

Pleasant Grove City Council Work Session Minutes
March 12, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd

Lee G. Jensen

Cyd LeMone

Jay Meacham

Kim Robinson

Excused:

Deon Giles, Leisure Services Director

Marc Sanderson, Fire Chief

STAFF PRESENT:

Scott Darrington, City Administrator

Dean Lundell, Finance Director

Tina Petersen, City Attorney

Kathy Kresser, City Recorder

Ken Young, Com Dev. Director

April Harrison, Arts and Culture 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 Admin

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 Call called roll for the Council and noted that Council Members Boyd, Jensen, LeMone, Meacham, and Robinson were present.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Police Chief, Mike Smith.

3. OPENING REMARKS

Opening Remarks were given by Deputy Fire Chief, Dave Thomas.

4. DISCUSSION ON AGENDA ITEMS FOR THE MARCH 19, 2013 CITY COUNCIL MEETING

- a) **Continued Public Hearing to Consider an Ordinance (2013-4) Amending Section 10-15-30-I: Minimum Floor Area, of the Pleasant Grove City Code,**

to Allow More Flexibility in Permitting New Homes Construction in Residential Zones. (CITY WIDE) (Continued from the March 5, 2013)
Presenter: Director Young.

Administrator, Darrington, reported that the above item was discussed the previous week. Director Young reviewed the matter and proposed three options to incorporate into the proposed ordinance. Administrator Director Young recommended options 1 or 2.

Attorney Petersen reported that they are seeking feedback on whether the numbers are adequate in terms of overall square footage. The Council should determine whether they would like to have Director Young continue to break out main floor and total above ground square footage or provide one number including the total above ground square footage and allow the developers to choose how to split it up. Administrator Darrington stated that the previous week they looked at a couple of floor plans with 700 square feet on the main floor. They are in an R-1-8 Zone, which requires 1,000 square feet on the main floor. The developers asked if a garage on the main floor counts as livable space. They have a floor plan with 700 square feet of livable space on the main floor and including the garage, the home has a total square footage of 1,600 square feet. ~~Mr.~~ Administrator Darrington stated that the feeling from last week's meeting was that the main concern was making sure the homes are large enough overall.

The owner and developer were requesting a total square foot option and did not necessarily want a main floor minimum. Their argument was that a four-story 500 square-foot home is not marketable. Council Member LeMone stressed that it is important to make a change that will work in all zones. They want to be able to regulate those who want to build a small 500 square-foot home. The Council discussed whether to make the change applicable in all zones. It was determined that consistency is important in all zones. The builder's current floor plan would include 700 square feet on the main floor with a required total above ground square footage of 1,400 square feet, which would result in a tall, narrow building. There was concern that a developer's first priority is a return on investment. If the Council makes it possible for them to build tall narrow homes, they will do it. It was noted that the Council can require the homes to have garages.

Council Member Robinson stated that the home has to sell in the current market, and ~~his~~ her thought was that small homes, like the ones proposed, will not sell well. The Council discussed Option 1 and stated that the result would be a greater above ground square footage, which pushes the square footage into the garage. The current minimum is 1,000 square feet, which still allows for a 1,000 square-foot Rambler. They want to be certain that any changes will not allow a 700 square-foot Rambler and instead ensure that there is a minimum of 1,000 square feet plus 700 square feet on the upper level.

Council Member Jensen reiterated that the Council needs to decide how they want the homes in the City to look. It is not up to them to decide what is most marketable, but how they want the community to look. The developer of this particular project will do a great job with whatever decision is made. The concern pertained to future developers and setting the City up for success. Attorney Petersen suggested requiring at least 1,000 square feet on the main level, which would allow either a Rambler or a two-story home. If the minimum square footage is doubled on the main floor there is a potential for two stacked, narrow levels. Option Two needs to be increased or Option One needs to have the total above ground square footage increased.

Mayor Call asked if this is the first time a developer has made such a request. Engineer Lewis responded that the Mayfield developer raised a similar question. The Council did not want to address the other zones at that time. The Council could choose to address only this project and continue to discuss the City-wide ordinance and make the full change at a later time. In the case of Mayfield, the Council decided to impose a minimum of 700 square feet. It was noted that the project is a high-density single-family housing development. If they decide to maintain the 700 square-foot minimum requirement, it will eliminate one of the developer's housing plans. They have made changes for a few projects as issues have arisen, such as the Ivory Homes development. The current project is located at 300 East and 400 South where one larger home has been completed. For the specific home being discussed, the desire is to adapt the housing plan to the size of the lot.

Engineer Lewis explained that when the developer proposed the plan staff indicated that they may want to go R-1-7 because of the size. The home that is completed is not overly tight on the lot. The other two homes for which building permits have been issued are at the setback limits. The developer was building the largest home possible that will fit on the lot. They purchased the property with the thought that some of their plans will work, which was not the case. The square footage on the main floor of a few of their housing plans is not in compliance with the current ordinance and they have buyers ready to purchase the homes if they can get the exceptions approved. There is also a chance that those who purchase the lots could bring in their own plans. This change would apply to all R-1-8 zones, which would potentially change the look of the entire City. The Council thought that having 700 square feet on the main floor, but 1,600 overall, could potentially be a good compromise and would in essence force the developer to build over the garage on the second level. The total square footage was not a problem for the developer, but rather the main floor.

Attorney Petersen stated that it is difficult to draft an ordinance that applies City-wide just to accommodate the building style of one developer. Currently a 2,000 square foot home could be built with an attached garage and still meet the requirements. Presently homes only need a 1,000 square-foot footprint and another 600 square feet go into the garage. The only real requirement for the R-1-8 zones is 1,000 square feet on the main level. Finished basements do not count toward square footage requirements. There was concern that they will push what people can afford to build if they make changes that require a larger home. The new ordinance would change the requirements for ramblers, which needs to be addressed as well.

Attorney Peterson stated that the best decision may be to leave the Rambler requirements as they are and change the ordinance for two-story or split-level homes. The 10-15 ordinance currently specifies that for minimum floor area, all single-family detached dwellings have a minimum floor area on the main floor. It then lists the minimum requirements for all zones. Generally speaking, the footprint of the main floor is the footprint of the basement. Attorney Petersen planned to speak to Director Young to modify the verbiage to specify that for a Rambler or one-story home, the minimum floor area is to remain unchanged. Option One will split the square footage requirements for two-story homes and increase the total, which will increase by 200 square feet. The Council determined to leave the RM-7 through R-1-9 Zones as they are. There was to be an adjustment to R-1-7 to 800 square feet for a single-family dwelling and 750 square feet on for a multi-family dwelling. To maintain consistency, changes would be adjusted as necessary.

b) Consideration of Approval of a Final Plat Called Baylie's Bend Plat B, an Amended 8-Lot Subdivision Located at Approximately 700 West 2490 North in the R-1-20 (Single Family Residential) zone. (NORTH FIELDS NEIGHBORHOOD) Presenter: Director Young.

Engineer Lewis presented the staff report and reported that the original proposal was for a 12-lot subdivision. As the development progressed, homes were built at a time when the market was struggling and it was not an optimal time to sell lots. The developer recorded three of the 12 original lots with two of the original 12 lots combined into one lot. The developer lost the property to the bank, and is now proposing to come back and finish the subdivision provided that the remaining eight lots can be completed as approved previously.

There are now three lots that do not meet the ordinance requirements. Rather than having 25% of the lots' maximum lot size average, they actually have 38%, if the percentage is out of 8 lots. This is exactly what the developer planned originally as far as the number and percentage of lot size averaging, but technically the second phase doesn't specify that it is over the percentage because the City approved Plat A. Technically they would have been over with 11 lots as well, because 3 of 11 is not 25%.

The City has since extended the collector width from 66 feet to 70 feet, which required an additional two-foot dedication along 2600 North. One of the lots size averaged lots was exactly 18,000 square feet. Because the City has widened the street dedication, the lot does not meet the ordinance requirements. None of the remaining boundaries have changed. There is a minimum lot size averaging that states that it cannot go less than 80% of the zone. They now are less than 80% by 184 square feet because of the change made by the City.

Mayor Call asked staff to come prepared at the next meeting with a legal solution. Attorney Petersen stated that there is no way for the subdivision to conform to the ordinance as it is presently proposed. Council Member Boyd asked why they did not know the width of 2600 North when the proposal first came through. Engineer Lewis clarified that the street was widened from 66 to 70 feet after the original approval was granted in July of 2007. The road change was made in 2009. If this was a new approval there would not be a problem. He worried about protests from the three property owners. One option was for the Council to require the developer consolidate two of the lots into one and reduce the dedication back to 66 feet. The developer could also potentially make boundary changes, which could result in the lot being an odd shape. Ms. Petersen stated that the Board of Adjustment could grant a variance from the lot size averaging, because the violation is that the Council specified that they could use lot size average in phases and now the second phase has too many lots to meet the percentages.

Mayor Call stressed the importance of doing what is right. He explained that the situation is not the fault of the owner or developer. The current developer is not the original developer, but they have invested in the project based on misinformation provided by the City Council. Attorney Petersen suggested asking the Board of Adjustment for a variance from the ordinance requirement. She thought it would be beneficial to move the street dedication back to 66 feet so that the ordinance violation is removed from the proposal so it makes no difference to the City in the long run and makes that part of the plat conforming for now. We will get the road width when the road is improved anyway.

c) **Discussion with Zane Morris, Developer of the Thorneberry Residential Community, Regarding Potential Expansion of the Development. Presenter: Director Young.**

Engineer Lewis presented the staff report and stated that in the original concept marketed by the developer there were two buildings in addition to commercial development. They ended up not acquiring all of the property that would have allowed the rest of the residential development. This also meant that none of the commercial was built according to their vision. They now have an opportunity to acquire another piece of property, which will allow them to build two more buildings for a total of 48 units.

Currently on Center Street there is Thorneberry, a home, an empty lot, and a car wash. The question was whether to allow the applicants to purchase the property and build two more buildings on the back half, or see if another commercial development can be pursued. In addition, the Thorneberry proposal is for density greater than what is allowed by the zone. Engineer Lewis suggested that the Council decide whether to retain the opportunity at some future date to have commercial on Center Street, or give up that option and allow the applicants to extend the residential development. The applicants are making a proposal that would require a change to the zoning. Mayor Call suggested the developer, Zane Morris, be allowed to present his proposal to the Council.

5. DISTRIBUTION OF 2013/2014 BUDGET INFORMATION

Finance Director Lundell reviewed the budget packet, which contained prior year revenues, the current budget, and prior year actual revenues, sales and property tax graphs, and preliminary budgeted revenues. The General Fund Expenditures tab provided line-by-line information from the previous and current year budgets. The Enterprise Funds were forecasted for five years with respect to revenues and expenditures. There was a tab for combined secondary and culinary water and also individual, culinary, and secondary water. There was a line item for the Sewer Fund and one for the Storm Drain Fund. Under Capital Projects it was reported that the sheet had not changed since it was last discussed. There were three pages of Capital Projects for enterprise funds based on master plans created at a meeting held the prior week, which were forecasted for five years. Other information regarding dispatch, swimming pool, cultural arts, recreation program (meaning the Community Center and library grants), health care, and pay scales were all contained in the packet as well. Director Lundell explained that it is currently a reference document and will become more detailed and be finalized in the near future.

Administrator Darrington stated that on March 26 there will be a meeting focusing on the budget. Mayor Call suggested that the Council be provided with inserts for the binders rather than new binders each time. The Council turned in their binders for staff to update prior to the next meeting.

6. MAYOR, CITY COUNCIL AND STAFF BUSINESS

Administrator Darrington stated that for the Executive Session the Council will need to discuss the land litigation issue. They toured three public safety facilities and came to the realization that the City's buildings are old and small. Staff planned to meet with VCBO to price a building and would report back to the Council.

Director Lundell reported that an email was received from Blue Energy indicating that they are ready to proceed once the budget is approved. The initial figures were \$600,000 for the project with \$300,000 from the City and \$300,000 from them. The \$2 million figure was reduced to \$600,000. Rocky Mountain Power will be involved to do net metering to maximize the return to the City on energy created, which should be approximately \$30,000 a year.

Council Member Jensen informed the Council that City has the ability to sell the power to anyone. He suggested the City not assume that they have to sell to Rocky Mountain Power. Administrator Darrington explained that if they get the net metering, instead of someone buying the power for \$.05 a kilowatt, the City will sell it to Rocky Mountain Power at \$.10 a kilowatt because they are adding power to the grid. In essence there will be a reduction on the power bill.

Engineer Lewis reported that new aerial photos were taken for the City. Staff has been put up the new digital pictures in Administrator Darrington's office and has displayed some in the Community Center. He noted that JUB Engineering was very helpful this year. The budget included Engineer Lewis being able to use the money spent in the election year so that in the off year new pictures of the City can be obtained. Previously they spent \$14,000 to \$15,000 and this time they spent only \$3,800. They used data provided by the AGRC. Staff was in the process of modifying the new pictures including The Grove area and would have them framed and displayed again soon in the City Hall Conference Room.

Chief Smith reported that a \$10,000 award was received from the State for the camera systems in their cars. The funds should allow them to purchase two new cameras. The handguns and evidence firearms report indicated that they received \$12,450. The City has been doing business with ProForce, a firearms distributor and the money will be used to purchase 13 long rifles to be used by the department. They will, however, still be two short of being able to provide everyone in the department a long rifle. They will purchase as many guns as possible and purchase the slings and other items later.

Chief Smith informed the Council that a showing of "Heroes Behind the Badge" is being organized, which is a 90-minute feature about the families of fallen officers and the survivors of shootings. It has been shown around the country, and the desire was to have a screening in Pleasant Grove. The narrator is Vincent D'Onofrio from Law and Order. The event was tentatively scheduled for April 19 at the high school and will be open to the public. It will likely have a target audience and include surrounding cities. The auditorium holds 750 people and the event will serve as a fund raiser.

It was reported that on Saturday morning at 9:00 a.m. there are still positions open for the 'Refuse to Be a Victim' course.

It was reported that the FBI wants to coordinate a news release regarding the bank robbery that took place at Zions Bank last fall. Similar crimes occurred as well in neighboring communities. An arrest was made after a suspect left clothing behind at the crime scene. Law enforcement was able to get a DNA profile from a pair of sunglasses.

Council Member Lee Jensen stated that the odors from TSSD are getting progressively worse and more frequent. The litigation is still in progress, but is slow. He noted that it may be July

before the matter is heard by a judge. John Adams from TSSD spoke with Council Member Meacham and stated that he received information on a ground breaking date.

Council Member Kim Robinson reported that the Strawberry Days Committee has been meeting and the Rodeo Committee recently got a new sponsor. She noted that they are, however, still seeking additional sponsors. A full page ad will be placed in the Strawberry Days brochure to be distributed to 14,000 in an effort to get additional sponsors.

Council Member Robinson reported that:

- The Strawberry Days pageant is scheduled for Saturday, March 23.
- The bylaws are in the process of being reviewed.
- Those who completed their Youth Fit Kids challenge were to be recognized at the next City Council Meeting. It was noted that the Park City Nike Store provided each child with a pair of shoes.
- The library is hosting four family runs this year and looking for donors. The races will take place in various parts of the City and be more exciting this year than ever. Council Member Robinson planned to meet with Scott Crandall, the owner of the Dirty Dash, to get ideas on how to improve the events.

ACTION: At 7:08 p.m. Council Member Robinson moved to go into Executive Session to discuss the purchase, exchange, or lease of real property and sale of real property, and to discuss pending or reasonably imminent litigation. Council Member Jensen seconded the motion which passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.”

7. **EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205 (1)(d)) AND SALE OF REAL PROPERTY (UCA 52-4-205 (e))**

PRESENT:

Mayor Call
Council Member Boyd
Council Member Jensen
Council Member LeMone
Council Member Meacham
Council Member Robinson

STAFF PRESENT:

Scott Darrington, City Administrator
Tina Petersen, Attorney
Degen Lewis, City Engineer
Kathy Kresser, City Recorder

ACTION: At 7:46 p.m. Council Member Jensen moved to come out of executive session and return to regular session. Council Member Robinson seconded and the motion passed unanimously with Council Members Boyd, Jensen, LeMone, Meacham and Robinson voting “Aye.”

Council Member Jensen expressed concern about information being shared with those who come to the City Offices seeking information and noted that most often the information given is verbal. Problems occur when the same person comes back to the City but has misunderstood what was said and there is no record of the conversation. He suggested there be a record of conversations that take place. He felt that keeping a written record would be useful and help avoid problems. It was acknowledged that documenting every conversation that takes place would take a tremendous amount of time. Additionally, there are individuals with a history of creating issues for the City. It was suggested that if a conversation raises a red flag, notes should be taken. Mayor Call suggested sending emails where possible so that there is a documented record.

8. ADJOURN

ACTION: At 7:58 p.m. Council Member Robinson 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 Work Session Minutes of March 12, 2013, are a true, full and correct copy as approved by the City Council on April 2, 2013

Kathy T. Kresser, CMC
City Recorder
(Exhibits are in the City Council Minutes binders in the Recorder's office)