

Pleasant Grove City Council Meeting Minutes
March 19, 2014
6:00 p.m.

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen
Cindy Boyd (arrived at 7:20 p.m.)
Cyd LeMone
Jay Meacham
Ben Stanley

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Dean Lundell, Finance Director
Deon Giles, Parks and Recreation Director
Degen Lewis, City Engineer
Ken Young, Community Development Director
Sheri Britsch, Arts and Culture Director
Kathy Kresser, City Recorder
David Larson, Assistant to the City Administrator
Marc Sanderson, Fire Chief
Libby Flegal, NAB Chairperson
Mike Smith, Police Chief
Marcus Wager, Planning Intern
Lynn Walker, Public Works Director

Other:

Lavar Christensen, Attorney representing Reagan Outdoor Advertising

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

1) **CALL TO ORDER.**

Mayor Daniels called the meeting to order. He reported that Council Member Boyd would arrive late and noted that Council Members Andersen, LeMone, Meacham, and Stanley were present.

2) **PLEDGE OF ALLEGIANCE.**

NAB Chairperson Libby Flegal led the Pledge of Allegiance.

3) **OPENING REMARKS.**

Police Chief Mike Smith gave the opening remarks.

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

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

5) **CONSENT ITEMS:**

- a) **City Council and Work Session Minutes
City Council Minutes for February 18, 2014;
City Council Work Session Minutes for February 25, 2014.**
- b) **To consider for approval paid vouchers for (March 10, 2014.)**

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

6) **OPEN SESSION.**

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

7) **BUSINESS.**

A) **CENTER STAGE YOUTH PERFORMERS PRESENTATION OF "SEUSSICAL JR."**

Emily Varney presented Pleasant Grove's Youth Theater, and stated that at any given time they have between 85 and 100 students, ranging in ages 7 to 18. She announced that they will be performing at the Covey Center April 15 through April 19.

B) **CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-08) REZONING APPROXIMATELY 0.45 ACRES FROM R1-20 (SINGLE FAMILY RESIDENTIAL) TO R1-15 (SINGLE FAMILY RESIDENTIAL) ZONE ON PROPERTY LOCATED AT APPROXIMATELY 1240 NORTH 560 EAST. (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG (CONTINUED FROM MARCH 4, 2014 MEETING).**

Director Young explained that there has already been a public hearing for this item; however, due to an error on the address, the item was renoticed for a second public hearing with the corrected address. An aerial view of the property was presented. The property is in the R1-20 Zone. The proposed lot is 19,460 square feet in size, and just short of the 20,000 square feet required. As a result, the applicant is seeking a zone change to R1-15. The R1-15 zone fits within the General

Plan's future of Pleasant Grove. Currently there is property to the north and east as well as further west that is zoned R1-10 and nearby there are also R1-9 and R1-8 Zones.

The public hearing was opened. There were no public comments. The public hearing was closed.

Mayor Daniels asked if this, or any other ordinance in the code, allows for a variance for the shortage of 400 to 500 square feet. Director Young responded that nothing is specifically outlined in the code that would allow for a special exception. Any variance would be subject to State variance criteria, which would require the situation be a non self-imposed hardship. This situation is self-imposed. Therefore, the only option is a rezone.

ACTION: Council Member LeMone moved that the City Council adopt Ordinance (2014-8) the request of Dallin Atwood to rezone approximately .45 acres of property located at approximately 1240 North 560 East, from R1-20, Single-Family Residential to R1-15, Single-Family Residential, and adopt the exhibits, conditions, and findings contained in the staff report. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members LeMone, Andersen, Meacham and Stanley voting "Aye". The motion carried.

C) CONTINUED PUBLIC HEARING TO CONSIDER FOR A APPROVAL A ONE LOT FINAL PLAT CALLED ATWOOD ESTATES LOCATED AT APPROXIMATELY 1240 NORTH 560 EAST IN THE R1-15 (SINGLE FAMILY RESIDENTIAL) ZONE. (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG (CONTINUED FROM MARCH 4, 2014 MEETING).

An aerial view of the property was presented. Director Young identified a triangular piece of property; he noted that the request was recommended with the unanimous consent of the Planning Commission. Director Young provided an additional explanation of the aerial map and identified where the lot will be created. The location of the proposed road connection was also to be shown on the vicinity map. Council Member Meacham asked how the City addresses end of roads. Staff explained that if there are more than 150 feet at the end of the road, it is considered a temporary turnaround.

ACTION: Council Member Meacham moved that the City Council approve a one-lot Final Plat for Atwood Estates located at approximately 1240 North 560 East in the R1-15 (Single-Family Residential) zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

D) PUBLIC HEARING TO CONSIDER FOR ADOPTION A RESOLUTION (2014-08) AMENDING THE GENERAL PLAN LAND USE MAP CHANGING THE LAND USE CLASSIFICATION ON 7.11 ACRES FROM NEIGHBORHOOD COMMERCIAL (CN) TO LOW DENSITY RESIDENTIAL, LOCATED AT APPROXIMATELY 100 EAST 1100 NORTH. (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young stated that agenda items "D", "E" and "F" are all related. The applicant's objective is to create additional residential lots in the Larsen Acres neighborhood. To accomplish this, a few steps need to be taken. The first is the approval of a General Plan amendment to remove the

Neighborhood Commercial designation. Next is approval of a rezone of approximately 1.6 acres from R-R to R1-12. Last is the approval of a six-lot final plat to be called Larsen Acres Plat C.

It was reported that when the General Plan was created about seven or eight years ago, staff identified several locations that could potentially be developed as Neighborhood Commercial. Since that time there has been no interest expressed by the property owners to move forward with development in those areas. Last year staff reviewed the locations and the Council recommended some of them be eliminated. The subject property is one of two locations that has maintained this designation. From staff's perspective, there is not a need for Neighborhood Commercial zoning on the property, and are suggesting that the entire area be modified. The General Plan designation of Neighborhood Commercial on the property does not allow for the requested rezone. Therefore, the applicant's request is that it be removed from the General Plan. The requested change to low density residential fits with the intent of the general plan for properties north of 1100 North, and allows for the requested rezone.

Council Member Meacham asked how many property owners are involved with the project. Director Young stated that it involves the Larsen family who were also involved with the development slightly to the east. Council Member Stanley asked how frequent general plan amendments occur. Director Young explained that it rarely happens. If an applicant comes forward with a proposal, staff looks for alternative options to changing the zone. However, if a suitable zone is not identified that fits the General Plan requirements, an amendment is required. Mayor Daniels asked if this item was reviewed by the Planning Commission. Director Young responded affirmatively, and noted that they recommended approval.

The public hearing was opened. There were no public comments. The public hearing was closed.

Mayor Daniels commented that staff and the Planning Commission were wise to change the entire area, rather than allow spot zoning. This keeps the entire area consistent.

ACTION: Council Member LeMone moved that the City Council adopt Resolution (2014-08) at the request of Susan Jarrett to amend the General Plan with the removal of the Neighborhood Commercial designation on properties located at approximately 170 East 1100 North, and adopt the exhibits, conditions, and findings contained in the staff report. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members LeMone, Andersen, Meacham and Stanley voting "Aye". The motion carried.

E) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-10) REZONING APPROXIMATELY 1.6 ACRES FROM RR (RURAL RESIDENTIAL) TO R1-12 (SINGLE FAMILY RESIDENTIAL) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 170 EAST 1100 NORTH (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young reviewed the aerial map of the property and pointed out that there is split zoning in the area. The east side of the property is in the R1-10 zone, and the west side is in the RR zone. Proposed Lot numbers 4, 5, and 6 are located in the R-R zone and are all below the one-half acre minimum lot size requirement, which is the reason for the rezone request. Other properties in the area are zoned R1-10 and R1-8. Since the General Plan designation of Low Density Residential

permits only the R1-12 and R1-15 zones, the applicant is requesting the area to be changed to R1-12.

Mayor Daniels asked if the property being developed is the only one that is typically rezoned, or if the entire area is rezoned as well. Director Young stated that at times the entire area is rezoned, however, the intentions of the applicant still have not been determined. Replacing the RR zone with R1-12 does remove animal rights.

The public hearing was opened. There were no public comments. The public hearing was closed.

ACTION: Council Member Andersen moved that the City Council adopt Ordinance (2014-10) rezoning approximately 1.6 acres from RR (Rural Residential) to R1-12 (Single Family Residential) zone for property located at approximately 170 East 1100 North. Council Member Stanley seconded the motion. A public hearing was held. A voice vote was taken with Council Members LeMone, Andersen, Meacham and Stanley voting "Aye". The motion carried.

F) CONSIDERATION OF APPROVAL OF A SIX LOT FINAL PLAT CALLED LARSEN ACRES PLAT "C" LOCATED AT APPROXIMATELY 170 EAST 1100 NORTH IN THE R1-12 (SINGLE FAMILY RESIDENTIAL) ZONE. (BIG SPRINGS NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young explained that there will be access off of 1100 North, which will extend up through an existing road. A connection to that road will not be made at this time; however, as land develops it will be made. This plat was recommended unanimously by the Planning Commission. Mayor Daniels inquired as to the proximity of this development to Grovecrest Elementary School. It was determined that the school is far enough away that not much traffic is anticipated for 170 East. Once the network of roads at 170 East is completed, then drivers will have more options as well.

Engineer Lewis explained that any temporary dead end street that is more than 150 feet in length is required to provide a temporary turnaround. A hammerhead or one-sided turnaround is allowed to meet this requirement, and parking is not permitted in the turnaround. Council Member Andersen asked where snow plows will push snow in a turnaround. Public Works Director Lynn Walker explained that it will be pushed to the end of the street.

ACTION: Council Member Stanley moved that the City Council approve the six-lot final plat called Larsen Acres Plat "C" located at approximately 170 East 1100 North in the R1-12 (Single-Family Residential) zone, and adopt the exhibits, conditions, and findings contained in the staff report, including all final plans and engineering comments. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

G) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-11) REZONING APPROXIMATELY 12.42 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 600 WEST CENTER STREET, FROM MANUFACTURING DISTRIBUTION (MD) TO DOWNTOWN VILLAGE (DV) ZONE. (LITTLE DENMARK NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young reported that the applicant is requesting approval of a rezone of approximately 6.7

acres from Manufacturing District to Downtown Village. Staff thought it would be best to include the remaining properties in the Manufacturing District zoned area with this zone change. A total of 12.42 acres of properties located at approximately 500 West Center Street currently zoned Manufacturing District, with a General Plan designation of Commercial Retail, are proposed to be rezoned. Director Young explained that this area is considered one of the gateways into downtown. Therefore, the City felt it was best to rezone the surrounding areas in addition to the subject property. Another reason for the proposed rezone was to allow for the development of a senior congregate housing project. The current zoning of Manufacturing District does not permit this type of development. The combination of the Downtown Village zone with the Senior Housing Overlay will permit the proposed development as well as provide a framework for architectural requirements in line with the adjoining Downtown Village.

The surrounding businesses in the area were identified and discussed. Director Young explained that any existing businesses will be grandfathered in. Any new development and remodel proposals in the future will need to meet the new zoning requirements. Council Member Stanley asked if the existing businesses that would potentially be affected by the new requirements have been involved in the process. Director Young informed him that the surrounding businesses have received notices of the proposal, and no one has come forward.

The public hearing was opened.

Earl Brohard identified himself as the President of the Eagles Club. He explained that they are in the process of upgrading their facility and expressed concern over how the new requirements may affect their plans. He asked what will happen to the Downtown Village and how it will be maintained. Mr. Brohard also asked if the changes will affect their tax base.

Attorney Petersen described the legal concept of grandfathering as a legal, non-conforming use in the zone. In other words, any use that was legally established at the time the zoning was changed can continue, regardless of the zone change. There are some instances when this can cause a problem, such as expansion to include a different use other than what is currently being conducted. She reaffirmed to Mr. Brohard that anything that the Eagles Club is currently legally doing can continue after the change is made. Mayor Daniels added that if there are changes made to the physical structure or use of the facility, they may forfeit the benefits of the grandfather clause. Therefore, they would have to conform to the Downtown Village requirements.

Mayor Daniels explained that the Downtown Village is more of a concept of design, architecture, and uses. It doesn't relate to a specific location, and requires certain types of walls and fencing. Mayor Daniels thanked Mr. Brohard for the service to the community that the Eagles Club provides the City.

There were no further public comments. The public hearing was closed.

ACTION: Council Member Andersen moved that the City Council adopt an Ordinance (2014-11) at the request to rezone approximately 12.42 acres of property at approximately 500 West Center Street, from Manufacturing District (M-D) to Downtown Village (DV), and adopt the exhibits, conditions, and findings contained in the staff report. Council Member LeMone seconded the

motion. A public hearing was held. A voice vote was taken with Council Members LeMone, Andersen, Meacham, and Stanley voting "Aye". The motion carried.

H) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2014-12) APPLYING THE SENIOR HOUSING OVERLAY (SHO) ON 6.7 ACRES OF PROPERTY OWNED BY LARRY LINDSTROM FOR A DEVELOPMENT KNOWN AS GROVE CREST LOCATED AT APPROXIMATELY 500 WEST CENTER STREET. (LITTLE DENMARK NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Council Member Meacham recused himself from the above discussion item because the company he works for is doing the engineering on this project, he then left the room.

Director Young stated that the City is looking to either create another zone that would be more appropriate with what the City anticipates constructing on the pipe plant property or looking to blend it in with an R1-8 subdivision zone. Staff did not know what would happen at this point, however, the goal is to remove all of the Manufacturing District zones from of this part of the City.

Now that the zoning has been changed to Downtown Village, a Senior Housing Overlay is needed to allow for development of a senior congregate housing project. Director Young mentioned that this overlay has already been applied on two other properties. He pointed out an aerial map that the frontage on Center Street will include commercial offices and will be a separate phase from the senior housing project.

The combination of the Downtown Village zone with the Senior Housing Overlay will permit the proposed development as well as provide a framework for architectural requirements in line with the adjoining Downtown Village. The maximum density permitted with the overlay is 24 units per acre. A conceptual plan was presented showing 160 units total, which works out to 24 units per the 6.7 acres in the project. According to City Code, there will be sufficient parking to support the proposed development. Additionally, there will be a significant amount of landscaping on the east side of the building that will be used by residents. The developer will also participate in the construction of a trail along the railroad track that will be used to access the pipe plant. The railroad track will be removed, which will allow access from the new City park area to the downtown area. A full site plan will be reviewed for approval at a later meeting.

Council Member Andersen asked if Director Young has seen the complete landscape plan. He indicated that it will be submitted with the site plan. Council Member LeMone asked about the age requirements for each of the new senior housing developments. It was noted that the age requirements are based on the ordinance and the minimum age of at least one of the tenants is 55 years old. Council Member LeMone asked if there will be a clubhouse. It was Director Young's understanding was that there will be a general commons area that will serve as a clubhouse.

The public hearing was opened. There were no public comments. The public hearing was closed.

Council Member Stanley inquired as to whether any Council Members are concerned with the amount of senior housing being developed. Council Member LeMone was not concerned because there currently is very little senior housing in the community. She felt that the proposed

development would be a nice addition to the City and provide a valuable asset to seniors in the community. She noted that the development going in near the Water Gardens consists of only 60 units as opposed to this development which 160. Council Member LeMone expressed her support for cleaning up the Manufacturing District.

Director Young added that the senior housing development going in on 220 South will be a much lower density area with owner occupied condominium units. Council Member Andersen commented that from a City planning perspective, there needs to be a certain ratio per population for phased projects. She explained that senior housing needs to be around 20%, and Pleasant Grove is currently well below that limit. Council Member Stanley asked if there was any statistical research that could speak to this a little better. Director Young noted that last year several presentations were given by Strawberry Creek, Larry Lindstrom, and representatives from ICO who presented information on a market need for this type of housing.

ACTION: Council Member Andersen moved that the City Council adopt Ordinance (2014-12) at the request of Larry Lindstrom to apply the Senior Housing Overlay on 6.7 acres of property located at approximately 500 West Center Street, and adopt the exhibits, conditions, and findings contained in the staff report. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken with Council Members LeMone, Andersen, and Stanley voting "Aye". The motion carried.

I) TO CONSIDER APPROVAL OF A THREE LOT FINAL PLAT CALLED WADE SPRINGS PLAT K LOCATED AT APPROXIMATELY 1000 NORTH 730 EAST IN THE R1-9 (SINGLE FAMILY RESIDENTIAL) ZONE. (GROVE CREEK NEIGHBORHOOD) PRESENTER: DIRECTOR YOUNG.

Director Young stated that the above matter is a housekeeping item. The applicant is requesting approval of a three-lot final plat called Wade Springs Plat K located at approximately 1000 North 730 East in the R1-9, Single-Family Residential zone, with a General Plan designation of Low Density Residential. The proposed plat is to correct the lot lines between three lots and eliminate two smaller parcels. A triangular parcel will be made part of Lot #1, and a long narrow parcel will be made part of Lot #3. All of the lots have more than the 9,000 square feet required in this zone. Lot #1 and #3 have existing homes on them that will remain.

ACTION: Council Member LeMone moved that the City Council approve the final plat, known as Wade Springs Plat K, and adopt the exhibits, conditions, and findings contained in the staff report. Council Member Meacham seconded the motion, and the motion carried with the unanimous consent of the Council.

J) REAGAN OUTDOOR ADVERTISING APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR DENYING THEIR REQUEST TO CONSTRUCT A NEW BILLBOARD SIGN ON STATE STREET AT APPROXIMATELY 500 WEST STATE STREET. PRESENTER: DIRECTOR YOUNG.

Attorney Petersen announced that Mr. Lavar Christensen, an Attorney representing Reagan Outdoor Advertising, was present. Attorney Christensen had not yet had an opportunity to submit information to the City in support of his appeal. Tonight's discussion was meant to be only for

presentation purposes. Attorney Petersen requested that at the end of the discussion, the item be tabled or continued to a later date.

Director Young explained that the first request was received about a year ago. The sign is currently located at 650 West 700 South, and is double faced. Staff explained that there are two signs. It was estimated that they are 6' x 12' and less than 25 feet in height. They are considered billboard signs but are much smaller than the average billboard sign. State code has made it possible for billboards to be relocated. The original request was to have it moved to State Street adjacent to the Pho Garden restaurant. Two different signs were proposed; one that is 40' by 45' in size, and the other one being 12' x 25'. Director Young stated that the request was denied due to several concerns the staff had with the proposal.

The second request was to remove two signs and replace them with one. In addition to the older sign, there is another one located at 990 South Main Street. This sign is the same size as the older one, but is not double faced and sits much lower. The request was to have the sign placed in the same location as indicated in the first proposal, which was adjacent to the Pho Garden Restaurant. This request was also denied because it did not meet the standard in either the State Code or our local ordinance.

The third request was to take the same two signs and rather than placing them adjacent to the Pho Garden Restaurant, they requested putting them on the corner State Street and 500 West Main Street. This application was also denied. The reason was that State Code indicates that as a sign is relocated, the face may not be larger than the original sign. The maximum height should equal no more than the previous location and/or be clearly visible. In the requests to locate the sign in front of the restaurant, the argument was that there might be trees that would block the sign and thereby require the height be increased. There was one particular place on State Street where it was determined that the average driver would be able to see the sign from several locations, thereby rendering the height increase unnecessary. Director Young explained that State Code also does not provide for signs to be combined.

Pleasant Grove City Code outlines a maximum of 200 square feet of sign face while Reagan Outdoor Advertising proposed a sign of 300 square feet. City Code also specifies a maximum height of 35 feet. The proposal was for 45 feet. Separation from other free standing signs is 150 feet. Their proposals to place the sign next to the Pho Garden Restaurant did not meet this standard. City ordinance prohibits billboards unless they are near the freeway. It also prohibits off-premise signage. In other words, a business cannot post promotional signs in a location other than where they are located.

After all three requests were denied, a letter of appeal was received. City Code indicates that these types of appeals are made before the City Council. Mayor Daniels asked for clarification regarding the prohibition of billboards allowed within City limits. Staff explained that no new billboards are allowed within Pleasant Grove City; however, State Code allows existing billboards to be relocated.

Attorney Christensen thanked staff for their willingness to extend the item for further discussion. He reported that he has 25 years of experience with these types of issues, and he wants to be fair and balanced in terms of what is best for the City, and with planning, zoning, and property rights. He made reference to a similar experience he had with Draper City, and gave his impression of the

State Statute. They make considerable effort within State Code to accommodate property owners. Attorney Christensen stated that staff has identified legitimate reasons for denying the previous submitted applications. Through the process, Reagan Outdoor Advertising has adapted to the requirements outlined.

Attorney Christensen explained that Reagan Outdoor Advertising has put together another proposal that he considered to be very prudent and fair. They are proposing to shut down two existing, tenured sites that have been in place for nearly two decades. If this were to be approached on a case by case basis and after tabling this item staff were to walk the site, they would likely see that this proposal would not be a problem. He referenced Draper City again and stated that this is an issue that could be prudently accommodated through an ordinance amendment. It could be good for the community and can be done in a fair, balanced manner.

Attorney Christensen commented that if the City has hit a wall with regard to these requests, the legal principle of grandfathering does exist within State Code. It also provides the flexibility to remodel or relocate signage. However, if there are still challenges in identifying a sensible solution to allow a business to maximize their property and their ability to advertise, a compensation order is triggered, which the Code allows in a worst case scenario. The compensation will be \$80,000.00 in this case. Attorney Christensen pointed out that there is another sign owned by Reagan Outdoor Advertising that is similar to their current request, which was approved about two years ago. He asked if approval could be granted for the current proposal, as it was for the previous one. Two existing signs will be terminated in order to better accommodate the City's stipulations and the proposed sign will be moved to a more neutral site, rather than adjacent to the restaurant. Attorney Christensen expressed his intent to collaborate with staff on the matter and come before the Council at a later date with a compromise.

Mayor Daniels responded that for all intents and purposes of tonight's meeting, the Council is acting as an appeal body. They have not had the time to prepare and be advised on the materials presented. Mayor Daniels expressed interest with comments that Attorney Christensen made regarding the approval of a similar sign that occurred two years ago. Attorney Christensen elaborated on the matter and stated that the sign in reference is located nearby and was approved two years earlier. Attorney Christensen reiterated expressions had made earlier regarding his commitment to help negotiate a fair and reasonable solution as well as his appreciation for the City of Pleasant Grove.

Mayor Daniels asked for the address of the sign that was previously approved by the City. Engineer Lewis stated that it is south of Daylight Donuts. Attorney Petersen asked for verification on the height and size of the sign as well. Mayor Daniels asked if Director Young was involved in the approval process for the other sign. He indicated that he was not directly involved. He indicated that Sean Allen participated in the matter, which would indicate that approval was granted for the sign approximately four years ago. Director Young was aware that the circumstances during that time were somewhat different. He felt this would be important to research in order to have a better understanding of what occurred. Mayor Daniels agreed.

Council Member Boyd joined the meeting at 7:20 p.m.

Attorney Christensen referred to Utah State Code 72-7-510, and explained that if a sign was impacted by actions such as the widening of a road and it impacted the visibility of a preexisting sign, subsection "C", it would indicate that the county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling of the sign by ordinance. He felt this exemplified the principle of making an exception to a zoning ordinance in order to accommodate a special circumstance. Mayor Daniels asked if Attorney Christensen was indicating that this kind of situation has occurred to his client's signage. Attorney Christensen replied that he was not expressly making this statement but was trying to show that there is language in the Code that allows accommodations to be made. In conclusion, he thanked the Mayor, City Council and Staff for allowing additional time for continued negotiations.

Director Young added that while he would be willing to continue to look at other options, he felt his decision to deny the previous applications was the best course of action.

ACTION: Council Member Stanley moved to continue indefinitely the Reagan Outdoor Advertising appeal of the Community Development Director denying their request to construct a new billboard sign on State Street at approximately 500 West State Street indefinitely, pending their next application. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

Mayor Daniels thanked Attorney Christensen for his time, and encouraged him to work with City staff on the matter.

K) TO CONSIDER FOR APPROVAL A RESOLUTION (2014-09) AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MOCA SYSTEMS TO PROVIDE COMMUNITY SUPPORT SERVICES FOR THE PROPOSED PUBLIC SAFETY AND JUSTICE CENTER FACILITIES; AND PROVIDING AN EFFECTIVE DATE. PRESENTER: ADMINISTRATOR DARRINGTON.

Administrator Darrington reminded the Council that the decision was made at the budget retreat in February, to move forward with the Pleasant Grove Public Safety and Judicial Building. In moving forward, there was discussion to pursue a General Obligation (GO) Bond in November of this year. Staff felt it would be prudent to hire a consultant to help the City seek public input with regard to the project. There was a significant amount of ground work done as a City last year, and the public was brought in a little late, which is something that needs to be remedied. The City felt that having an experienced facilitator would be the most effective way to collect important information and analyze it in the most effective way possible.

Administrator Darrington stated that MOCA Systems has been identified as the company that will help facilitate the process. Administrator Darrington stated that they are on the State bid and once a company is accepted cities have the ability to simply tap into the State bid. MOCA will specifically facilitate public meetings, a citizen committee, collaboration with City staff, design of a floor plan, as well as renderings of the physical attributes of the building exterior. Administrator Darrington explained that these are highly experienced individuals and they recently underwent the same process with Salt Lake City. The City has had a couple of initial meetings with them in order for

MOCA to gather sufficient information to put a proposal together. Staff recommended that the City enter into the agreement.

Mayor Daniels asked if the amount given as the proposed quote was a number not to exceed what is indicated. Administrator Darrington answered in the affirmative and stated that the only reason it would change is if the scope was modified, such as including additional meetings. Mayor Daniels pointed out that the quote includes a task list, with different consultants listed along with hours and rates. He asked who would be responsible for managing the consultants to those hours. Administrator Darrington stated that Chad Jones is primarily the one who maintains organization of the project. David Hart will be the primary facilitator at meetings and Paul Brown is the architect. The 398 work hours as listed on the quote will be monitored by MOCA. Administrator Darrington explained that if the City goes above and beyond what is listed on the quote, MOCA will notify staff and they will discuss how to proceed. Likewise, if the hours listed in the quote are not used, the City will not be billed for them. The scope of work was projected by MOCA after meeting with staff and gathering information on what the City wants to accomplish. Administrator Darrington pointed out that the scope is broken down into actions that need to be taken each month. He stated that they will meet with MOCA soon to make small modifications to the timeline.

Mayor Daniels asked about the input given by the City Chiefs and Courts. Police Chief, Mike Smith, stated that he has had an opportunity to speak with the MOCA representatives. He was pleased with their ideas and impressed with what they were able to accomplish in Salt Lake City. He felt MOCA could bring a lot to this project and help make the City better all around. Mayor Daniels asked Chief Smith if he felt MOCA had the demonstrated ability to meet the scope outlined and get the City where it needs to be as far as effectively communicating with the public. Chief Smith answered in the affirmative and explained that he has been impressed with MOCA's knowledge base of what goes into a public safety building.

Chief Sanderson stated that MOCA will bring credibility to Pleasant Grove's process. He was optimistic that things will go much better this year than last year. In response to a question raised by Mayor Daniels, Chief Sanderson indicated that he felt they would be able to meet the needs of the Fire Department.

Mayor Daniels asked Attorney Petersen to speak on behalf of the City Courts. She explained that the Court Clerk assigned to this committee has not been involved preliminary discussions; however, Attorney Petersen has had the opportunity. She echoed the compliments that Chief Smith and Chief Sanderson have made regarding MOCA as an organization. She was confident that they will be able to meet the Court's needs and understand what is necessary in helping with the programming. Mayor Daniels asked if the judge should be involved. Administrator Darrington replied that he will be approached about participating on the Steering Committee.

Mayor Daniels reiterated previous comments he made with regard to the issues that came up last year. He stated that they need MOCA to help Pleasant Grove as a community come together and finish the research portion so that the public is completely informed of what actions need to be taken so that they can feel secure. Administrator Darrington added that this objective is MOCA's specialty. They have the ability to gather input from a community, create something that is in the best interest of the City, and communicate that effectively to the public.

Council Member Boyd asked what experience MOCA has had with a city other than Salt Lake. Administrator Darrington replied that David Hart worked on the remodeling project of the State Capitol, as well as on the Minnesota State Capitol. There was additional discussion regarding the credentials and each role that the MOCA representatives play in their organization. Administrator Darrington explained that their services will get Pleasant Grove to the bond election. If the project is funded through a bond, the City will have a decision to make on an owners' representative and a contractor. Administrator Darrington was not under the impression that MOCA's intent is to try and be the architect when the building is constructed. He thinks they will want to be the owner's representative; however, at this point the City is not contractually obligated to them for this responsibility.

Mayor Daniels clarified that the City will come out of the process with a conceptual image and general floor plan and as a City they will be prepared for a bond election. Administrator Darrington added that last year when the City had this discussion, they were looking at spending \$750,000 in order to get a full architectural plan. MOCA is going to help bridge the gap by not only helping with the ground work but by also helping draft a floor plan and rendering to present to the public. One of the shortfalls from last year was that the City wasn't able to provide this kind of information to the public.

Council Member Stanley stated that while the direction that the City will likely pursue is a bond election, he also wants to know if MOCA has other potential options if the public is not in favor of the bond election. Administrator Darrington explained that through the public meetings process, MOCA will determine if the bond election will be a feasible option for the City. Otherwise, they will recommend the project be put on hold. The decision of whether or not to proceed with the bond will come forward by July, and by the middle of August the City will need to have prepared their bond language, which will essentially pull the trigger for the rest of the project. Ultimately, the Mayor and City Council will make the decision of whether or not to proceed.

In reviewing the numbers, the bid of \$56,432.00 as currently listed is .03 of a percent of the cost proposed for the bond. This is less than 1% to get everything lined up for the project. If some of the public is to be involved in the decision making, this is a fairly good investment, especially when taking on a multi-million dollar project. There was further discussion regarding price comparisons from last year.

Council Member Andersen expressed her support for MOCA because they want to find out what the guiding principles of Pleasant Grove are and will base their suggestions on those principles. Mayor Daniels relayed that prior to being sworn in as Mayor, he toured the Salt Lake facility with Chad Jones. He spent half of a day going through each room with Mr. Jones, and was extremely impressed with the work that had been done. The project had clearly been directed by the needs of that City. Council Member Andersen had also been very impressed with MOCA's accessibility, and how willing they are to answer questions at any given time. Mayor Daniels added that he appreciated their confidence level with the City Chiefs.

Council Member Meacham inquired as to the meaning of "block and stack" under the renderings development category. Council Member Andersen explained that it is an actual three dimensional space and the pieces can be moved around to determine the floor plan. In other words, they function like legos.

Council Member Stanley asked what would be considered a fair representation from the public. He wanted to know how the project would move forward if there were poor turnouts at the public meetings. Administrator Darrington stated that this is something they struggled with last year as well. He explained that they will use all available resources to get the word out about the meetings, i.e., flyers, social media, banners, etc. The best attended meetings were held at schools and the recreation center. Administrator Darrington estimated that between the six meetings there were about 600 individuals in attendance. A citizen committee of about 30 will be assembled whose primary responsibility will be to attend meetings and provide input. Council Member LeMone added that there will be citizens covering the 12 neighborhoods, so there will be input from one end of the City to the other. She also felt that interest had already been sparked from last year. She noted that there was a huge voter turnout for last year's election.

ACTION: Council Member LeMone moved that the City Council approve a Resolution (2014-09) authorizing the Mayor to execute a professional services agreement with MOCA systems to provide community support services for the proposed Public Safety and Justice Center Facilities; and provide an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members LeMone, Andersen, Boyd, Meacham, and Stanley voting "Aye". The motion carried.

L) DISCUSSION ON PARK STRIP/PARKWAY LANDSCAPING, SPECIFICALLY WHETHER ROCK SHOULD BE ALLOWED AS GROUND COVER, CITY CODE 11-3-8. PRESENTER: ENGINEER LEWIS.

Engineer Lewis clarified that the strip/parkway is referring to the piece of grass between the curb and the sidewalk. Currently the City wide ordinance states that if the strip is more than 24 inches wide it needs to be landscaped. With regard to ground cover treatment, if it is more than two feet wide, it needs to be landscaped with turf. Engineer Lewis explained that there are two property owners, namely the new Extra Space Storage development on 220 South, and the Pemberely Condominium project on 1650 West.

In the case of extra space storage they have made changes and decided to put in sod. Therefore, their case no longer an issue. Pemberely, however, would like to do something different. Engineer Lewis explained that in some cases different landscaping has been used, such as rock on North County Boulevard. He read the City ordinance, which identifies materials prohibited in strip/parkway landscaping. These materials include rock, gravel, bark, asphalt, thorn berry plant species, ground cover, and shrubs. They are hazardous to pedestrians and bicyclists and are difficult to walk across, particularly when covered in snow. Additionally, they can cause potential driving hazards, clog storm drain systems, and require additional street cleaning and maintenance.

Council Member Boyd asked who maintains strip/parkways once they are installed. Engineer Lewis replied that the ordinance requires that the responsibility fall on the nearby property owner. If the strip is not maintained, the responsible property owner receives a code violation. Council Member LeMone asked if there would be a difference if a specific rock, such as a larger rock, is used. She was in favor of making specifications to include the usage of large rocks and xeriscaping, especially in light of the summer drought.

Council Member Boyd asked why the City even has planter strips in the first place. Engineer Lewis replied that planter strips exist in order to provide better visual quality for the City. Council Member Boyd asked what needs to be done in order for them to be maintained. Parks and Recreation Director, Deon Giles, added that they also provide a buffer and measure of security for pedestrians on higher speed roads. Council Member Boyd felt the Council should remember the intent of the planter strips. Council Member LeMone agreed with Council Member Boyd that asphalt isn't very logical; however, xeriscaping is a beautiful alternative and requires very little maintenance. It is also a great way to promote water conservation throughout the community.

Engineer Lewis suggested stamped colored concrete or benches. Council Member Meacham stated that it would be a good idea to look at all options. Engineer Lewis explained that in areas where the City is responsible for park strip maintenance, Director Giles would prefer to take care of grass because that is what he is set up to do. Director Giles added that regardless of what kind of landscaping is put in, over time there will still be some form of maintenance. Rocks, for example collect a lot of garbage, they scatter, and can be difficult to maintain. Stamped concrete is a good alternative when it is difficult to put in irrigation to maintain grass. There was further discussion relative to each of these options.

Mayor Daniels asked who will be affected by changes made. Engineer Lewis replied that they would be implemented City wide. Mayor Daniels commented that sometimes as a City certain standards are required of landowners and there does not seem to be any particular reason for them. Council Member LeMone added that she would like to open some options up to the landowners so that if they want grass, rock, or xeriscaping they can decide what works best for them. Engineer Lewis added that when the standards were made, there were specific reasons why staff decided that rock wouldn't be a good idea. The purpose of tonight's discussion was whether or not the Council would like to modify those standards.

Council Member Boyd asked Engineer Lewis to elaborate on what issues exist with rocks. He responded that they can be hazardous to drivers by dislodging and breaking windshields. Council Member LeMone reiterated that as a Council they should still come up with options for landowners. Council Member Stanley stated that several good options have been presented and there are pros and cons to each. He felt that carrying on a discussion to come up with several options would be worthwhile. Engineer Lewis explained that staff will conduct research and brainstorm on the matter and report back to the Council.

Mayor Daniels pointed out that Utah is in a major drought and they have oversubscribed on water. If they continue in this direction and residents start getting charged extra for water, they will begin making their own decisions on how much grass and landscaping they want to have due to the cost of water and maintenance.

8) NEIGHBORHOOD AND STAFF BUSINESS.

Administrator Darrington announced that the Steering Committee met earlier in the day about the citizen groups they are trying to organize for the Public Safety Building Project. A list of names was to be emailed to the Council the following day for quick approval or denial. The intent was for the names to be finalized by Friday. The City's intent was to meet with MOCA and the Steering Committee on Monday morning and go through the process for the next six to eight weeks.

Director Lundell stated that staff has spent a significant amount of time working on the budget, which will be delivered in about two weeks.

Administrator Darrington added that the Council planned to discuss the pipe plant next week, however, Mayor Daniels and Council Member Stanley will both be out of town. The meeting was postponed to April 1, 2014. As a result, there was nothing on next week's agenda. He explained that they need all six Council Members present in order to discuss budgetary items.

Arts and Culture Director, Sheri Britsch, announced that she attended the Public Library Association conference the previous week. She learned a lot of new things, one of which was to have a sense of humor when announcing library news to the public. Director Britsch also attended a three-hour seminar on how to help staff accept change.

Chief Smith mentioned that he has a grant cover sheet to be signed by the Mayor. The grant has already been awarded but a clerical change was needed, which required a new signature from the new Mayor. He discussed how busy his department has been for the past couple of days and reported that there were over 52 cases, 11 of which were cleared by arrest. There were also 23 arrests, 39 different offenses charged, four search warrants served, and a vehicle pursuit. Additionally, two guns were recovered, one of which was stolen. Both were in the hands of violent, felony offenders. The department also seized 1.1 grams of heroin, 1.2 grams of methamphetamines, 26.4 grams of marijuana, 16.2 grams of spice, and made one DUI arrest.

Chief Sanderson announced that one of their full-time fire fighters, Arik Campbell, has accepted a job in South Salt Lake and will remain on staff as a part-time employee until the department can hire a full-time fire fighter to take his place.

Public Works Director, Lynn Walker, thanked everyone for their thoughtfulness and flowers.

Administrator Darrington added that there will be a farewell luncheon for Bryan Lloyd, the following day at 11:30 a.m. at the Public Works office. It was reported that Mr. Lloyd took a job with Lindon City.

Director Giles stated that he attended the Parks and Cemetery Conference last week where they gained valuable information about artificial turf and other items. They were also awarded a Tree City USA designation again this year and will attend a luncheon for it next month.

Assistant to the City Administrator, David Larsen, shared that the Pleasant Grove Chamber of Commerce had a great event last week that was attended by a number of new business owners. Another event will be held on April 22, 2014, for which personal invitations will be mailed out. Assistant Larsen explained that there have been landmark changes that have been made to their membership structure. An announcement was to be made soon. He felt these changes would create a better partnership with the City.

Director Young stated that the developer of the Wal-Mart and multi-family development asked staff earlier in the day if it would be permissible to build a hotel in the Grove Zone Commercial Retail area. Director Young explained that it is not permitted, however, in discussing the matter with Engineer Lewis; they wanted to know why this was not specifically included in the Commercial

Retail zone. It is included in the Interchange sub district, which is a very small, limited area. Director Young asked if the Council would be willing to consider a proposal to include hotels in the Commercial Retail zone, which would include areas such as Pleasant Grove Boulevard, North County Boulevard, and State Street adjacent to Wal-Mart. The Council responded in the affirmative.

9) MAYOR AND COUNCIL BUSINESS.

Council Member Stanley stated that he was approached by several County groups interested in seeing changes in the Utah County Attorney's Office. Council Member Stanley filed a declaration of candidacy to serve in the Utah County Attorney's Office. He wanted to reassure the Mayor and Council that it will not affect his ability to serve on the City Council and explained that it is possible to fulfill both responsibilities. He stated that he will have campaigning events for the next three weeks, so unfortunately he will not be able to attend meetings. Mayor Daniels wished Council Member Stanley well.

Council Member LeMone reminded those present of the Republican Caucus the following night, and stated that it can be registered for online.

Council Member Boyd announced that she begins work as a Jet Blue representative this week.

Mayor Daniels mentioned a large scale development of the retail nature that is interested in coming to Pleasant Grove. It will be much different than the other large scale projects communicating with the City. He felt that everything was moving forward, which is good news. Mayor Daniels also stated that he will be out of town next week.

10) SIGNING OF PLATS.

There were no plats to sign.

11) REVIEW CALENDAR

There were no calendar items to review.

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

ACTION: At 8:29 p.m. Council Member LeMone moved that the Council go into Executive Session to discuss the purchase, exchange, lease, or sale of real property. Council Member Stanley seconded the motion, and the motion passed with the unanimous consent of the Council.

PRESENT:

Mayor: Mike Daniels

Council Members:

Dianna Andersen

Cindy Boyd
Cyd LeMone
Jay Meacham
Ben Stanley

Staff Present:

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

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

13) ADJOURN

ACTION: At 8:40 p.m. Council Member Meacham moved to come out of executive session and adjourn. Council Member Stanley seconded and the motion passed unanimously with the consent of the Council.

This certifies that the City Council
Minutes of March 19, 2014 are a true,
full and correct copy as approved by
the City Council on April 15, 2014.

Kathy T. Kresser, City Recorder

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