

Pleasant Grove City Council Meeting Minutes
April 15, 2014
6:00 p.m.

PRESENT:

Mayor: Mike Daniels

Excused:

Jay Meacham, Council Member

Council Members:

Dianna Andersen
Cindy Boyd
Cyd LeMone
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

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 reported that Council Member Meacham was excused and Council Member Boyd would arrive late. He noted that Council Members Andersen, LeMone, and Stanley were present.

2) **PLEDGE OF ALLEGIANCE.**

City Engineer, Degen Lewis, led the Pledge of Allegiance.

3) **OPENING REMARKS.**

City Council Member, Ben Stanley, gave the opening remarks.

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

Mayor Daniels stated that they all were been made aware of the tragedy that occurred in the City. He suggested that questions be directed to Mike Roberts at the Police Department.

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

5) **CONSENT ITEMS:**

- a) **City Council and Work Session Minutes;
City Council Work Session Minutes for March 11, 2014;
City Council Minutes for March 19, 2014.**
- b) **To consider for approval Partial Payment No. 1 for Dennis Lierd II Construction for the 220 South Waterline Project.**
- c) **To consider for approval Partial Payment No. 2 for S & L Inc. for the Grove Creek Irrigation Pipe Project.**
- d) **To consider for approval paid vouchers for (April 10, 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.

Mark Washburn gave his address as 343 East 300 North and remarked that his comments were in response to the last Council Meeting where he addressed the Council. He remarked that the City needs a new Police and Fire Station as well as new roads and waterlines. All need to work together to accomplish these goals. He thought it was wise that the City brought in a consulting group to plan the Public Safety facility and stated that the Police and Fire Station will not just be for the people who work there but for everyone in the City. He saw no need for the new facilities to be overly luxurious but they should be improved.

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

7) **BUSINESS.**

A) **UTAH LAKE COMMISSION PRESENTATION.** *Presenter: Reed Price.*

City Administrator, Scott Darrington, stated that Reed Price was not able to be present at tonight's meeting and the matter would be rescheduled for a later date.

B) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-13)
AT THE REQUEST OF ROBB TAYLOR TO AMEND THE CITY CODE SECTION**

10-14-27-1C-2 TO ALLOW USED CAR SALES LOCATED IN AN AREA BETWEEN STATE STREET AND CENTER STREET ON THE WEST SIDE OF NORTH COUNTY BOULEVARD IN THE GROVE-COMMERCIAL SALES ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Community Development Director, Ken Young, reported that the above item was discussed previously in an effort to provide guidance and direction to the applicant. A proposal was previously discussed that would add a text amendment to the code and modify the definition of new cars sales. It was determined at that time the proposal was overly broad. After meeting with staff and the applicant, modifications were made.

It was reported that the applicant, Robb Taylor, will be purchasing a narrow strip of property that fronts North County Boulevard. Mr. Taylor would like to move his business that is currently in Pleasant Grove and expand at the proposed location; however, he is unable to do so because the property is in the Grove-Commercial Sales Zone, which does not permit used car sales. Mr. Taylor's business is very successful and sells both new and used cars.

Director Young remarked that staff worked with Mr. Taylor on his application to amend the Code to allow a specific area in the zone where used car sales would be permitted. Used car sales would not be permitted in any other location in the Grove Zone. Director Young explained that the proposal was reviewed by the Planning Commission who unanimously recommended approval.

Council Member LeMone asked about the ownership of the other properties in the area. Director Young responded that they looked at the area between State Street and the next available street that could be a boundary. The boundary is an extension of Center Street and has not yet been developed. There are three or four properties there that would be included in the amendment. Due to zoning, the properties in the amended area will only allow smaller commercial development. As a result, staff thought it made more sense to include the amendment for the entire area and not just Mr. Taylor's property.

Council Member Boyd asked about the site plan for the area and if there would be a problem with land locking properties. Director Young stated that there is not currently a site plan other than Mr. Taylor's conceptual plan for his business. The property behind Mr. Taylor's will have frontage on the new road. The other properties all have access from North County Boulevard. As a result, the zone change will not create any land locked properties.

Council Member Boyd asked how many acres were included in the proposed amendment. She felt strongly that the City needs to consider the master plan for the area. Director Young explained that the property Mr. Taylor will be purchasing is 2.4 acres in size. Administrator Darrington explained that people frequently approach the City with plans for development but they do not want to put money and time into site plans until they know they can get the desired zoning. He was confident that Mr. Taylor will create a nice site plan once he knows the zoning will work.

Council Member LeMone asked why the City had not allowed used car sales in the area previously. Director Young was not aware that any specific reason was stated but assumed it was because the Grove Zone is the City's prime area for commercial development. Administrator Darrington remarked that at the time the code was originally written, the City was recruiting a large company to

come to locate in the City and they were concerned about having a used car lot next to their development. That is no longer a concern. The City was not considering North County Boulevard when those discussions were taking place.

Council Member Boyd stated that there had been many discussions about car lots over the years and ultimately the vision for the area was not to include used car dealerships. She asked for the definition of a used car. Director Young responded that there is not a definition in the code. City Attorney, Tina Petersen, stated that previously the Council had a discussion regarding the definition of a new car. The proposed definition was unclear to anyone other than the business owner who wrote it. Rather than include a convoluted definition, staff created the proposed amendment that deals with permitted uses in a specified area. Attorney Petersen remarked that typically “new” refers to a vehicle that is brand new and has never been registered or titled. A used car is one that has been driven and has miles on it.

Council Member Boyd was concerned that the quality of used cars can vary greatly. Attorney Petersen explained that previously the Council was comfortable making the change because the Grove Zone has more stringent design guidelines that would prohibit older undesirable used car lots.

Mayor Daniels asked if the applicant has already purchased the property. Director Young responded that the applicant is under contract but has not yet finalized the purchase. Mayor Daniels asked if the other property owners in the area were notified of the zone change. Director Young stated that they were not because it is only a text amendment rather than a zone change. He explained that the amendment will not take anything away from the property owners but will add flexibility.

Mayor Daniels opened the public hearing.

Paul Washburn gave his address as 835 North 900 West in Orem, and was present representing the applicant, Robb Taylor, from Shamrock Car Sales. Mr. Washburn stated that Mr. Taylor has been in business for a several years and has been very successful. The business model is unique in that he purchases vehicles that have previously been titled from factories. The cars are typically business or promotional vehicles that are technically used; however, they are generally current model year with significantly fewer than 30,000 miles.

Mr. Washburn explained that the property will work well for the applicant because it gives him a great deal of frontage to show cars. The property may be difficult for other types of businesses because it is only 100 feet deep. He explained that Mr. Taylor would like to stay in Pleasant Grove and upgrade his business. His hope was that the proposed amendment will work for all involved.

Council Member LeMone asked if Mr. Taylor plans to front the entire property with cars. Mr. Washburn stated that at the entrance he plans to build an office building that will be roughly 2,000 square feet in size. There will also be a garage for detailing. The rest of the space will likely be a double-loaded parking lot. Ultimately Mr. Taylor is interested in acquiring more property. Council Member Boyd asked if all of the neighbors were aware of the potential change. Mr. Washburn said he knew Mr. Taylor had spoken with the neighbors at the back of the property

but he did not know about any of the others. Director Young stated that the property owners to the north were also aware.

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

Council Member Stanley appreciated the efforts to create a new use rather than a definition change. His only hesitation was with lower quality businesses coming in. However, because of the Planning Commission's recommendation and the higher standards of the Grove Zone, he was in support of the proposal.

Council Member Boyd wanted clarification that this business will meet all of the Grove Zone criteria. Attorney Petersen stated that it will and was the reason they created the proposed amendment. The City wants all incoming businesses to be subject to the higher design guidelines in the Grove Zone.

ACTION: Council Member Stanley moved to adopt Ordinance (2014-13) at the request of Robb Taylor to amend the City Code Section 10-14-27-1C-2 to allow Used Car Sales located in an area between State Street and Center Street on the west side of North County Boulevard in The Grove-Commercial Sales Zone. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, LeMone and Stanley voting "Aye". The motion carried.

C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-14) REZONING APPROXIMATELY 0.98 ACRES FROM R1-20 (SINGLE FAMILY RESIDENTIAL) TO R1-15 (SINGLE FAMILY RESIDENTIAL) ZONE ON PROPERTY LOCATED AT APPROXIMATELY 525 EAST 1100 NORTH (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young explained that the applicants' property is triangular in shape and close to the intersection at 500 East and 1100 North. The property is in the same area as the Atwood property, which was recently reviewed and approved by the Council for a zone change. The property has a General Plan designation of Low Density Residential, which provides for zone changes in the R1-12 or R1-15 zones. There is currently a home on the property and the proposal would divide the parcel into two pieces that would front 1100 North.

Council Member LeMone asked if staff had any concerns about the proposal. Director Young responded that they did not. He explained that the Atwood's property was changed because they were bringing in a road that carved off a piece of their property.

Council Member Stanley explained that the Atwoods had a compelling reason to change their zoning. He was not sure there was the same compelling rationale with this application. He remarked that many people purchase their property with certain zoning expectations. Director Young explained that over the years there have been many zone changes in the area. The R1-20 is actually out of place now.

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

ACTION: Council Member Andersen moved to approve Ordinance (2014-14) rezoning approximately 0.98 acres located at approximately 525 East 1100 North from R1-20 to R1-15 and adopt the exhibits, conditions, and findings contained in the staff report. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Boyd, LeMone and Stanley voting "Aye". The motion carried.

D) TO CONSIDER FOR APPROVAL AN AMENDMENT TO THE COMMONS PLAT A FINAL PLAT TO REFLECT A BOUNDARY LINE CHANGE, LOCATED AT APPROXIMATELY 1580 WEST 100 SOUTH IN THE GROVE ZONE, MIXED HOUSING SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young explained that the subject plat was approved roughly 18 months ago. The boundary line in question lies on the south side of the property between the Commons Development and the Smith Property. The property line needs to be amended because the fence line does not meet the existing plat line. Rather than replace the fence, the developer preferred to change the boundary line. The change will not affect their site plan as they do not need the small piece of property that is affected.

ACTION: Council Member Stanley moved to approve an amendment to The Commons Plat A final plat to reflect a boundary line change, located at approximately 1580 West 100 South in the Grove Zone, Mixed Housing Subdistrict. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

E) TO CONSIDER FOR APPROVAL A 6-LOT FINAL PLAT KNOWN AS AMANDA ACRES PLAT B, BEING A VACATION OF LOTS 1 AND 2 OF AMANDA ACRES PLAT A, AND LOT 14 OF LARSEN ACRES PLAT A, LOCATED AT APPROXIMATELY 1245 NORTH 380 EAST IN THE R1-8 AND R1-10 ZONES. (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young reported that there is vacant property in the area that the owners would like replatted. There is also split zoning on the property. There are a few homes on the front of the parcel on 380 East and a large piece proposed with development potential. The property is challenging because of its depth, which has kept developers from building there. The current developers are willing to work with the City and property owners to deed more land to make the smaller parcel slightly deeper, which will increase its buildability. The developers were proposing a flag lot. It was determined that the property meets the existing criteria.

It was reported that three existing lots that will be converted into six. There will be a total of three new flag lots. The Planning Commission unanimously recommended approval of the preliminary plat. Director Young explained that the lots are owned by two families and all have agreed to the proposed changes. There is a maximum of three flag lots allowed per stem. The proposal was determined to meet that requirement.

Council Member LeMone asked how the name of the property was determined. Director Young explained that the property owner or developer can use any name they want as long as it is not already being used in the same neighborhood.

ACTION: Council Member LeMone moved to approve a six-lot final plat known as Amanda Acres Plat B, consisting of a vacation of Lots 1 and 2 of Amanda Acres Plat A, and Lot 14 of Larsen Acres Plat A, located at approximately 1245 North 380 East in the R1-8 and R1-10 Zones. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

F) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-011) ADOPTING THE EMERGENCY OPERATION PLAN TO PROVIDE FOR THE PLANNING AND COORDINATION OF EMERGENCY FUNCTIONS DURING A DISASTER OR OTHER EMERGENCY EVENT AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: CHIEF SMITH.

Police Chief, Mike Smith, reported that the plan described above was originally presented several weeks ago and changes were made based on feedback received from the Council. Council Member LeMone stated that the plan discusses the notifications that will occur when there is an emergency. She asked if they are listed by priority or randomly and if it would be important to prioritize the list. Chief Smith responded that there is not a priority list because some of the new mass communication systems the City is looking into allow people to choose how messages reach them. The City is able to decide what forms of media they want the message to be sent in each time.

Council Member LeMone asked when Chief Smith plans to present the companies the City is considering for the mass communications. He responded that he has been in contact with several companies and was in the process of preparing recommendations for the Council. He explained that the City will not be renewing its current contract, which will expire in July. Administrator Darrington remarked that they will make a decision in time for it to be functional before the current contract expires.

Chief Smith stated that there is still a great deal of work to complete on the Emergency Plan but staff wants to be sure to have the basic plan in place before they proceed. Council Member LeMone asked if any portion of the plan will be made available online for the public. Chief Smith responded that the plan is not designed for a homeowner during an emergency. The intent is for the City to be aware of each department's duties and functions in the event of an emergency. Portions of the plan will likely be placed online but some aspects cannot be shared for security reasons. Chief Smith stated that they will likely create a laminated card or pamphlet for residents containing emergency contact numbers.

ACTION: Council Member Stanley moved to approve Resolution (2014-011) adopting the Emergency Operation Plan to provide for the planning and coordination of emergency functions during a disaster or other emergency event and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, LeMone and Stanley voting "Aye". The motion carried.

G) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-012) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH BOYER WALKER RIDGE, LLC. TO PURCHASE 1.04 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 300 NORTH 1300 EAST FOR THE CONSTRUCTION OF A

SECONDARY WATER STORAGE TANK, AND PROVIDING FOR AN EFFECTIVE DATE. PRESENTER: ENGINEER LEWIS.

City Engineer, Degen Lewis, stated that the lower portion of the property was approved as the subdivision Walker Ridge Plat A. As the project moved forward staff considered another piece of the property for a secondary water system and an additional water tank. During the original design of the system this area was the preferred alternative, however, the City was not able to reach a mutually acceptable purchase agreement with the Walker family.

The Boyer Company is now developing the property and has agreed to sell three lots to the City. The property was appraised and the agreed upon price was \$144,000 per lot for a total of \$432,000. The tanks will sit primarily on Lots 5 and 6. Lot 15 will be used primarily for access. It was possible that the City will be able to sell Lot 15 in the future.

Mayor Daniels asked about funding. Administrator Darrington explained that the purchase will be paid for from the Water Fund.

ACTION: Council Member Boyd moved to approve Resolution (2014-012) authorizing the Mayor to sign a Purchase Agreement with Boyer Walker Ridge, LLC. to purchase 1.04 acres of real property located at approximately 300 North 1300 East for the construction of a secondary water storage tank, and providing for an effective date. Council Member Stanley seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, LeMone and Stanley voting "Aye". The motion carried.

H) TO CONSIDER FOR ADOPTION A RESOLUTION (2014-013) AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH METROPOLITAN WATER DISTRICT OF OREM TO USE IRRIGATION WATER ASSOCIATED WITH THEIR SHARES IN THE 2014 IRRIGATION SEASON; AND PROVIDE FOR AN EFFECTIVE DATE. PRESENTER: ADMINISTRATOR DARRINGTON.

Public Works Director, Lynn Walker, stated that the current water estimate for secondary water is just below 50% and is likely to get worse. Council Member LeMone asked if the City plans to subsidize the cost to residents this year. Administrator Darrington stated that there is no plan to subsidize. It was reported that secondary water will be turned on on May 1.

ACTION: Council Member LeMone moved to approve Resolution (2014-013) authorizing the Mayor to sign a Memorandum of Understanding with Metropolitan Water District of Orem to use irrigation water associated with their shares in the 2014 irrigation season; and provide for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Boyd, LeMone and Stanley voting "Aye". The motion carried.

8) NEIGHBORHOOD AND STAFF BUSINESS.

Engineer Lewis had four plats to be signed.

Attorney Petersen reported that she recently attended the League of Cities and Towns Convention in St. George.

Administrator Darrington stated that he and the Steering Committee met with the consultants working on the Public Safety Building to discuss the guiding values for the Committee and the building. The two guiding values were described as making public safety a priority in the community and having a facility that will help revitalize downtown. The consultants will begin meeting with citizens and committees to determine the guiding principles for the community with regard to the Public Safety Building. The consultants will attend the kickoff meeting on April 24 and will be seeking written input from residents. The plan for the next four months will be discussed at that meeting. Neighborhood meetings were being scheduled and the City was divided into four quadrants to allow residents to continue attending meetings and giving input. The meeting schedule and map were expected to be online by the end of the week.

Administrator Darrington stated that the Blue Ribbon Committee was established last fall and will remain intact. Going forward they will be called the Technical Committee and will examine the technical aspects of the building. It was noted that new members have been added. A Citizens' Committee consisting of 20 to 30 people was being created where each neighborhood will be represented. The members of each committee will be introduced to the general public at the kickoff meeting. The City is totally starting over with the Public Safety Building Plan and hopes to get a great deal of input from the community.

Administrator Darrington explained that most of the people who have been invited to participate on a committee have accepted. Council Member Boyd stated that some of the Council Members toured the Salt Lake Fire Department and learned a great deal. She felt it was very important for the Technical Committee to do the same.

Arts and Culture Director, Sheri Britsch, reported that there is a large book sale underway at the Library. Paperback books cost \$.50 and hardbacks are \$1.00. They are selling damaged books as well as make quality books more accessible.

Director Britsch stated that the PG Players are putting on *The Foreigner* this weekend, Center Stage will be performing *Seussical the Musical*, at The Covey Center, and Carol Lynch Williams is a respected local author who will be making a presentation on Thursday.

Director Young reported that he recently attended a planning seminar in Springdale.

Assistant to the City Administrator, David Larson, reminded the Council that Wednesday night is the Chamber's monthly after hours networking event. It is being held with the Lehi and American Fork Area Chambers. He reported that the following Tuesday will be the second informational session of "Set Your Business on Fire." A also noted that a gourmet sandwich shop will be opening soon in Pleasant Grove.

Parks and Recreation Director, Deon Giles, reported that staff has signed their first contract with the LDS Northfield 5th Ward for the Adopt-a-Park Program. They will be taking care of Manila Park. There will soon be a volunteer website where people can sign up to help. The beta site is active and should be on line before summer.

Director Walker reported that the City Cleanup Event will be held May 3 to May 10 at the Pipe Plant. They are working to get secondary water turned on May 1.

Fire Chief, Marc Sanderson, stated that the previous week they took eight firefighters to the FDIC Conference. They completed roughly 250 training hours and some of the ideas they learned have already been implemented. He found the conference to be very beneficial.

Chief Smith reported on the Huntsman case.

9) MAYOR AND COUNCIL BUSINESS.

Council Member Andersen reported that she attended the League of Cities and Towns Committee and had a wonderful experience learning what has been going on in the City.

Council Member Stanley stated that he campaigned for County Attorney and they did very well, especially against a well-established incumbent. They are moving on to the primary battle and are enjoying getting out a message that they think needs to be heard in the County.

Council Member LeMone thanked the Public Safety workers for all they do for the City.

Council Member Boyd thanked the Police Department for being so caring and competent.

Mayor Daniels commented on the Huntsman case and thanked the City's Public Safety workers and expressed gratitude for them and their willingness to put personal matters aside to care for the needs of the City and its residents.

10) SIGNING OF PLATS.

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

11) REVIEW CALENDAR

There were no calendar items to review.

12) ADJOURN

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

The City Council Meeting adjourned at approximately 7:38 p.m.

This certifies that the City Council Minutes of April 15, 2014 are a true, full and correct copy as approved by the City Council on May 6, 2014

Kathy T. Kresser, City Recorder

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