

**Pleasant Grove City
City Council Meeting Minutes
June 30, 2015
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Cindy Boyd
Eric Jensen
Cyd LeMone
Ben Stanley

Excused: Dianna Andersen

Staff Present: Degen Lewis, City Engineer
Deon Giles, Parks and Recreation Director
Dave Thomas, Fire Chief
Mike Smith, Police Chief
Kathy Kresser, City Recorder
Dean Lundell, Finance Director
Tina Petersen, City Attorney
Ken Young, Community Development Director
Marty Beaumont, Public Works Director
Greg Woodcox, Water Superintendant

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

1) **CALL TO ORDER**

Mayor Daniels called the meeting to order and noted that Council Members Jensen, Boyd, Stanley and LeMone were present. Council Member Andersen was excused.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Cole Devore.

3) **OPENING REMARKS**

The opening remarks were given by Cade Evans.

4) **APPROVAL OF AGENDA**

Items 9A and 9B will be continued, as noted on the agenda.

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

5) **OPEN SESSION**

Mayor Daniels opened the open session.

Molly Andrew gave her address as 1125 Sage Drive and announced that in two weeks there will be a community service project to be sponsored by PG United. They will be painting curbs for the Fire Department as well as “Police Parking Only” signs. It was noted that several other projects could be done, depending on the turnout. The project will take place on July 11 at 8:00 a.m. All were invited to attend.

Jason Hunter, who resides at 680 East 300 North, inquired about Item E. Finance Director, Dean Lundell, clarified that the item is worded correctly.

Randy Kummer gave his address as 1613 East 400 South and asked about the availability of the tennis courts. Council Member LeMone noted that they will be open to the public once construction is complete.

Karl Kuni gave his address as 2115 North 180 West and mentioned that there are islands in the middle of the road at 1800 North 550 West, near Manila Elementary, that have been landscaped twice and are dying again. He acknowledged that the City is in a drought and he was concerned that continually re-landscaping that area was a waste of money. Mayor Daniels stated that the Council has not discussed this particular area, however, they have turned the water off in certain places to conserve water.

Mr. Kuni also mentioned the Cadence Homes Development in the same area and stated that the park strips there have not been well maintained. He expressed concern with the lack of communication when plats are approved about who is responsible for park strips. He did not want those areas to become eyesores. Staff agreed to address the issue.

Council Member LeMone was interested in obtaining bids for xeriscaping and removing bushes and trees from park strips altogether. Council Member Boyd agreed that this was worth pursuing, because it would be easier to maintain and would help conserve water. Council Member Jensen added that there are several areas in the City that could have xeriscaping. Council Member Stanley expressed concern with the dangers of rocks getting thrown in the road. He commented that there are a lot of details to anticipate when having this discussion. Mayor Daniels requested that staff explore options to be discussed at a later date.

Matt Godsey gave his address as 1026 East 1100 North and suggested that Parks and Recreation Director, Deon Giles, look at what the City of St. George has done with regard to xeriscaping. They have developed landscapes that reduce water usage while preventing hazards associated with rocks in the streets.

Mr. Kummer invited staff and the elected officials to visit the Utah Transit Authority sites to see how they have landscaped with rocks.

Jeff Hamilton, who resides at 359 West 400 North, stated that he lives in the Cook Subdivision, where three lots were developed. Mr. Hamilton inquired about the status of a lot that is adjacent to his home and asked for further information about the surrounding zones. Mr. Hamilton noted that when he moved to the area, he was informed that a mailbox would be installed for the entire street. Currently, they use a temporary mailbox. Mayor Daniels replied that the developer usually is responsible for working with the Post Office with regard to putting in mailboxes.

Mr. Hamilton recalled that the previous Mayor indicated that the pipe plant property would be developed into parks and requested an update on the matter. Mayor Daniels responded that this is still the plan, however, more time is needed prior to beginning the project. There are 20 acres on the west side that will be developed into two detention basins for storm water. Additionally, there are 10 acres on the northeast side that will be developed into an extension of the cemetery, along with some buildings. There have been discussions about whether the 10-acre parcel on the southeast parcel could be used for a City-owned facility.

Mr. Hamilton asked how the parks will be funded. Mayor Daniels explained that the parks are part of the detention basins, which are part of the Storm Water Fund. Therefore, a portion of the parks will be paid for with storm water funds. Furthermore, when the basins are not full of water, the City has discussed using the fields for soccer fields, which would be funded by Parks and Recreation. City Engineer, Degen Lewis, provided a maintenance update on the property.

Mayor Daniels explained that detention basins are expensive, and a capital project from the storm water budget will need to come forward sometime in the next few years. Mr. Hamilton suggested that a section of land comprised of 40 acres be sold to a developer and zoned for one-quarter acre lots. This would generate revenue and provide newer home values, as opposed to developing apartments. Mayor Daniels replied that the 40 acres Mr. Hamilton was referring to will never be used for any form of housing because it is needed for City services. There was further discussion regarding the zoning of the properties adjacent to Mr. Hamilton's home. Mayor Daniels appeased concerns raised by Mr. Hamilton and explained that there is a public process for all rezone proposals.

Frank Mills gave his address as 466 East 100 South and recalled that in the 1990s the City was approached by a SIDS (Sudden Infant Syndrome) organization. Each year, the organization does a project to remember children who passed away that year and inquired about whether they could plant trees as part of the annual memoriam. The City obliged, and 80 trees were planted that year at Battle Creek Park, along with a map of which tree was dedicated to which family. Recently, Mr. Mills visited Battle Creek Park and noticed that some of the trees were replaced with tennis courts and playgrounds. He stated that any trees that died or were removed should be

replaced. Furthermore, he urged the Mayor and Council to notify the families of the replanting of trees that were planted in memory of their child.

Mayor Daniels asked if there were records kept by the City of the aforementioned memorial trees. Mr. Mills answered in the affirmative. Mayor Daniels asked Director Giles to help locate the map that indicates which tree belongs to which family.

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

6) **CONSENT ITEMS**

- a) **City Council Meeting Minutes:
There were no minutes for approval.**
- b) **To consider approval of paid vouchers for June 22, 2015.**

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

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

- A) **TO CONSIDER FOR APPROVAL THE APPOINTMENT OF MATT NYDEGGER AS A PLANNING COMMISSION MEMBER AND DUSTIN PHILLIPS AS A BOARD OF ADJUSTMENT MEMBER.**

Community Development Director, Ken Young, noted that Mr. Nydegger and Mr. Phillips were unable to attend tonight's meeting. Mayor Daniels noted that their profiles and resumes were included in the Council packets. Both gentlemen will serve as alternates for their respective groups.

ACTION: Council Member LeMone moved that the Council appoint Matt Nydegger as an Alternate Planning Commission Member. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

ACTION: Council Member LeMone moved that the Council appoint Dustin Phillips as an Alternate Board of Adjustment Member. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

- B) **TO CONSIDER FOR APPROVAL THE APPOINTMENTS OF THE PUBLIC SAFETY BUILDING COMMITTEE.**

Mayor Daniels commented that the Council has spent a significant amount of time on the selection process of the committee. There are wonderful people in the community who have volunteered to donate their time to find solutions for the public safety facility needs. Mayor Daniels identified the following as Regular Members of the Public Safety Building Committee: Brian William, Jason Hunter, Larry Nelson, Christy Belt, Tracy Scott, Trina Bolingbrook, Jacob Sutch and Bill West.

The members of this committee will be treated the same as Planning Commission and Board of Adjustment Members. They will be do the voting as decisions are made. Alternate Members will be Wayne Halmond, Molly Andrew, Andrea Snow, Jan Vanorman, Kiera Harris, Steve Shrader, Randy Kummer and Frank Anderson. Alternate Members will sit at the same table as the Regular Members and will all participate in discussions. If a Regular Member is absent, an Alternate Member will sit in their place and vote for the evening and communicate the results to the Regular Member(s) in whose place they voted.

Council Member Boyd stressed that attendance is vital and asked if a clause was included in the bylaws that speak to this point. Mayor Daniels responded that two consecutive unexcused absences will automatically warrant a replacement by one of the Alternate Members.

ACTION: Council Member Stanley moved that the Council approve the appointments to the Public Safety Building Committee as read by Mayor Daniels. Council Member Boyd seconded the motion. The motion passed with the unanimous consent of the Council.

8) PRESENTATIONS

A) MATT MILLIS, ZIONS PUBLIC FINANCE, PRESENTATION ON THE CITY'S STORM DRAIN IMPACT FEE.

Finance Director, Dean Lundell, commented that updates to the City's Storm Drain Fund System and impact fees are long overdue. There are several capital projects needed to the storm drain, the funding of which will include rates paid by users, impact fees, etc. He then turned the time over to Matt Millis.

Mr. Millis explained that impact fees are not charged to existing residents, but is a one-time fee to new developments to pay for the impact they create. All that can be recovered from an impact fee is the cost of capital, not operation and maintenance expenses. The capital has to be shown to be required to serve new developments. Important calculations included those related to existing facilities, the number of existing users, excess capacity, future facilities, and the number of future users.

The City currently assesses an impact fee of approximately \$2,713 per acre of total lot area, or about \$680 per home on a one-quarter acre lot. Mr. Millis noted that these fees were established around 2005. Current Impact Fee Facility Plan (IFFP) projects result in an impact fee of about \$2,226 for a typical single-family home. The residential impact fee will be the same City-wide, but the non-residential impact fee varies based on on-site detention requirements. In response to Mayor Daniels, Mr. Millis explained the difference between how fees were calculated 10 years ago, versus how they were calculated for the new study. He also mentioned that they have provided almost a \$1,000 credit against the true cost of the storm water, to account for what future users will pay in future user rates.

John Schiess stated that the majority of the City is residential, and does not provide their own retention. Therefore, all of the storm drain outflow for residential areas goes straight into the pipes and to regional detention facilities which the City constructs and maintains. The system is

funded through impact fees and user rates. Commercial areas are required to detain their own storm water. Therefore, they build their own detention area, which is then released at a lower rate. The outflow of commercial areas doesn't affect the downstream of City facilities nearly as much as residential areas.

Mr. Millis explained that as impact fees are calculated, capital projects are taken into consideration. Approximately \$14.1 million in projects will be required in the next 10 years according to IFFP, of which \$5.28 million will be impact fee qualifying. Not all of the projects qualify for impact fees, because there are a lot of upsizing of lines. Storm drain utility rates will gradually increase to fund the non-impact fee portion of projects. Mr. Millis noted that the potential exists to issue bonds, but the decision will be largely dependent on development timing.

Mayor Daniels asked who will pay for projects that do not qualify for impact fee funding. Mr. Millis explained that the figures presented are spread over a 10-year period and perhaps even longer depending on how development occurs. He continued that user rates will need to be reviewed regularly to see how the timing of projects affect revenues. There was further review of the financial figures Mr. Millis presented.

Mayor Daniels asked Director Lundell to explain how much the monthly bill will increase. Director Lundell explained that around 5% increases will be implemented each year. He also noted that the next step is for staff to conduct additional research on any items that the Council would like them to further examine.

Council Member Stanley inquired about what drives rate increases and whether those increases can be renegotiated. Director Lundell agreed that this would be a fair discussion to have and added that the City does not want a master plan that sets an ideal they cannot afford. Mayor Daniels asked the Council if they would be willing to entertain having Mr. Schiess come back to discuss the master plan before rate increases are approved. Director Lundell was hesitant about delaying the adoption of the impact fee study and felt it could be done in conjunction with discussions regarding the master plan. Mr. Schiess noted that he can give a presentation on the current master plan any time.

9) ACTION ITEMS WITH PUBLIC DISCUSSION

- A) PUBLIC HEARING TO CONSIDER FOR APPROVAL A FINAL PLAT FOR A FOUR LOT SUBDIVISION CALLED JACK HILL PLAT B, BEING APPROXIMATELY 1.02 ACRES ON PROPERTY LOCATED AT APPROXIMATELY 766 EAST 100 SOUTH IN THE R1-10 (SINGLE FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) *Presenter: Director Young *Continued to the July 7, 2015 City Council Meeting.***

ACTION: Council Member Stanley moved to continue this item to the July 7, 2015, City Council Meeting. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

B) PUBLIC HEARING TO CONSIDER FOR APPROVAL A PRELIMINARY AND FINAL PLAT FOR A FIVE LOT SUBDIVISION CALLED GROVE CREEK CENTER COMMERCIAL SUBDIVISION, BEING APPROXIMATELY 2.2 ACRES LOCATED AT APPROXIMATELY 2168 WEST GROVE PARKWAY IN THE GROVE ZONE, INTERCHANGE SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young *Continued to the July 7, 2015 City Council Meeting.*

ACTION: Council Member Stanley moved to continue the above item to the July 7, 2015, City Council Meeting. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-23) TO REZONE ONE ACRE OF LAND FROM THE GROVE ZONE, COMMERCIAL SALES SUBDISTRICT TO THE GROVE ZONE, MIXED HOUSING SUBDISTRICT ON PROPERTY LOCATED AT APPROXIMATELY 100 SOUTH 1300 WEST IN THE GROVE ZONE, COMMERCIAL SALES SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Director Young presented the staff report and explained that in March 2015, the applicant approached the City about what could be done with a narrow section of his property that is planned to abut the south side of 100 East as it continues east from 1300 West. The property is currently located in the Grove Commercial Sales Subdistrict; however, the applicant did not feel commercial would be a viable use due to the narrowness of the property. The applicant expressed a desire to construct residential on the property and was told that in order to do so, a rezone to the Grove Mixed Housing Subdistrict would be required.

The section of property to be rezoned is approximately 94.22 feet wide and 462 feet deep and is approximately one acre in size. The applicant requested the zone change because of concerns about setbacks, parking requirements, and visibility associated with commercial development on the property. If the property were developed under current circumstances, the minimum setback on the southern property line where it abuts a residential use may not be required, but staff recommended that a wall or some other form of buffering would likely be required.

Parking would be determined by building size and use but would likely be more for commercial than would be required for residential. For example, a 1,500 square-foot townhouse would require two parking spaces while a 1,500 square-foot retail space would require 7.5 parking spaces. A 1,500 square-foot office space for business or professional services would require five parking spaces. It was noted that parking and building areas cannot occupy the 25-foot required landscape buffer that would apply along 100 South and 1300 West. This further limits the amount of developable area on the property. Allowing a residential use on the property would allow for parking to be contained within unit footprints via garages. However, the required street frontage setbacks of 40 feet combined with side and rear setbacks of 25 feet leave approximately 29 feet of depth where a residence may be constructed.

Because of the extensive setback requirements associated with residences on the property and parking requirements associated with commercial uses, staff was of the opinion that changing the zoning on this property will not inherently make the space easier to develop. However, the applicant was still concerned about the visibility of businesses along 100 South on the property and did not see a viable way to make commercial work.

Referencing an aerial map of the subject property, Director Young identified where the road will be in connection to the rest of the development. He also noted that the Planning Commission recommended unanimous approval of this item. In response to a question from Council Member Boyd, Director Young explained that five acres is the threshold for requiring a mix of uses; however, since the subject property is adjacent to existing zoning, the proposed rezone would be adding to another area of similar zoning.

Mayor Daniels asked if from a planning perspective it would be wise to box in a small narrow lot with 100 feet of frontage. Director Young responded that staff feels that due to their adjacency to mixed housing, it would make sense to move forward with the applicant's request. Furthermore, the applicant has strong limitations in terms of developing his property, due to the setbacks on 100 South. Mayor Daniels asked if there will be any requirements later for site planning where access is designed between the properties. Director Young answered in the affirmative but noted that staff has not yet received a site plan.

Council Member Boyd expressed concern with the possibility of the rezone taking away from commercial/retail areas. Director Young replied that there are opportunities for commercial that front Pleasant Grove Boulevard.

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

Director Young provided an overview of staff's assessment and recommendation and there was additional review of the information included in the staff report. Council Member LeMone asked if the applicant had considered the possibility of purchasing property to the south. Director Young responded that that option had not been discussed. Council Member LeMone was concerned with the layout of the property in conjunction with the road and felt the Council should view the parcel as a whole rather than selling themselves short on the potential for retail in the area.

Council Member Boyd asked if the applicant was ever approached about developing with the Robinson property. Director Young stated that considerations had not been made because the road divides the two properties. Council Member Stanley was comfortable with the proposal based on staff and the Planning Commission's positive recommendations. Council Member Jensen inquired about the curvature of the road. Director Young explained that the actual alignment of the road will be done as needed with the development of adjacent properties. Potential types of development were then discussed.

Director Young explained that it is difficult to develop when there are several properties clustered together that are all owned by separate property owners. Council Member LeMone

stated that they should stick to the vision as this would make it easier to determine what goes on the parcels. If they change the zone for one acre, the vision will change for the entire area from commercial sales to commercial housing.

ACTION: Council Member Boyd moved that the Council deny Ordinance (2015-23) to rezone one acre of land from The Grove Zone, Commercial Sales Subdistrict to The Grove Zone, Mixed Housing Subdistrict on property located at approximately 100 South 1300 West in The Grove Zone, Commercial Sales Subdistrict. Council Member LeMone seconded the motion. A voice vote was taken with Council Members LeMone and Boyd voting "Aye", and Council Members Stanley and Jensen voting "Nay". Mayor Daniels voted "Nay". The motion failed 3-to-2.

ACTION: Council Member Jensen moved that the Council adopt Ordinance (2015-23) to rezone one acre of land from The Grove Zone, Commercial Sales Subdistrict to The Grove Zone, Mixed Housing Subdistrict on property located at approximately 100 South 1300 West in The Grove Zone, Commercial Sales Subdistrict. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Boyd and LeMone voting "Nay", and Council Members Stanley and Jensen voting "Aye". Mayor Daniels voted "Nay". The motion failed 3-to-2.

Mayor Daniels stated that since both motions failed, the item should be sent back to the applicant.

ACTION: Council Member Stanley moved that Item 9C be continued to an indefinite date and requested that a special instruction be extended to the applicant that they be present when this item is reviewed a second time. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

**D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-24) AMENDING THE PLEASANT GROVE CITY CODE SECTION 10-14-24-3-E TO REMOVE THE REQUIREMENT FOR DRIVE AISLES DIVIDING PARKING AREAS OF 100 SPACES, 55,000 SQUARE FEET OR MORE TO REMOVE THE REQUIREMENT TO INSTALL A SIX FOOT SIDEWALK ALONG THE SIDES OF INTERNAL DRIVE LANES. (Applicant Daniel Thomas)
*Presenter: Director Young.***

Director Young presented the staff report and stated that the requirement to put in an access road through developments is found only in the Interchange Subdistrict. This is not required in any other commercial zone. As staff assessed the concept plan for Valley Grove Development as represented by the applicant, Daniel Thomas, they realized this posed several challenges for the developer.

Director Young explained that the types of development permitted in The Grove Interchange Subdistrict are not substantially different from those permitted in The Grove Commercial Sales Subdistrict. In fact, the main purpose of each sub district is to promote commercial sales and office uses. These types of uses lend themselves to developments that are virtually identical in terms of site design. There are differences between drive aisles that the City Code requires and

standard drive aisles. These differences were outlined in the attachments for the Valley Grove and DoTerra site plans.

Because commercial and office space development in the Interchange Subdistrict and the Commercial Sales Subdistrict support the same types of uses, it follows that the physical design of developments in the two subdistricts would be similar if not identical. Therefore, requiring drive aisles and associated sidewalks in the Interchange Subdistrict where they would not be required on identical projects in the Commercial Sales Sub district appeared arbitrary.

Mayor Daniels opened the public hearing.

The applicant, Daniel Thomas, indicated that he was present at the meeting.

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

ACTION: Council Member LeMone moved that the Council adopt an Ordinance (2015-24) amending the Pleasant Grove City Code Section 10-14-24-3-E to remove the requirement for drive aisles dividing parking areas of 100 spaces, 55,000 square feet or more to remove the requirement to install a six-foot sidewalk along the sides of internal drive lanes. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Jensen, LeMone, Boyd and Stanley voting "Aye". The motion carried unanimously.

Mr. Thomas stated that the City has been very supportive of their project and he hoped to have a projected timeline available soon.

E) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2014/2015 BUDGET AMENDMENT. (CITY WIDE) A copy of the proposed budget is available at the Recorder's Office, 70 South 100 East, the Library, 30 East Center and Community Development, 86 East 100 South.

Director Lundell clarified that this is a budget amendment to the budget that ends today. He presented a list of 23 line items, with the first two relating to Shannon Fields. The third item was internal use for City utilities. The fourth item was the CCAP litigation with TSSD. The fifth was revenue in excess of budget for the Children's Youth Theater. The remaining items were additional grant monies raised for various departments.

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

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-024) ADOPTING THE AMENDED 2014/2015 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Lundell.*

ACTION: Council Member Stanley moved that the Council adopt a Resolution (2015-024) adopting the amended 2014/2015 Budget; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Stanley, LeMone, Jensen and Boyd voting "Aye". The motion carried unanimously.

B) TO CONSIDER FOR APPROVAL A TWO LOT SUBDIVISION CALLED BELLA GRACE ON PROPERTY LOCATED AT APPROXIMATELY 24 EAST 100 NORTH IN THE DOWNTOWN VILLAGE ZONE, MIXED USE OVERLAY. (LITTLE DENMARK NEIGHBORHOOD) *Presenter: Director Young.*

Director Young noted that Bella Grace is formerly known as Allred's Downtown, and Steve Allred is in contract to sell the property. The Planning Commission recently reviewed an amended site plan that varied slightly from what was approved previously. The proposed subdivision is to be located on approximately 1.6 acres and features a mix of townhouses and live-work units. The division of the property into two lots is intended to place the townhouses on Lot 2 and the live-work units on Lot 1. This will aid the developer in future sales of the property as they deem necessary. Both lots exceed the minimum dimension requirements for the zone and are intended to support a use that is allowed in the zone and supports the intent of the General Plan. Based on review of the proposed final plat, staff was satisfied that it meets both the regulations and intent of the City Code. Because of this, staff recommended approval of the final plat.

Council Member Boyd asked if the units would be owner occupied. Director Young responded that currently they are not planned to be strictly owner occupied. He mentioned that there is a HUD financing restriction that the City may want to address in the Code. Some of the units can be owner occupied, but not all need to be in order to secure financing. Director Young explained that the applicant decided to develop the subject property based on their ability to obtain financing. Council Member Boyd asked if a person could purchase a block of units and then rent them out. Director Young answered in the affirmative.

ACTION: Council Member Jensen moved that the Council approve a two-lot subdivision called Bella Grace on property located at approximately 24 East 100 North in the Downtown Village Zone, Mixed Use Overlay. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

C) TO CONSIDER FOR APPROVAL THE GROVE CREEK II COMMERCIAL SITE PLAN FOR A PROFESSIONAL OFFICE BUILDING ON 2.22 ACRES LOCATED AT APPROXIMATELY 2168 WEST GROVE PARKWAY IN THE GROVE ZONE, INTERCHANGE SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young.*

Director Young stated that the applicant was not present due to miscommunication regarding the noticing period. He recommended the item be continued to next week's meeting.

ACTION: Council Member Stanley moved that Item 10C be continued to next week. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

D) TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-25) AMENDING TITLE 5 SECTION 1D SUBSECTION 7 "RESTRAINT BY OWNER" REQUIRING ANIMALS TO BE RESTRAINED AT ALL TIMES; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen recalled that about one month earlier there was an issue with the Murdock Canal Trail with regard to an unrestrained animal. Currently the ordinance allows for animals either to be restrained or under the direct supervision of their owner. Because of this incident and other similar situations, the Council requested that staff amend the language to require restraint at all times. Attorney Petersen suggested the ordinance amendment be published by way of the newsletter and website.

Council Member Stanley asked about enforcement. Attorney Petersen explained that this is normally a complaint only type of citation. It is not something that police are actively patrolling. Mayor Daniels suggested that signs be posted along the Murdock Canal stating that animals need to be on a leash. Attorney Petersen pointed out that the only signs that currently exist along the trail are at the pet stations.

Library and Arts Director, Sheri Britsch, requested that more garbage cans be placed on the trail. Council Member LeMone suggested that leash signage be included with what already exists at the six pet stations along the canal. In response to a question from Council Member LeMone, Attorney Petersen clarified that pets need to be restrained at all times, even in an unfenced front yard.

Council Member Stanley asked if leash enforcement was the right move for the City. Council Member LeMone replied that the ordinance is for the benefit and safety of residents. If a person gets bitten it could be a serious situation and it is important for the City to be proactive in preventing additional incidences. Mayor Daniels agreed with Council Member LeMone's comments.

Amy Lindstrom gave her address as 1160 East 100 North and mentioned a particular stretch along the base of the foothills where she rides her bikes. She stated that it can be frightening to ride through the area when there are multiple dogs that are unleashed. Dogs have unpredictable behavior and many are prone to chase moving things.

Jason Hunter, who resides at 680 East 300 North, asked if a law was already in place requiring dogs be leashed on the trail. Attorney Petersen stated that while it is a law, it is not clear to some residents that leashes are required. The City ordinance was inconsistent with the policy and rule for the trail, which has created problems. Mr. Hunter asked if an E-collar and electronic fence would be acceptable. Mayor Daniels answered in the affirmative, as long as it is a restraint method that works.

Karl Kuni added that cats fall under the same jurisdiction as dogs. Mayor Daniels clarified that the ordinance and law applies to all pets. Mr. Kuni requested that the forthcoming newsletter and website announcement include cats.

Kiera Harris gave her address as 60 Alpine Drive and stated that she expects to see leash signs at trailheads, which is where everyone parks. Ms. Harris voiced her support for the proposed ordinance amendment and agreed that it is a safety measure for humans and pets alike.

Council Member Stanley suggested that greater clarification be included in the ordinance, based on discussion that has taken place. Attorney Petersen agreed that restraint methods should be added, including electronic fences and E-collars.

ACTION: Council Member LeMone moved that the Council adopt an Ordinance (2015-25) amending Title 5 Section 1D Subsection 7 "Restraint by Owner" requiring animals to be restrained at all times; and provide for an effective date, with the changes that will be made specifying the appropriate types of animal restraints that may be used. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Stanley, LeMone, Boyd and Jensen voting "Aye". The motion carried unanimously.

E) TO CONSIDER FOR ADOPTION AN ORDINANCE (2015-26) AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT AND GENERAL UTILITY EASEMENT WITH ROCKY MOUNTAIN POWER TO CONSTRUCT, MAINTAIN, OPERATE, UPGRADE, AND RELOCATE ITS ELECTRICAL DISTRIBUTION AND TRANSMISSION LINES AND RELATED APPURTENANCES; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen explained that this is an update for the City's Rocky Mountain Power Franchise Agreement, which expires tomorrow. The Agreement has been in effect since 2005, and there are only very minor changes to the new one, which is also a ten year term. The only added requirement is for Rocky Mountain Power to involve the City in the design phase of any improvements.

ACTION: Council Member LeMone moved that the Council adopt an Ordinance (2015-26) authorizing the Mayor to sign a Franchise Agreement and General Utility Easement with Rocky Mountain Power to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances; and providing for an effective date. Council Member Stanley seconded the motion. A voice vote was taken, with Council Members LeMone, Jensen, Boyd and Stanley voting "Aye". The motion carried unanimously.

F) TO CONSIDER FOR ADOPTION A RESOLUTION (2015-25) FOR ENVIRONMENTAL STEWARDSHIP ON AMERICAN FORK CANYON TO PRESERVE HISTORIC SITES, HISTORIC RECREATION, RESPITES AND USES; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Mayor Daniels.*

Mayor Daniels mentioned a group called Mountain Accord that works primarily out of Salt Lake who has been looking to expand into American Fork Canyon. There has been some miscommunication between the Federal Government, County Commissioners, Mayors and residents, and there is still an active discussion about how much say the County has on the matter. Director Giles was assigned to gather the facts on the matter.

Director Giles provided a brief update on a meeting that he attended a meeting earlier in the week on Mountain Accord. After an hour-long public discussion period, it was decided that they would take time to gather information on how the County and citizens want to move forward. A re-evaluation of the American Fork Canyon vision will then take place, with special focus on informing communities in Utah County on the Mountain Accord proposal. Money was donated by resorts to the canyon and the Steering Committee would like to return that money.

Mayor Daniels agreed that it is best to step back. Director Giles suggested bringing someone in who has vast knowledge on the issue. Council Member LeMone suggested bringing in a member of American Fork's City Council. She stated that she was contacted by Brad Frost who was interested in having further discussion on the matter. Mayor Daniels mentioned that Cedar Hills City initiated the donations and requested the study. Director Giles stated that Shawn Sager with MAG would also be a valuable resource. He added that one of the primary concerns pertained to water rights and stated that staff will look into how the situation affects the water irrigation company.

Mayor Daniels recapped that Snowbird Ski Resort is trying to initiate a land swap to establish an operation in American Fork Canyon. He noted that the cities that are affected are just now finding out about it. The impacts are uncertain at this point.

ACTION: Council Member Stanley moved that the Council not take action on this item. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

11) ITEMS FOR DISCUSSION - NO ACTION

A) UPDATE FROM DIRECTOR YOUNG REGARDING STERLING BOREN'S CONDITIONAL USE PERMIT (CUP).

Director Young explained that earlier in the year, Sterling Boren requested approval of a conditional use permit to construct a shed. The CUP was approved with the architectural requirements, except for color matching of the home. The site plan that was attached to the CUP showed a different location of the shed than what was ultimately constructed. Additionally, there were concerns with the height of the shed.

When staff was made aware that what was being built was not what was approved, staff contacted Mr. Boren with their concerns. Staff invited Mr. Boren to make an application seeking modifications to the original CUP, which he did. He recently approached the Planning Commission again, who determined that the setbacks still fall within the limitations of the Code. Therefore, there are no violations with regard to the setbacks. While the Planning Commission

was satisfied with the location of the structure, there were still issues with the actual appearance, construction, and height of the building. There was quite a bit of public involvement at the hearing, most of whom were opposed to the modification. There were, however, others who supported Mr. Boren.

Ultimately the Planning Commission approved the CUP, continuing the requirement that a color matching of the shed with the coloring of the home be required, and a 10-foot vegetation screen be placed along the rear of the shed. There were concerns about the building height which were discussed at the Planning Commission Meeting. However, without granting a variance or waiver to the height, they acknowledged that the shed would need to meet the Code requirements, which were that the shed not exceed the height of the home.

There were questions from staff and members of the public about the height of the home. Staff inspected the building and discovered that it exceeds the height approved in the CUP. The Code was reviewed to determine a remedy and it was determined that either the height of the home needs to be increased, or the shed needs to be lowered. Mr. Boren opted to raise the home and approval was granted by the Planning Department to construct an eyebrow structure on his roof.

Staff received an application for an appeal of the Planning Commission's decision. The item was scheduled to go forward to the Board of Adjustment on August 20, 2015.

In response to Council Member Jensen, Director Young noted that Mr. Boren is currently working to construct the eyebrow on his home. Furthermore, he explained that a shed is defined as an accessory building, which has to be smaller than the home. He reviewed the decisions the Planning Commission made regarding architectural requirements.

Attorney Petersen wasn't aware that the appeal had been filed. She was under the impression that all the unhappy neighbor wanted was for the 10-foot screening requirement to be met. Staff decided to meet with the neighboring property owners in an effort to implement the 10-foot screening, rather than go through the appeal process. Mayor Daniels asked if the City has done all it can at this point. Director Young noted that proper noticing took place. Attorney Petersen stated the Planning Commission used their discretion to make a ruling on the CUP. She provided additional information on the appeal process. Mayor Daniels stated that this is a legal matter and the Council needs to remain completely removed from the situation.

12) DISCUSSION ITEMS FOR THE JULY 7, 2015 CITY COUNCIL MEETING.

Mayor Daniels read the agenda items for the July 7, 2015, City Council Meeting. There was brief discussion on a few of the items. Director Young noted that Item 9D, which is a review of the Yard Requirements in the Downtown Village Zone, was to be continued. Item 9D was described as an ordinance amending the Pleasant Grove City Code regarding the required distance between cell towers. Director Young reported that Verizon Wireless is the applicant, and they are seeking to co-locate with the Sprint tower at the Manila Discovery Park, which is staff's preference. The ordinance currently requires 1,000 feet between cell towers, which has been difficult to accommodate in some cases. The following week the Council would also revisit the current ordinance requirements regarding headstone requirements at the cemetery, as was

previously discussed in another meeting. Item 10B was described as approval of a final plat for a one-lot subdivision called Crystal View Estates, which was an amendment to a previously approved plat. Engineer Lewis noted that Item 10C will be continued.

13) NEIGHBORHOOD AND STAFF BUSINESS

Mayor Daniels noted that the July 14, 2015, City Council Meeting will be cancelled.

Police Chief, Mike Smith, reported that his department was awarded a \$20,000 grant this year for their affiliation with the Utah Attorney General's Office for the Internet Crimes Against Children Task Force. He stated that this is a competitive grant, and is the highest amount that they have ever received. Proceeds will be used to further investigate crimes against children. Director Britsch announced that she recently returned from a conference in San Francisco. She also reported that the grant for the elevator was delayed until October.

14) MAYOR AND COUNCIL BUSINESS

Council Member LeMone requested that the Meet and Greet for municipal elections be scheduled in the near future so that information on the event can be included in the voter pamphlet. She noted that early voting begins July 28 and asked Director Britsch if it could take place at the Library again this year.

15) SIGNING OF PLATS

The Larsen Acres Plat was signed.

16) REVIEW CALENDAR

It was reported that the City Offices would be closed on Friday. The Library, however, would remain open.

17) EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(d))

Mayor Daniels asked for a motion to go into executive session to discuss the purchase, exchange or lease of real property.

ACTION: At 9:14 p.m. Council Member Stanley moved to go into executive session to discuss the purchase, exchange, or lease of real property. Council Member LeMone seconded. The motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Michael W. Daniels

Council Members: Cindy Boyd

Eric Jensen
Cyd LeMone
Ben Stanley

Excused: Dianna Andersen

Staff Present: Tina Petersen, City Attorney
Randy Sant, Economic Development Consultant
Kathy Kresser, City Recorder

Mayor Daniels asked if there was any further discussion, being none, he called for a motion to come out of executive session and adjourn.

ACTION: At 10:45 p.m. Council Member Jensen moved to come out of executive session and adjourn. Council Member Boyd seconded. The motion passed with the unanimous consent of the Council.

18) ADJOURN

The meeting adjourned at 10:45 p.m.

Minutes of June 30, 2015 City Council Meeting were approved by the City Council on July 28, 2015.

Kathy T. Kresser, City Recorder

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