

Pleasant Grove City Council Minutes
March 5, 2013
6:00 p.m.

PRESENT:

Council Members:

Cindy Boyd
Lee G. Jensen
Cyd LeMone
Jay Meacham
Kim Robinson

Excused:

Mayor Bruce W. Call

STAFF PRESENT:

Scott Darrington, City Administrator
Dean Lundell, Finance Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Ken Young, Community Development Director
April Harrison, Arts and Culture Director
Deon Giles, Leisure Services Director
Lynn Walker, Public Works Director
Dave Thomas, Deputy Fire Chief
Mike Smith, Police Chief
Degen Lewis, City Engineer
David Larsen, Assistant to the City Administrator

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah, at 6:00 p.m.

1. CALL TO ORDER

Mayor Pro-Tem Jensen called roll for the Council and noted that Council Members Boyd, LeMone, Meacham, and Robinson were present.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Derrik Fairbanks from Troop 1468.

3. OPENING REMARKS

Opening Remarks were given by Council Member LeMone.

4. APPROVAL OF MEETING'S AGENDA

The order of the agenda items was changed to address items A and B after which the Council planned to go into Executive Session.

ACTION: Council Member Boyd moved to approve the agenda as corrected. Council Member LeMone seconded. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

5. **CONSENT AGENDA** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):
 - a. **City Council and Work Session Minutes:
Joint City Council and Planning Commission Minutes for October 30, 2012.
City Council Minutes for February 5, 2013.**
 - b. **To Consider for Approval the Appointment of Mark Bishop to the Beautification Commission and the Appointment of Korman King and Teresa Casper to the Historic Preservation Commission.**

Arts and Culture Director, April Harrison, introduced Korman King and Teresa Casper who were being considered for appointments to the Historic Commission. Both were thanked for their dedication and willingness to serve.

Beautification Commission President, Jane Walter, introduced Mark Bishop who has an interest in gardening and water conservation. He enjoys keeping a neat and tidy yard and is a self-taught water conservationist as well as produce and yard waste recycler.

- c. **To Consider for Approval Partial Payment #1 to BD Bush Excavation for the 2012 State Street Waterline Project.**
- d. **To Consider for Approval Paid Vouchers for (February 25, 2013).**

ACTION: Council Member Robinson moved to pass the consent agenda. Council Member LeMone seconded. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

6. **OPEN SESSION**

Council Member Jensen reported that the open session is an opportunity for the public to address matters they would like to raise with the Council that are not on the agenda.

Fred Newman gave his address as 535 East 200 North and thanked, Leisure Services Director, Deon Giles, and a woman at the recreation center who he observed shoveling walks. Mr. Newman indicated that on a few occasions he has been pulled over by the police. On one occasion he was pulled over by four police cars and one deputy sheriff and issued a fix-it ticket for a burned out license plate light. The next day Mr. Newman reported the incident to the City Attorney who informed him that the City’s officers “were bored”. Mr. Newman felt that if they are bored they should help with snow shoveling throughout the City. He observed one sidewalk near Sammy’s and stated that it has not been cleared of snow in over 88 days. He was informed by Police Chief, Mike Smith, that there is a City ordinance in place that requires walks be cleared in a timely fashion. Mr. Newman thought they ought to be cleared within 8 to 10 hours.

He expressed concern for the safety of residents as a result of lack of snow removal and pedestrians being forced to walk in the road. He recommended warning notices be distributed. Snow shoveling issues were discussed. Mr. Newman was concerned that the City is opening itself up for a lawsuit.

In response to a question raised by Council Member LeMone, Chief Smith confirmed that the clearing of snow is the responsibility of individual businesses and can be enforced by the City's Code Enforcement Officer. Council Member LeMone suggested Mr. Newman write a letter to the offending business. Mr. Newman confirmed that he spoke to the Mayor and was told not to write a letter.

Council Member LeMone thought the issue could be addressed by Chief Smith and the Code Enforcement Officer working with local businesses to ensure they are safe. Mr. Newman stated that he met with Chief Smith and the Mayor previously and they agreed to publish an article in the city newsletter specifying who is responsible to clear snow from sidewalks. To date, he had not seen any such notice. Mr. Newman was informed that the notice referred to was printed in the monthly newsletter.

Mr. Newman asked the Mayor and Chief Smith to address citizens on four-wheelers removing snow from their driveway and sidewalks into the road, which is illegal. Council Member LeMone recommended Mr. Newman follow up with the Mayor. Mr. Newman had a snow shovel to present to a deputy sheriff who lives around the corner from him. The officer has a pristine yard but the snow on his property has not been shoveled all winter. Council Member Jensen recommended Mr. Newman present it to the deputy himself.

7. BUSINESS

A. PRESENTATION OF THE BUSINESS DEVELOPMENT EXTRA MILE AWARD.

Community Development Director, Ken Young, reported that over the last several years the Community Development Department has occasionally recognized businesses and developments that have made improvements worthy of recognition. A plaque was displayed in the lobby area known as "the Extra Mile Award" in business development. Developer Jared Osmond was recognized for his efforts after purchasing and redeveloping the old Smith Brothers Market. A current photo of the building was displayed. It was noted that Mr. Osmond's vision matches the City's.

Mr. Osmond was humbled and grateful for the award. His desire was to continue to do more in the historic downtown area. He described his experience renovating the property and some of the historic and interesting items they found in the process. Director Young commented that not only did the City get a nice new building, but Mr. Osmond also acted as an economic developer. In the end three excellent businesses located in the building. Director Young expressed enthusiasm about the development.

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2013-04) AMENDING SECTION 10-5-30-I: MINIMUM FLOOR AREA, OF THE PLEASANT

**GROVE CITY CODE, TO ALLOW MORE FLEXIBILITY IN PERMITTING
NEW HOMES CONSTRUCTION IN RESIDENTIAL ZONES. (CITY WIDE)**

Director Young reported that last year there was a similar request to amend this section of the ordinance to add a minimum floor area requirement to the Code. The Council did not desire to revise the minimum floor area requirement for all residential zones. Henry Walter Homes has since begun construction on new homes in a few areas in the City with one being the Orchard Grove subdivision. The developer created as many lots as possible in the subdivision that meet the minimum lot size requirements. The buildable area of some of the lots makes it rather tight and difficult to build certain floor plans on the lots. Henry Walter Homes has now requested an amendment to the ordinance to allow more flexibility when considering the minimum floor area.

Director Young stated that several cities have variations of the Minimum Floor Requirement Ordinance but the reason for this requirement is to ensure that very small homes are not built in the community. It also helps keep the level and quality of homes high. In most of the City's zones there is a 900 to 1,200 minimum floor area requirement. The ordinance requires the main floor meet the minimum floor area, which does not allow much flexibility for homes on smaller lots. He reported that homes on smaller lots with a second or third floor results in the home being well over the required floor plan minimum. The difficulty now is that while these homes would have well over the required minimum, they still do not comply with the ordinance because their main floor is not large enough.

The proposed request would eliminate the main floor requirement and take into account the upper and lower floor square footage. Council Member Jensen asked if this change would only affect the subdivision on 300 East and 400 South. Director Young responded that it would apply to all residential zones. The new verbiage would specify that the homes must have a minimum floor area of finished square footage and living area above ground.

Council Member Boyd inquired as to whether when they obtained the original approval, if a home would fit on each lot with the proper setbacks. She did not understand the need to make a change if it worked well enough to have obtained approval in the first place. Director Young explained that making the change would allow for flexibility with respect to the types of homes currently being built. He did not think they were losing anything and are simply allowing flexibility for the developers with respect to the types of homes they normally build. In response to a question raised by Council Member Boyd, Director Young confirmed that work had begun on a few homes in the subdivision. He described the various methods cities use with respect to minimum floor area requirements and stated that often they are met through multiple levels in the home.

Phil Holland, of Henry Walter Homes, stated that in the 300 East 400 South community they currently have 13 lots with 6 or 7 having already been sold. They also have a completed model home that is roughly 2,400 square feet in size. The homes range in price from about \$280,000 to \$350,000. They also have a subdivision five blocks east of the high school this is in a higher price range. A wide variety of housing types are being built in the City and they were excited to be working in Pleasant Grove. Mr. Holland stated that like all City ordinances this one is difficult to decipher. He commented that it is necessary to look in two different places to find the square footage issue in the ordinance. He stated that the square footage issue was never

brought up when they were originally going through the approval process. This was not brought to their attention until they applied for their permits.

Mr. Holland presented the proposed floor plans and stated that the home will be approximately 2,000 square feet in size with about 500 square feet of living space on the main floor. The homes will still be large and beautiful, but the way the ordinance is written makes it difficult to create a home that works best on an odd-shaped lot. He stated that when the ordinance was written many years ago, it made sense for the types of homes being built at that time. Since homes now typically are larger with multiple floors and multi-car garages, the ordinance does not make as much sense.

In response to a question raised by Mayor Pro-Tem Jensen Mr. Holland explained that all units come with basements and are not included in the square footage. The ground floor living area of the two units being discussed is 600 to 700 square feet.

Council Member Meacham suggested that instead of pursuing the proposed change, that the ordinance instead be changed to require more overall square footage. Director Young explained that that was one option that could be explored. Council Member Meacham suggested the criteria be changed to either specify a minimum main floor square footage or a minimum overall square footage. City Administrator, Scott Darrington, stated that the ordinance could be worded to require either 1,000 square feet of livable space on the main floor, or if there is less than that on the main floor, require a livable total square footage of 1,500 square feet. City Attorney, Tina Petersen, offered to study the issue further and present options at a future meeting.

Mr. Holland made it known that he has several permits waiting to be submitted. Council Member Boyd stated that the Council needs to be sure they understand the proposed changes before making a decision. Council Member Meacham did not think the way the ordinance is presently worded is appropriate for the future and wanted to be sure that appropriate modifications made.

Mayor Pro-Tem Jensen stated that the new ordinance will affect the entire City. As a result, the Council should be sure that all desired changes are included in the new version. Staff would want to include versions, proposals, and ideas about how to address the new potential ordinance verbiage.

ACTION: Council Member Boyd moved to continue the topic until March 19, 2013. Council Member Meacham seconded. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

8. NEIGHBORHOOD AND STAFF BUSINESS

Director Young indicated that he had no update on the RAP sheet and there was nothing new to report.

Assistant to the City Administrator, David Larson, stated that the Chamber of Commerce is excited about their new website. He encouraged all to visit it. He also reported that a cupcake

store in the City will be featured on “Cupcake Wars” on the Food Network the following Sunday.

Chief Smith reported that the City was approached by Grovecrest Elementary to help put together survival backpacks for students in the event of an emergency that would require them to spend long periods of time at the school. He stated that there was water, food, toiletries, flashlights and other emergency items placed in each backpack. He considered this a great opportunity for anyone wishing to serve in the community.

Director Harrison reported that the play “Play On” is underway currently and they are planning for Heritage Days and Strawberry Days. The orchestra will play at the end of the month and the library is doing very well. Council Member LeMone reported that she attended the Pirate Party with her family and stated that it was a great success.

Engineer Lewis, reported that staff was working on street lighting in the City. There are a handful of lights that the City owns and operates although the majority of street lights are operated by Rocky Mountain Power. It is necessary for the City to provide maintenance for the lights it owns. Engineer Lewis had spoken to Rocky Mountain Power about transferring ownership to them and wanted to verify that doing so was acceptable to the Council. Mayor Pro-Tem Jensen asked how many lights would be transferred and where they are located. Engineer Lewis stated that the lights are located throughout the City and he was not sure how many will be transferred now. The consensus of the Council was to move forward with the transfers. Attorney Petersen stated that the matter could be added to a future agenda for further discussion, if necessary. Engineer Lewis explained that transferring the lights will be more economical and result in broken lights being repaired more expeditiously. He explained that they need to conduct an analysis to determine if it is more cost effective in the long run to leave the lights with Rocky Mountain Power, or have the City maintain them. In response to a question raised by Council Member Meacham Engineer Lewis responded that Rocky Mountain Power does not replace lights that are working, regardless of their age. Mayor Pro-Tem Jensen thought it made the most sense to transfer all of the lights to Rocky Mountain Power. The Council agreed.

Administrator Darrington reported that staff met with the developers of Fox Hollow and obtained a financial report from them. He noted that they did well last year, likely as a result of good weather. With renovating the clubhouse and installing a new irrigation system last year they are not breaking even at the moment but they were doing relatively well.

9. MAYOR AND COUNCIL BUSINESS

Council Member Robinson reported that a field review was conducted for the Bicycle/Pedestrian Master Plan. She noted that over 20 sites were visited. An open house was to be held later in the month at the Recreation Center at which time the desire was to get feedback from the community.

Council Member Boyd suggested finding time during the Work Session to discuss the potential ordinance change regarding square footage. She thought this would be the best use of the Council’s time.

Mayor Pro-Tem Jensen invited Council Members to nominate a member of staff to be recognized as “Employee of the Year”. Forms were available to make nominations.

10. SIGNING OF PLATS

There were no plats to sign.

Mayor Pro-Tem Jensen asked for a motion to go into executive session to discuss the purchase, exchange or lease of real property, pending or reasonably imminent litigation and the character, profession competence or physical or mental health of an individual.

ACTION: At 7:17 p.m. Council Member LeMone moved to go into executive session. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.”

EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205(1)(d), TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 1 (c)) AND TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-4-205 (1)(a))

Present:

Mayor Pro-Tem Jensen
Council Member Boyd
Council Member LeMone
Council Member Meacham
Council Member Robinson

Other Staff Present:

City Administrator Darrington
City Attorney Petersen
Director Lundell
City Engineer Lewis
City Recorder Kresser

After the discussion on real property Mayor Pro-Tem Jensen excused Director Lundell and Engineer Lewis. The Council then discussed pending or reasonably imminent litigation.

After the discussion on pending or reasonably imminent litigation Mayor Pro-Tem Jensen excused Recorder Kresser and the Council discussed the character, professional competence or physical or mental health of an individual.

Mayor Pro-Tem Jensen asked for a motion to come out of Executive Session.

ACTION: Council Member LeMone moved to come out of Executive Session. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.”

ACTION: Council Member LeMone moved to authorize staff to proceed with the purchase of the pipe plant property. Council Member Boyd seconded. The motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

C. TO CONSIDER FOR ADOPTION A RESOLUTION (2013-06) AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$6,200,000 AGGREGATE PRINCIPAL AMOUNT OF STORM WATER REVENUE BONDS, AND RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Administrator Darrington explained that the proposed resolution is the mechanism the City uses to finance the purchase of the pipe plant. A majority of the property will be for storm drain and a portion of it will be for cemetery use. The desire was to use some cemetery funds to offset the cost of the bonds. He stated that the bond payments have already been rolled into the storm drain rates going into effect July 2013.

Financial Advisor Jonathon Ward, from Zion’s Public Finance and Underwriter, Matt Livedale from George K. Baum & Company, were in attendance to discuss the project. Mr. Ward stated that the first step is to enter into the Parameters Resolution which outlines the maximums. If the Council chooses to approve the resolution, it will allow the City to sell the \$6.2 million to be paid over a term not to exceed 26 years. The terms were intentionally crafted to be broad and flexible. The bond issue was projected for 2014, but due to timing issues it needs to be moved up by one year. The timing will be slightly tighter than anticipated but is very doable. It was noted that current interest rates are very low, which is advantageous. In 2011, the interest rate was 4.1%, and it is now 3.3% over a 25-year term. The resolution designates authority to the Mayor and/or the Mayor Pro-Tem and to Finance Director, Dean Lundell, to lock in the pricing terms. The resolution also calls for a public hearing, which is scheduled for April 2, 2013.

Council Member Boyd asked if the rate can be locked in immediately. Mr. Ward stated that the rate cannot be locked in until after the required public hearings have been held. Council Member Boyd expressed concern that the rate will increase with the stock market. Mr. Ward explained that this is possible, so moving quickly is preferable. He did not, however, expect a significant change to occur immediately. Council Member Meacham asked if this was a one-time lock in for the total amount. Mr. Ward explained that when pricing bonds, the rates are locked in for the duration of the financing. There is an option to refinance if the rates go down. Administrator Darrington stated that they monitor all of the City’s debt and if there is a time that makes sense to refinance, they will notify the Council.

ACTION: Council Member LeMone moved to adopt Resolution (2013-06) authorizing the issuance and sale of not more than \$6,200,000 aggregate principal amount of Storm Water Revenue Bonds, and related matters. Council Member Boyd seconded. A voice vote was taken and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

11. ADJOURN

ACTION: At 8:15 p.m. Council Member LeMone moved to adjourn the meeting. Council Member Meacham seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham, and Robinson voting “Aye.”

This certifies that the City Council Minutes of March 5, 2013, are a true, full and correct copy as approved by the City Council on April 5, 2013

Kathy T. Kresser, CMC, City Recorder

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