

1 **Pleasant Grove City Joint Work Session**
2 **City Council and Planning Commission Meeting Minutes**
3 **April 22, 2014**
4 **6:00 p.m.**

5 PRESENT:

6 Mayor: Mike Daniels

7
8 Council Members:

9 Dianna Andersen

10 Cindy Boyd

11 Cyd LeMone

12 Jay Meacham

13 Ben Stanley

14
15 Staff Present:

16 Scott Darrington, City Administrator

17 David Larson, Assistant to the City Administrator

18 Dean Lundell, Finance Director

19 Deon Giles, Parks and Recreation Director

20 Degen Lewis, City Engineer

21 Ken Young, Community Development Director

22 Sheri Britsch, Arts and Culture Director

23 Kathy Kresser, City Recorder

24 Tina Petersen, City Attorney

25 Marc Sanderson, Fire Chief

26 Mike Smith, Police Chief

27 Marcus Wager, Planning Intern

28 Lynn Walker, Public Works Director

29
30 Planning Commission:

31 Eric Jensen

32 Scott Richards

33
34 Other:

35 Taylor Oldroyd, Utah County Association of Realtors

36
37 The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove,
38 Utah.

39
40
41 **1) CALL TO ORDER.**

42
43 Mayor Daniels called the meeting to order and noted that Council Members Andersen, Boyd,
44 LeMone, Meacham and Stanley were present.

45
46 **2) PLEDGE OF ALLEGIANCE.**

1 Jennifer Baptista led the Pledge of Allegiance.

2
3 **3) OPENING REMARKS.**

4
5 Planning Commission Member, Scott Richards, gave the opening remarks.

6
7 **4) CONSENT ITEMS:**

8
9 a) **To consider for approval Partial Payment No. 1 for the Grove Creek Irrigation**
10 **Pipe Project for S & L Inc.**

11
12 b) **To consider for approval Partial Payment No. 2 for the 1300 West Pleasant**
13 **Grove Boulevard intersection Traffic Signal and ATMS Fiber Optic System**
14 **for B. Jackson Construction and Engineering.**

15
16 **ACTION:** Council Member LeMone moved to approve the consent items. Council Member
17 Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

18
19 **5) Library update. *Presenter: Director Britsch***

20
21 Arts and Culture Director, Sheri Britsch, gave a photo tour of the library to show the updates made
22 over the past three months. Leather benches were added to the entryway, junk bins have been
23 removed, and bookcases decluttered. Director Britsch stated that they worked to fix small problems
24 that have been an issue for a long time such as putting up bathroom signs and hanging curtains by
25 the stairs. Book shelves have been weeded out to make room for new books and the space has been
26 organized. The new organization has taken a lot of stress off of library staff and helped patrons find
27 their way around the bookshelves.

28
29 Director Britsch reported that they have purchased four radio headsets to improve customer service.
30 The library has no reference desk so the headsets allow staff to assist customers while walking
31 around the library. Colorful benches have been added to the children's area and there is more work
32 to be done in that space.

33
34 Council Member LeMone was impressed with the updates and changes made on such a tight
35 budget. She applauded Director Britsch's efforts to improve customer service. Council Member
36 Andersen asked what needs to happen to make the two-story library handicap accessible. Director
37 Britsch indicated that an elevator is the first step. Once the children's books are moved to the lower
38 level they will widen the space between book shelves to allow wheelchairs to move among the
39 shelves. The lower floor restroom is currently handicap accessible. Council Member Andersen
40 recommended giving teachers in the community a tour to show them the changes that have been
41 made.

42
43 Council Member Meacham asked what will change with the library programs after the children's
44 books have been moved to the lower level. Director Britsch stated that a divider will be put up to
45 separate the book area from the program space in the large room. Council Member Boyd stated that
46 the library's programs have been very successful and she felt it was important to ensure that there is
47 enough space available for the programs continue to be successful and grow. Director Britsch

1 responded the content of the library is almost less important than having a reason to get together and
2 learn as a community. She assured the Council that there will be ample space for the programs.

3
4 Director LeMone asked if patrons have noticed the changes. Director Britsch responded that many
5 patrons have commented that the library looks nice and that there are more new books. She
6 explained that there are actually fewer books but the organizing and weeding out has made the
7 books more accessible.

8
9 Director Britsch stated that they hope to have a large portion of the children's books moved to the
10 lower level before the summer reading season begins. The carpet and paint will likely not begin
11 until fall. After that process is complete they will move the remainder of the children's books.
12 Council Member Boyd asked if they have considered putting tables or a pavilion in the outdoor
13 area. Director Britsch said she has not looked into the outside yet but anticipates needing to use the
14 space for summer programs. She would like to have a drive up drop off as well as new letters for
15 the entrance to the children's area; however, those are projects are further down the road.

16
17 **6) Discussion on accessory apartments.**

18
19 City Administrator, Scott Darrington, stated that in 2009 the City began discussions regarding
20 accessory apartments. The City's current ordinances state that accessory apartments are illegal
21 outside of having a family member or caretaker live in the apartment. Over time many accessory
22 apartments have turned up in the City and in 2009, a public hearing was held to get input and
23 feedback from residents. The public was greatly divided on the topic. A committee was created to
24 come up with possible solutions. A model ordinance was created based on what was generated by
25 the committee. The model ordinance was brought to the City Council in 2010 and the Council was
26 divided. As a result, no conclusion was reached and the matter was left as-is.

27
28 Administrator Darrington informed the Council that the current ordinance states that accessory
29 apartments are illegal. The City, however, chooses not to enforce it unless there are health, safety
30 or nuisance issues. In 2012, the City Council discussed addressing the matter again but ultimately
31 decided not to. There have been requests from community members to readdress the issue, which is
32 why it is again on the agenda. Administrator Darrington stated that before staff puts resources
33 toward finding possible solutions, they want to know if the majority of the Council feels strongly
34 one way or the other.

35
36 Council Member Meacham asked how new construction is handled when it looks like there may be
37 an accessory apartment. Community Development Director, Ken Young, stated that a second
38 kitchen affidavit must be signed stating that the second kitchen is for one family use and is not to be
39 used as a separate rental unit. The builder signs the contract and the City does not follow up to
40 make sure the affidavit is adhered to. The affidavit is recorded with the County but someone who
41 later purchases the home may not be aware of it. Administrator Darrington stated that the affidavit
42 gives the City authority if there is an issue with an accessory apartment.

43
44 Director Young clarified that there are zones, such as the Grove Zone, where accessory apartments
45 are permitted but not in the R1 and RR Zones. Older homes in the R1 and RR Zones may have
46 them as well because in older codes there was a permissible situation.

1 Mayor Daniels asked if the Council was in favor of expanding accessory apartments generally
2 throughout the City. All Council Members were in favor of at least discussing and looking for new
3 solutions. Council Members LeMone and Andersen were in favor of creating a new solution.
4 Council Members Boyd and Meacham were more hesitant to address the topic again. Council
5 Member Stanley was neutral.

6
7 Council Member Boyd wanted to be sure the City has the financial backing and manpower to
8 enforce this type of ordinance once it is written and passed. She also expressed concern about the
9 burden a new ordinance could bring to the citizens.

10
11 Council Member Meacham did not like the fact that the City does not allow accessory apartments,
12 but chooses to turn a blind eye to them. He felt there were likely many people in the community
13 who do not know they are in violation. Council Member Meacham wanted to know if the
14 community has a need for these types of apartments.

15
16 Council Member Andersen and LeMone felt that accessory apartments already exist in the
17 community and are beneficial. The City should define them and find a way to make them work.
18 Council Member Stanley requested that the topic be discussed at the retreat. He felt there were
19 compelling arguments on both sides but it is fundamentally unfair to have rules that are not being
20 enforced. This leaves the citizens who want to follow the rules and be good citizens at a
21 disadvantage to those who are not concerned about following the ordinance. He thought it may
22 work to have an approach allowing neighborhoods to have different guidelines.

23
24 Council Member Meacham expressed concern that timing may not be right. He said that while
25 there is a divide on the topic, there are divides on many other items as well. He wondered if it
26 might be worth to delay the matter for roughly one year until some of the other issues are resolved.
27 Council Member Boyd agreed that the timing may not be right and indicated that when the matter
28 was discussed years ago, the community got very involved and the discussions heated.

29
30 Mayor Daniels stated that there are subjects that no matter when they are addressed will attract
31 more attention than others. He asked the Planning Commission to share their feelings on the issue.
32 Commissioner Richards stated that as a real estate professional, accessory apartments are market
33 driven and there is demand for them based on the economy and other factors. It makes it difficult
34 for the City to appear professional when there is a rule that is not enforced. When people are
35 looking for homes he advises them to talk to the City about accessory apartments. He felt the City
36 should come up with a way to enforce compliance. He believed the main issue will be the R1 Zone
37 and throughout the City. It will be even more difficult to enforce if each neighborhood has different
38 rules. The apartments will likely be safer with City enforcement.

39
40 Commissioner Jensen stated that when he was newly married and in college, he lived in one of
41 these types of apartments. He was a good tenant and contributed to the neighborhood in a positive
42 way. That is not always the case with these types of apartments, especially when there are no
43 regulations or enforcement from the City. He commented that many residents have expressed a
44 concern and want a resolution.

45
46 NAB Chairperson, Libby Flegal, stated that she has received several calls in the last few days on the
47 matter. There are five homes in her neighborhood with accessory apartments. All have nice tenants

1 who cause no problems. One of the phone calls she received was from a widow who would not be
2 able to keep her home without renting out the basement apartment. She has spoken with different
3 people who indicated that they would have lost their homes without the rental income from their
4 accessory apartments.

5
6 Fire Chief, Marc Sanderson, said that something needs to be done from an emergency response
7 perspective. If they are responding to a structure fire and there is a family living in the basement
8 that they do not know about, there could be major problems. Emergency responders need to know
9 where these apartments are.

10
11 Taylor Oldroyd from the Utah County Association of Realtors stated that he attended the meeting
12 several years ago. This topic can be a lightning rod especially in communities that ignore it. He
13 remarked that the longer it is ignored, the harder it will be to fix. He has learned from other
14 communities that this is more of a discussion of impact than housing. He advised the City to have
15 clear rules and enforce them. Most of the negative impacts can be mitigated simply by nuisance
16 ordinances. Mr. Oldroyd said that Orem recently lifted a 10-year moratorium on accessory
17 apartments. Orem City asked residents register their apartments regardless of whether there is
18 currently someone living in them. He agreed that safety was a huge factor that could be addressed
19 in the ordinance.

20
21 Council Member LeMone asked Mr. Oldroyd if he felt people would have these apartments
22 regardless of whether they are allowed. He believed they would. He stated that accessory
23 apartments should not have a negative impact on any property value. A nice attractive accessible
24 accessory apartment can actually increase the value of a home.

25
26 Jared Bingham reported that he has owned an accessory apartment in another City and currently
27 lives in a home with a basement apartment that has not been legally constructed. He noted that the
28 construction was not done to code. Mr. Bingham supports accessory apartments and thinks Orem
29 City has done an excellent job. If the City makes a policy that allows for accessory apartments, a
30 large portion of the community will comply with the ordinance and ultimately make for safer
31 apartments.

32
33 Jack Freeman gave his address as 100 North 400 East and stated that when he bought his home, his
34 was one of the most beautiful streets in the City. Since then his street has gone downhill due in part
35 to accessory apartments. He was concerned about where all of the vehicles will park. Having so
36 many cars on the street detracts from the appearance of the community. Too many cars on the street
37 makes it difficult to beautify his property. Mr. Freeman owns more than one car and always has his
38 vehicles in his driveway. There are times when there are so many cars on the street that he cannot
39 get into his own driveway.

40
41 Director Young stated that accessory apartments are an important aspect of the housing of a
42 community and plays an important role in Pleasant Grove. He felt that the City was missing out on
43 a better situation by not regulating them. He suggested dealing with existing accessory apartments
44 different than new construction. Based on previous efforts, staff created a proposed ordinance for
45 the regulation of accessory apartments in the City. It never came forward for review and approval
46 but it is available for Council review.

1 It seemed to Mayor Daniels that the Council is leaning toward being in favor of accessory
2 apartments or at least being in favor of resolving the issue. The majority seem to think that ignoring
3 the issue is wrong. He explained that they are currently working on a new Public Safety Building
4 proposal, which is heavily involving the community. The City has not yet addressed the roads that
5 need to be fixed. Both are issues that the citizens will want to be largely involved in. Accessory
6 apartments will be another important topic for the community to be part of. He asked if staff has
7 the capacity to tackle the issues simultaneously or if they need to prioritize the list.

8
9 Council Member Stanley wanted to see the issue addressed sooner than later. He felt it was
10 fundamentally unfair to have policies in place that some are complying with because they want to
11 follow all of the rules and others who are ignoring them because they know it is not enforced. He
12 considered this to be a different kind of discussion than roads and the Public Safety Building
13 because those topics will have a huge financial impact on the citizens. This topic should be crafted
14 to avoid as much financial impact as possible.

15
16 Mayor Daniels said that after being involved in this discussion for many years he knows there is the
17 potential to have large numbers of people want to participate in the discussion. It may not be a
18 financial impact but it will be a time impact and difficult for the citizens to be as involved in as they
19 would like to be. It may also be difficult for staff to manage controversial subjects all at once. He
20 felt the Council owes it to the public to do a good job at whatever issues they take on.

21
22 Council Member Stanley felt this was not as important an issue as the Public Safety Building and
23 roads and was comfortable tackling accessory apartments next year. He would, however, like to see
24 it addressed during his term.

25
26 Council Member Andersen said she may not understand what a difficult conversation this can be
27 with the community but would like to read the draft that was previously written. She remarked that
28 Orem's policy allowed a two-year grace period for accessory apartments to comply with the new
29 standards. She was comfortable taking on the issue now, especially if there is a draft ordinance
30 already in place.

31
32 Council Member LeMone commented that public safety and roads will likely be an issue for several
33 years to come. Accessory apartments may not be that difficult to address if they are simply making
34 them legal and adding regulations. It will be up to Director Young's department to determine if
35 they can handle the work load and conduct the needed research. There will always be major issues
36 in the City and reasons to put off difficult topics. She agreed that staff and the Council need to do
37 the best job possible with all issues they take on, but felt this would be the time to look into
38 accessory apartments.

39
40 Council Member Meacham did not think it was a matter of staff or the Council being able to handle
41 the work load. Any time there is an item that will draw more people than can fit in the Council
42 room, reaching a conclusion is difficult.

43
44 Mayor Daniels commented that it is difficult to manage the process of communicating the
45 information to the citizenry in the necessary way. The City has a poor track record of doing so with
46 respect to this topic. If the City cannot solve the communication hurdle of effectively reaching out
47 to people and getting feedback, every time there is a difficult topic it will become unmanageable.

1
2 Council Member Boyd stated the ordinance will not be difficult to write. The Council and City will
3 need to educate the citizenry in a transparent way that helps create the correct perception. It is
4 difficult to do so on such a large scale.

5
6 Mr. Oldroyd's recollection of the public hearing held years ago was that the Council asked the
7 community come and give their input. Those meetings can always get heated. He suggested having
8 a proposed ordinance ready to discuss and offered to be present to discuss impacts. He also
9 suggested having other industry professionals present to help address questions and concerns.

10
11 Mayor Daniels suggested making a decision on what direction to move after Thursday's meeting
12 regarding the Public Safety Building. The Council agreed. Council Member LeMone said that
13 regardless of when they decide to tackle the issue, they should conduct the meeting in the manner
14 suggested by Mr. Oldroyd. The Council requested that Director Young email them the previously
15 written ordinance.

16
17 **7) Signing of plats.**

18
19 The Council signed Thorneberry Sub Plat A.

20
21 **8) Staff, city council and mayor business.**

22
23 Parks and Recreation Director, Deon Giles, invited all to the Arbor Day Celebration to be held the
24 following Saturday at 8:00 a.m. at Discovery Park.

25
26 Administrator Darrington said that Public Safety Building public meeting is scheduled for Thursday
27 at 7:00 p.m. at the Junior High. The meeting is not a public hearing. Input from the public will be
28 written down on cards for staff and committee members to review afterwards. The purpose of the
29 meeting is to let the public know what the process will be and how the City will proceed over the
30 next few months. The meeting was to be one hour long.

31
32 **9) Adjourn.**

33
34 **ACTION:** Council Member Stanley moved to adjourn. Council Member LeMone seconded the
35 motion, and the motion passed with the unanimous consent of the Council.

36
37 The City Council Meeting adjourned at approximately 8:07 p.m.

38
39 This certifies that the City Council
40 Minutes of April 22, 2014 are a true,
41 full and correct copy as approved by
42 the City Council on May 20, 2014

43
44
45
46 _____
47 Kathy T. Kresser, City Recorder

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