no objection to the request.

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

Mayor Daniels appreciated that the process of approval can be time consuming but it will help avoid situations where a building creates a safety concern. Approving requests individually may be the best way to avoid problems.

City Attorney, Tina Petersen, said there may be additional drafting that can be done with the ordinance language to address the concerns identified. She suggested allowing staff to draft a new

proposal to ensure that it is not just a blanket approval. Once complete, it would go back to the Planning Commission. Mayor Daniels stated that in the meantime, Mr. Miller could proceed with the current process. While there was not specific information for Mr. Miller's request the real concern was with the City-wide change.

ACTION: Council Member Stanley moved to continue the review of the proposed Ordinance (2014-16) amending the City Code Section 10-9B-7-F5 "Rear and side yard setbacks" on a corner lot to a date uncertain based on the City Council's desire to ensure that there is language that preserves safety consideration. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Andersen, Boyd, LeMone, Meacham and Stanley voted "Aye." The motion carried.

D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-17) AMENDING CITY CODE SECTION 10-14-24-1C BY ADDING TEMPORARY VEHICLE STORAGE AS A PERMITTED USE ON PROPERTY LOCATED AT APPROXIMATELY 411 NORTH 2000 WEST IN THE GROVE (COMMERCIAL SALES) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) (Wayne Beesley applicant) Presenter: Director Young.

Director Young stated that the above request was from Mr. Beesley who has a large portion of undeveloped property. Over the last few years he has used his property for the temporary storage of vans and buses for charter schools. The storage only takes place during the summer months when school is not in session. The request came forward because Mr. Beesley was informed that he was not allowed to store vehicles in the Commercial Sales Zone. Mr. Beesley requested that the City review their ordinance and add a provision allowing for vehicle storage as a temporary use. The language would allow Temporary Vehicle Storage as a conditional use for a maximum of 90 consecutive days per year. Director Young said staff felt this was a reasonable request and the Planning Commission recommended approval.

Mayor Daniels asked how far the property is from the proposed used car sales business. Director Young responded that it is just north and adjacent to the subject property. Council Member LeMone asked how many vehicles Mr. Beesley plans to store on the property at any one time. The applicant, Wayne Beesley, stated that he stores roughly 100 vehicles. There is a rental home on the property that takes up about one-fourth of the lot and the tenants have not complained. Mr. Beesley stated that his property borders the City of American Fork and he has received one complaint from an American Fork resident.

Mr. Beesley purchased the property with the hope of building a tire store. That never came to fruition so he is now trying to sell the property. Director Young stated that the request is for an ordinance amendment that will affect the entire zone. It was reported that Wasatch Transportation owns and operates the vehicles that are stored on Mr. Beesley's property.

Council Member Boyd asked if the property was included in the Council's discussion of the car dealership on 2000 West. Director Young indicated that a small portion of Mr. Beesley's property was included. This request is applicable throughout the Grove Zone Commercial Sales Subdistrict. Director Young remarked that the Planning Commission continued the item from their first meeting

because they were uncomfortable with the request. Prior to being placed on the agenda, requirements were added specifying that it would be a conditional use that would be permitted a maximum number of days each year.

Mayor Daniels opened the public hearing.

Rachel Allred gave her address as 1268 Hillside Drive and expressed concern about the potential for fire due to the close proximity of so many vehicles. Mr. Beesley stated that the buses and cars are not full of gasoline and the tanks are close to empty. The owners also patrol the lot and check on the vehicles regularly. He used the property in this manner for two years before discovering that he needed a permit. He noted that there has never been an incident of any kind.

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

Mayor Daniels stated that the amendment was advertised as a permitted use but they had been discussing it as a conditional use. He asked if the Council was comfortable making it a permitted use in the zone. Council Member Stanley was comfortable considering it as a conditional use. Council Member Andersen agreed and added that Mr. Beesley is trying to sell his property and this is only a temporary solution. Council Member Meacham did not object to it being a conditional use.

In response to a question raised by Council Member Boyd, Director Young stated that because this is not a permanent development, no site plan is required. Administrator Darrington wanted to make sure the Council understood that if approved, it is possible that the storage of vehicles would be allowed on any property on Pleasant Grove Boulevard.

Mayor Daniels clarified that nothing will be approved tonight. Staff will make changes to the proposed amendment and then advertise it correctly as a conditional use rather than a permitted use. Attorney Petersen wanted to be sure that all understand that the item is not specific to Mr. Beesley's property but will open the use up to any property in the Grove Zone. She stated that conditional uses listed cannot be denied because the City does not like the location. The use cannot be added to the conditional use list unless they are willing to allow it as permitted with conditions.

ACTION: Council Member LeMone moved to deny Ordinance 2014-17. Council Member Boyd seconded the motion. A voice vote was taken. Council Members Andersen, Boyd, LeMone, and Stanley voted "Aye," and Council Member Meacham voted "Nay." The motion carried.

Mayor Daniels asked if the Council had any interest in pursuing a creative solution or if they preferred to deny the proposed amendment outright. Council Members Boyd and LeMone were not interested in pursuing a solution and felt that vehicle storage does not fit with the zoning or the vision of the zone. Council Members Andersen and Stanley thought a positive solution could be reached for all involved. Council Member Meacham had no objection because it is a temporary use.

Council Member Andersen asked if the property could be used in the Used Car Sales Overlay Zone. Administrator Darrington stated that it could and would be listed as a conditional use. Tying the property to the Used Car Overlay was determined to be one way to limit the temporary use. Mayor Daniels stated that because three of the Council Members are in favor of tying the property to the Used Car Overlay, staff should proceed to make the necessary changes.

E) PUBLIC HEARING REVIEWING PROPOSED AMENDMENTS TO CHAPTERS 1 AND 2 OF THE PLEASANT GROVE CITY GENERAL PLAN. (CITY WIDE)
Presenter: Director Young.

Director Young reported that the General Plan has been in the process of being updated for the last few years. Rather than changing the entire plan all at once, updates were being approved chapter-by-chapter. Chapter 1 is the Introductory Chapter and needs only basic demographic updates and minor modifications. Chapter 2 is the Land Use Chapter, which is the heart of the General Plan.

Director Young reported that the Chapter 1 changes include the plan update process, new mission and vision statements, demographic data updates, and a simplified goals chart. The Chapter 2 basic changes include updating the land use designations for zones, densities, and overlays. He stated that over the years there have been some inconsistencies in the Code and the General Plan needs to match the Code. The Land Use Map, Zoning Map, and Grove Subdistricts Map were updated.

Director Young stated that the text has been updated and minor updates were made based on what currently exists. The commercial planning district areas were also updated.

Council Member Andersen identified a typo on page 12 of the Demographic section. The year referenced was 1997 and will be updated to read 2009. Administrator Darrington stated that page 11 discusses the build out number, which has become important with respect to the discussion on the Public Safety Facility. He requested that the Council use that figure in the General Plan when discussing it with the public, since it is the most accurate at 47,500.

Council Member Meacham asked why the entire document should not be approved at one time. Director Young stated that some chapters, particularly the Economic Development section, are more difficult to update and require additional information. Staff did not want to delay progress by waiting on a few items. As the chapters are approved, they will be updated and the Council will not have to review or approve them again.

Council Member Boyd expressed concern about removing the old vision statement that mentions Pleasant Grove's historical past. Administrator Darrington stated that they could move some of the statements from the old vision statement that address the historical aspects of the community to the Key Strategies section. He also suggested taking some of the text from the old Vision Statement and placing it in the History of Pleasant Grove section.

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

Council Member Meacham asked what action is needed from the Council. Mayor Daniels replied that this was advertised as a review of Chapters 1 and 2 so no action will be taken.

F) TO CONSIDER FOR APPROVAL A SITE PLAN FOR AROMA TOOLS LOCATED AT APPROXIMATELY 503 SOUTH PLEASANT GROVE BOULEVARD IN THE GROVE ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Director Young reported that Aroma Tools, who works in association with doTERRA, is excited to be locating in Pleasant Grove. They would like to develop a two-story 25,000 square-foot building, which will serve as Phase I of their development. Phase II will occur at a later date. Director Young reported that the Design Review Board and Planning Commission have reviewed the request including all building details, landscaping, parking, lighting, and architecture. The floor plans include storage and retail on the first floor and additional retail and office space on the second floor. The building will serve as a retail, office, and training facility.

Mayor Daniels asked the applicant about the amount of foot traffic they anticipate in the retail store. Jonathan Besinger was present representing Aroma Tools and stated that they hope to have a great deal of foot traffic. He estimated they will have roughly 100 customers per day. Mayor Daniels asked if they plan to develop all of the parking as part of Phase I. Mr. Besinger stated that they will do landscaping and parking all the way to 550 South. They currently have 12 employees at their Orem location and this building will increase their business by five or six times. They plan to hire several new employees.

In response to a question raised by Council Member Andersen, Mr. Besinger stated that Aroma Tools specializes in accessories for aroma therapy. They sell glass and plastic bottles and containers as well as diffusers and informational products for essential oils.

Council Member Boyd asked if they will keep their facility in Spanish Fork. Mr. Besinger stated that the shipping facility in Spanish Fork will be expanded and they will continue to use that location. In all of their facilities they employ over 150 people.

Director Young stated that doTERRA was granted a waiver for design requirements in the Garden District from the Design Review Board and the Planning Commission who allowed them to change some of the design requirements. Aroma Tools would like to follow the doTERRA design elements and have a more contemporary look to their building. There is a provision in the Code that allows the City Council to waive the architectural design requirements. After reviewing the proposed building, both the Design Review Board and Planning Commission unanimously recommended approving the waiver. Staff had some concern that if they continue to grant waivers there may be a need to change the design requirements to avoid more waiver requests.

Director Young stated that changing the design district is not part of the current request, however, the waiver is. The criteria for the Garden District does not give precise details but specifies that there should be an emphasis on red brick or similar stone. There should also be an emphasis on glass and steel with 1920s or 1930s architecture. Staff worked with the applicant to create a building that will be attractive but different from the guidelines.

ACTION: Council Member Stanley moved to approve the site plan for Aroma Tools including all exhibits, conditions, and plans set forth in the staff report. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

Council Member Stanley thought it would be good to create a new Design District. Mayor Daniels responded that the reason design guidelines were implemented was to set a minimum standard and protect the integrity of the area. When something is proposed that is nicer than the guidelines Mayor Daniels questioned whether there was a reason to make a change or if development should be allowed to continue as it comes.

Chris Pastor identified himself as the Architect for Aroma Tools and stated that one of the challenges they had in designing to the criteria was the size of the building. Designing a 25,000 square-foot building in a 1920s style is very difficult to accomplish due to scale and material availability. That type of design requirement would make sense for a smaller building but not for such a large development.

G) CONSIDERATION OF APPROVAL OF A 16-LOT FINAL PLAT CALLED WALKER RIDGE PLAT B LOCATED AT APPROXIMATELY 400 NORTH 1350 EAST IN THE R1-20 (SINGLE FAMILY RESIDENTIAL) ZONE. (GROVE CREEK NEIGHBORHOOD) Presenter: Director Young.

Director Young reported that Walker Ridge Plat B has been under consideration for some time. It is located on the southeastern side of the City where there are slough issues and challenges that have become apparent in the planning of the project. The currently proposed plat would continue the road through the property to the east end of the cul-de-sac. The developers need to provide an easement through part of the property to ensure that none of the property or surrounding area is landlocked.

In order to accomplish the final plat, two variances were sought from the Board of Adjustment. Both were approved. They first eliminated the alley requirement on 400 North between 300 East and 1350 East. The second variance was to allow for a flag lot off of a cul-de-sac that also has an easement through it.

The applicant's Engineer, Mark Greenwood, stated that there has been a great deal of discussion on the issue. They initially wanted to put the road in at 400 South but the handicap ramps became a problem. Originally they planned to split the properties and create a property line up the middle, however, there were issues with running utilities and the possibility of property owners adding fences in the area in the future and making it difficult to access the utilities. Mr. Greenwood reported that they have worked with the neighbors to come up with the best possible solution. He noted that the neighbors are pleased with the final plat.

Mayor Daniels said that this item is not a public hearing and asked Council if they would be willing to take public comment. The Council agreed.

Matt Erickson, an area resident, thanked the Council and Mr. Greenwood for all of their work. He expressed concern with the Soils Report that was completed for the area. He read excerpts from the report and was concerned about the potential for major landslides. He asked that the Soils Report be further studied and addressed as necessary to make the area safe. Mr. Erickson remarked that the final plat for the road was not approved by the current homeowner and should not be approved without the approval of the homeowner. He also felt there were aesthetic concerns with some of the lots.

Chris Hansen gave his address as 33 North 1500 East and expressed concern with the communication that has occurred between the Smiths and the developer. He stated that there seems to be two different stories regarding how the Smiths were contacted by the developers. He was concerned that what is being represented does not correspond with the property owners' version of events. He was also concerned about the soil not being stable enough to build on. He stated that a number of trees are being removed, which could contribute to the landslide potential.

Jennifer Baptista gave her address as 32 North 1300 East and stated that the area being discussed is a bus stop. She expressed concern for the safety of the children. She asked if the children will be allowed to walk down the new roads to the bus stop. Mr. Greenwood responded that an access easement is not granted to individuals, however, the Board of Adjustment required a barrier on the east end of the asphalt and next to the sidewalk on 1300 East as a condition. It was clarified that the bus stop is only for the elementary school.

Council Member Boyd asked about the location of the sensitive lands. Attorney Petersen explained that the City has a map that designates the sensitive lands. Director Young stated that the sensitive lands are a separate zoning designation. The subject property is in the R1-12 Zone. The sensitive lands are further north and are not within this development.

Council Member Andersen asked if there has been any slippage in the development on the properties that already have been built on. A resident stated that some of the retaining walls have begun to slip and some residents have had foundation issues. Council Member LeMone asked Mr. Erickson how he obtained the report that he read to the Council. Mr. Erickson stated that he received it from Engineer Lewis. Engineer Lewis explained that the portion that was not read to the Council included the recommendations made by the Geotechnical Engineer on how to address the concerns. There are notes on the plat that require certain types of improvements to make the area safe to develop. Mr. Erickson stated that he did not intend to challenge the understanding of the report. His limited understanding was that there was still a lot of soil outside of the test area that should be tested and corrected.

It seemed to Council Member Meacham that there were still questions to be answered and decisions to be made with respect to the plat. He was confused as to why they would move forward with approval with the understanding that there will be changes made later.

Engineer Lewis reported that the applicant submitted another plat with a 20-foot modification to the road that does not change the number, size, or compliance of the lots. It simply accommodates the Allred's desire to not have a six-foot retaining wall off of their property. Mayor Daniels asked what requirement the City has if the Council approves the plat as presented without the guarantee of the

final road location. Engineer Lewis explained that there are two options. The first is to continue the item allowing staff to provide the Council with a revised plat in the staff report. The second option was for the Council to approve the request subject to the understanding that the roadway will have a 20-foot shift in order to eliminate the retaining wall.

Eileen Strasburg gave her address as 538 Dalton Avenue and expressed concern with the instability of the soil. Her property is on the downside of the development and she was worried that the mountain is unstable. She felt there were ways to make it safe but she did not feel the developers had done things right. Ms. Strasburg felt something should be done with the soil to make it more stable. She did not feel that fewer lots would make a difference.

New resident, Jill Butt gave her address as 372 South 1300 East and expressed concern with the soil. She stated that when it rained a few weeks ago she had more than two feet of water in her front yard. She assumed that it was partially due to construction that is taking place. She was concerned about the number of homes being built in the area and having a road fronting two sides of a yard on some of the lots.

Greg Hall gave his address as 1217 Hillside Drive and stated that it was always known that the lower road would eventually go in. He was, however, concerned about not having a road right off of Dalton. The engineer mentioned the potential for handicap access issues. Mr. Hall assumed that was because they are raising the elevation of the road that will tie into Hillside Drive. Mr. Greenwood stated that the handicap access ramps were at the intersection of what would have been 400 North and 1350 East. It was noted that the ordinance only allows for a 10% grade. That elevation did not allow them to get the grade or the handicap accesses to work. The current proposal raises the grade. Mr. Hall was concerned about the amount of traffic that will now go onto Hillside Drive. He remarked that this will create a huge slope in someone's yard, which did not seem desirable.

Brian Strasburg gave his address as 538 Dalton Avenue and stated that he can watch the construction from his kitchen window and has observed that the workers have moved a very large amount of earth. He did not believe the lots had been compacted and was concerned about what will happen during a rainstorm.

Mr. Greenwood stated that the soil in the area being discussed is of concern to all involved. He had been involved in significant soil studies conducted just east of the property in question. He explained that most geotechnical studies are expensive but this particular study cost roughly \$60,000 and provided a vivid picture of what is occurring in the area. There are areas east of the aqueduct that are significantly unstable that should not be built on without significant work. They analyzed some of the areas on the west side of the aqueduct and discovered areas of concern. For the purpose of this study, the Geotechnical Engineer was given no restrictions with regard to the depth of study and was encouraged to do what he felt was necessary to reach a conclusion. The Boyer Company, the owner of the property, has reviewed the report thoroughly and complied with all of the recommendations contained in the report.

Engineer Lewis reported that there is a note on Plat A requiring a Soils Report to be conducted when the foundation for each home is dug. Each property will be reviewed to ensure that the

potential challenges identified in the Geotechnical Report have been addressed. The same note will be placed on Plat B.

Mr. Greenwood stated that he could not promise that nothing will happen to any of the properties in the area. He remarked that soil is fluid and moves as such. There has been a lot of technology and development over the past several years to help stabilize these types of conditions. They have completed the initial investigations as best they can and are happy to place notes on the plat that will indicate that the lots need to be reevaluated at the time the homes are built. The homes will be owned initially by the developer who will be responsible if anything goes wrong. As a result they will want to take precautions. It was noted that the City will inspect the work done on the homes.

Engineer Lewis explained that there are different departments in the City that handle inspection structures, roads, and sewer and water lines and they monitor the progress and quality of the construction. There is a set of specifications that outline performance requirements for contractors.

Ms. Allred asked Fire Chief, Marc Sanderson, if this area is at greater fire risk by not having the originally planned street. Chief Sanderson responded that any roads that are built that have better fire access will provide better protection for residents. Creating steps along the hillside that allow fire engines and apparatus to run on pavement serves the public better than an open field.

Mayor Daniels summarized the residents' concerns and the City's response. One major concern pertained to the soil issues mentioned in the Geotechnical Report. Engineer Lewis described how the City deals with those issues. Fire concerns regarding development and access were addressed. Chief Sanderson stated that new and improved roads will actually be a safety improvement. There was concern expressed about 400 North. The City indicated that there will be no fence lines or permanent structures where there will be utilities going through, however, the developer will place a barricade to discourage vehicular access through the area. The developer will also install curb, gutter, and sidewalk along Dalton. A concern regarding the Allred's yard and the road location was identified. The developer is working to acquire additional property to move the road away from the Allred's property. Mayor Daniels remarked that additional traffic on Hillside Drive seems inevitable.

Mr. Hansen commented that there is still an issue of trust between the residents and the developer. He was concerned that all of the corrections and improvements being promised will not be completed. Mr. Greenwood apologized for any confusion. He stated that he worked personally with the Smith family who expressed approval with the plat. Going forward the Boyer Company will do whatever the City would like to ensure that the property and development is as stable and safe as possible.

Council Member Boyd was concerned about the water issues in the area and felt that more research needs to be conducted. She was not confident that anything can be done to mitigate the issues that exist.

ACTION: Council Member Boyd moved to continue the 16-lot final plat called Walker Ridge Plat B located at approximately 400 North 1350 East in the R1-20 Zone because of the unknown final location of the road and engineering soil issues. The item was to be remanded back to the Planning

Commission for further review with a public hearing. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

H) TO CONSIDER FOR APPROVAL A FINAL PLAT FOR STRAWBERRY CREEK VILLAS, LOCATED AT APPROXIMATELY 220 SOUTH 800 WEST IN THE GROVE ZONE WITH THE SHO (SENIOR HOUSING OVERLAY). (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Administrator Darrington stated that when Strawberry Creek Villas made their initial proposal one of the concerns identified was the lack of green space. At that time there was some discussion about them developing the side of the property that is owned by the City to be developed as green space to fulfill their green space requirement. The City determined that that piece of property was valued at \$25,000. Strawberry Creek was given the option of issuing a cash bond for \$25,000 with the intent being that the City would take the money and develop the property. Strawberry Creek Villas would like to see that money used in a way that will benefit their project.

Administrator Darrington reported that staff suggested using the money to clean up the property. Additionally, there are wetlands on the City's property that have not been delineated. The proposal to the Council was to delineate the wetlands and take the \$25,000 and clean up the remaining property that is not part of the wetlands to benefit Strawberry Creek Villas. Once the funding becomes available, the City will design the detention basin and park that will become part of the property. Director Young mentioned that the preliminary plat was approved by the Planning Commission. Mayor Daniels stated that the 12.47-acre project will include 75 units.

Dave Erickson representing Strawberry Villas stated that they are excited to begin construction as soon as possible. When they initially proposed the \$25,000 contribution, it was primarily to ensure that the open space requirements were met. The intent was to spend the funds on the west side of the property line and leave the west boundary as a half private fence. Their concern was that the park will not be completed in a timely manner, which will not benefit their development. If the property is not cleaned up they would prefer to construct a large stamped concrete privacy wall.

Mayor Daniels asked if \$25,000 is enough to clean up and beautify the area. Administrator Darrington did know how far the money will go but stated that they will do their best to beautify the property.

Mr. Erickson remarked that the project was approved under the Senior Ordinance, which did not stipulate a minimum landscaping requirement for open space. He asked if the City would prefer to spend the funds or if the developer should do the project. Administrator Darrington agreed to work with the developer to determine the best way to beautify the property.

ACTION: Council Member LeMone moved to approve a final plat for Strawberry Creek Villas, located at approximately 220 South 800 West in the Grove Zone with the SHO. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

I) TO CONSIDER FOR APPROVAL A SITE PLAN FOR DOTERRA PHASE II LOCATED AT 1289 WEST PLEASANT GROVE BOULEVARD IN THE GROVE ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Director Young reported that Phase II will include the call center, auditorium building, and manufacturing building. There will be an additional 200,000 square feet brought into the campus. The landscaping plan has been updated to work with the wetlands area. This is a significant addition to doTERRA's project but there were no major complications in reviewing the Phase II request. All of the landscaping, architecture, parking, and other details were discussed in detail with the applicant.

Director Young stated that parking will be added to accommodate the new facilities. The architecture will complement Phase I and there will be a retail area in the manufacturing facility. It was noted that doTERRA has met all of the requirements and the Planning Commission recommended approval.

Phil Hatterley from VCBO Architecture remarked that it has been exciting working with doTERRA, however, their rapid growth has made development complicated. He noted that it is difficult to add on to a building that is not yet finished. The parking lot was complete and had to be torn out to make room for the larger building. The expected open date for two of the buildings including the call center on June 20. The remainder of Phase I will open in July. Phase II will likely open in June 2015.

ACTION: Council Member LeMone moved to approve a site plan for doTERRA Phase II located at 1289 West Pleasant Grove Boulevard in the Grove Zone. Council Member Meacham seconded the motion. The motion passed with the unanimous consent of the Council. The motion carried.

J) TO CONSIDER FOR APPROVAL A SITE PLAN FOR MCDONALD'S RESTAURANT LOCATED AT APPROXIMATELY 2000 WEST PLEASANT GROVE BOULEVARD IN THE GROVE ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Director Young reported that the Council approved the site plan roughly two years ago, however, after approval of the site plan the McDonald's corporation determined that they were not ready to proceed with construction. They asked the Planning Commission for an extension but were denied. They are now ready to proceed and have resubmitted their site plan. The only difference from the original site plan was that the building has been expanded slightly. Parking access, landscaping, and other details remained the same. The Planning Commission recommended approval.

Attorney Petersen commented that construction will not begin until early 2015. An indoor play structure and a small outdoor seating area were proposed.

ACTION: Council Member LeMone moved to approve a site plan for McDonald's restaurant located at approximately 2000 West Pleasant Grove Boulevard in the Grove Zone. Council

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

- K) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-014) AUTHORIZING THE MAYOR TO DECLARE VARIOUS OFFICE EQUIPMENT ITEMS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT AS SURPLUS PROPERTY AND DIRECTS THAT IT BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Young.***

This above item was not discussed.

- L) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-015) INDICATING THE INTENT OF THE CITY COUNCIL OF PLEASANT GROVE, UTAH, TO ANNEX 35.02 ACRES INTO PLEASANT GROVE CITY FROM UTAH COUNTY AUTHORIZING A PUBLIC HEARING THEREON AND PROVIDING FOR NOTICE OF SAID HEARING. PROPERTY LOCATED BETWEEN 900 WEST TO 1240 WEST AND 3300 NORTH TO 3000 NORTH, PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen reported that the above proposal was heard by the Council previously but the property owners wanted to annex only a small portion of the property. The Council was not willing to consider such a small piece. The applicant resubmitted their petition and is requesting that all of their property be annexed into the City. There is a small rectangle on the east side of the property that belongs to another individual who has chosen not to be part of the petition. State statute allows the City to require property owners to annex even if they do not file a petition under certain circumstances. Attorney Petersen felt this situation would qualify. She asked the Council if they would like staff to add that piece of property to the plat. She stated that it does not make sense to leave the small piece of property in another City. Engineer Lewis stated that the property owners are on a septic system but use City water.

Council Member Boyd asked if anyone from the City has spoken with the applicants, the Smart family. Attorney Petersen was under the impression that they had spoken with the City but apparently they have not. Administrator Darrington suggested setting up a conversation with the applicant, the City, and the individual who owns the property in question. Attorney Petersen reported that Mrs. Smart has requested that the City zone the property A1 rather than RR. The intent of tonight's meeting is to determine if the Council is interested in accepting the petition and if they should proceed to the public hearing.

Council Member Meacham asked about the approval process. Attorney Petersen stated that there must be a minimum number of days between when the Council accepts the petition and the date that the public hearing is held. A notice must be sent to all affected entities to give them time to respond.

The applicant, Karen Smart, stated that they intend to continue to farm the property. Their livelihood is farming and if there is any problem they would like to know up front. They intend to

stay in the County if there is a problem. She remarked that they want to build a home on their property. Mayor Daniels stated that that would not be a problem.

ACTION: Council Member Stanley moved to adopt Resolution 2014-015 indicating the intent of the City Council of Pleasant Grove, Utah, to annex 35.02 acres into Pleasant Grove City from Utah County, authorizing a public hearing thereon, and providing for notice of said hearing. Property located between 900 West to 1240 West and 3300 North to 3000 North, Pleasant Grove, Utah; and providing for an effective date. Council Member Boyd seconded the motion. A voice vote was taken. Council Members Andersen, Boyd, LeMone, Meacham and Stanley voted "Aye." The motion carried.

M) TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-18) AMENDING TITLE 2 OF THE PLEASANT GROVE MUNICIPAL CODE BY THE ADDITION OF TITLE 2 CHAPTER 8 "MUNICIPAL ETHICS COMMISSION;" PROVIDING FOR THE MEMBERSHIP THEREOF PURSUANT TO AN INTERLOCAL AGREEMENT; ESTABLISHING THE PROCESS FOR THE FILING OF A COMPLAINT AND THE INVESTIGATION AND ADJUDICATION OF THE COMPLAINT; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.

The above item was not discussed.

N) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-016) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN PLEASANT GROVE CITY, PAYSON CITY, SPANISH FORK CITY AND SPRINGVILLE CITY FOR THE CREATION OF AN ETHICS COMMISSION AS PROVIDED FOR BY STATE LAW; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.

The above item was not discussed.

O) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-017) TENTATIVELY ADOPTING THE PLEASANT GROVE CITY BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015, WHICH INCLUDES THE PLEASANT GROVE REDEVELOPMENT AGENCY TENTATIVE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Finance Director Lundell.

Finance Director, Dean Lundell, had nothing to add to the previous budget discussions. He explained that by State law the Council must tentatively adopt the budget today. He indicated that there will be a few weeks to make necessary adjustments. He explained that the Council will likely have another discussion prior to final approval. The public hearing will be held on June 10 and adoption of the budget will likely occur on June 17.

ACTION: Council Member LeMone moved to approve Resolution 2014-017 tentatively adopting the Pleasant Grove City budget for the fiscal year beginning July 1, 2014, and ending June 30, 2015,

which includes the Pleasant Grove Redevelopment Agency tentative Budget; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken. Council Members Andersen, Boyd, LeMone, Meacham and Stanley voted "Aye." The motion carried.

P) DISCUSSION ON ALPINE SCHOOL DISTRICT MEMORANDUM OF UNDERSTANDING. Presenter: Administrator Darrington.

Administrator Darrington reported that he is meeting with Rob Smith on Thursday with regard to the purchase of Battle Creek Park. The agreement states that Alpine School District agrees to purchase the park and move the tot lot next to the pavilion. They will remodel the bathrooms, maintain the park, and perform the custodial work. The City will continue to schedule the park and split the fee with the School District. The agreement also states that Pleasant Grove City reserves the right to construct the road at a future date but survey it now for future reference. Staff had discussions about a deed restriction that would keep the School District from selling the park for at least 20 years. The City does not want to sell the land and then have the School District sell it to a developer.

It was reported that the Alpine School District will move the water lines as necessary. The City will prepare and record the deeds and pay the cost of one softball field for the park. It was noted that there are other properties north of the Rec Center that will be purchased by the School District from the City. There had not yet been any discussions about cost. The price will likely be tied to the \$424,000, which is what it will cost to construct one of the softball fields. There will also be a new agreement that will outline the use of the facilities.

Mayor Daniels stated that smaller pieces of property need to be cleaned up that were included in initial discussions. He asked if those pieces were included in the document. Administrator Darrington confirmed that they were. He explained that the map will outline who will own what property. The City needs to determine the final cost. It was noted that the City has an engineer's estimate for the cost of the ball field.

8) NEIGHBORHOOD AND STAFF BUSINESS.

Parks and Recreation Director, Deon Giles, reported that Test Out has been a tremendous help with the planting that occurred in the City and all of the planting was done in one day. The Council asked Director Giles to find an appropriate thank you for all of the work they have done.

Assistant to the City Administrator, David Larson, stated that the annual *Chamber Magazine* recently came out. He shared a copy with those who were interested.

Director Young reported that he recently attended a National Planning Conference in Atlanta. He agreed to share what he learned with the Council at a later date. He commented that he ate at the Cravings Bistro. He said it was excellent and indicated that they will open to the public in the near future.

9) MAYOR AND COUNCIL BUSINESS.

Council Member Stanley stated that he received an email from a Council Member in Cedar Hills and reported that they are working on setting up a lunch with elected officials from both cities.

Council Member LeMone reminded those present that Neighborhood Meetings are scheduled for the following night at the Rec Center at 6:00 p.m. and again at 7:30 p.m. The meetings will be filmed.

Council Member Meacham stated that at one time there was discussion about recognizing high school sports. Administrator Darrington responded that they contacted the coaches but never heard back. They agreed to reach out to them again.

Administrator Darrington reported that they met to discuss 100 East with the County Commissioners and Mayors to determine who will have ownership. The County and both cities all indicated that they do not want to own the road. They will go back to the State to request that the State retain ownership. The City continued to work on funding options in the event they decide to keep the road.

Mayor Daniels read a letter of high praise to the Council about City employee Linda Weeks. He stated that Linda is a dynamic leader, team player, and wonderful person. He praised her and her organizational skills.

10) SIGNING OF PLATS.

The Commons Plat A, Wade Springs Plat J, Orchard Grove Plat B and Walker Ridge Plat A were signed.

11) CALENDAR REVIEW.

There were no calendar items to review.

12) ADJOURN.

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

The City Council Meeting adjourned at approximately 11:00 p.m.

This certifies that the City Council Minutes of May 6, 2014 are a true, full and correct copy as approved by the City Council on June 25, 2014.

Kathy T. Kresser, City Recorder

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