

**Pleasant Grove City
City Council Regular Meeting Minutes
February 6, 2018
6:00 p.m.**

PRESENT:

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Todd Williams

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Denise Roy, Finance Director
Marty Beaumont, Public Works Director
Deon Giles, Parks and Recreation Director
Sheri Britsch, Library and Arts Director
David Larson, Assistant to the City Administrator
Mike Smith, Police Chief
Daniel Cardenas, Community Development Director
Kathy Kresser, City Recorder

Others: Randy Sant, Economic Development Consultant

Excused: Lynn Walker, Council Member

The City Council and Staff met in the Library at 30 East Center Street, Pleasant Grove, Utah.

1) **CALL TO ORDER**

Mayor Fugal called the meeting to order and noted Council Members Andersen, Williams, LeMone, and Jensen were present. Council Member Walker was excused.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by a scout, Carlos (last name not provided).

3) **OPENING REMARKS**

The opening remarks were given by Assistant to the City Administrator, David Larson.

4) APPROVAL OF MEETING'S AGENDA

City Administrator, Scott Darrington, stated that Items 9A and 9B would be continued indefinitely.

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

5) OPEN SESSION

Mayor Fugal opened the open session.

Linda Weeks identified herself as the Program Coordinator at the Recreation Center. She explained that a few years earlier she started a pickleball program in the City. She then distributed a flyer depicting the progress that has been made since then. Several of Pleasant Grove's pickleball players were present at the meeting, and Ms. Weeks invited them to introduce themselves. Those who spoke included Mark Agern and Audrey Johnson. Each remarked that pickleball is increasing in popularity because it is a sport that can be played by all age groups. Pleasant Grove is a gathering place for the sport because of the level of competition within the City's program.

There was subsequent discussion with how to take pickleball to the next level in the City. Administrator Darrington mentioned that several budget requests were made to provide additional resources for the sport in the City, including upgrades to existing tennis courts. Council Member LeMone asked Mr. Agern if he was aware of any grant funds available to help build courts. Ms. Weeks stated that it was possible that grant funding was available through outside organizations. In response to a question from Council Member Andersen, Ms. Weeks explained that they can accommodate eight additional courts at Discovery Park. She commented that pickleball courts are about the same size as badminton courts.

Cindy Boyd commented on her love of pickleball and encouraged all to try it. For her personally, pickleball has been better than physical therapy.

Jed Jenson, a six-year Pleasant Grove resident, discussed the Addict to Athlete program and stated each year they host a 5k run for those who have been affected by addiction. Last October one of their teammates, who is a Pleasant Grove resident, passed away of drug addiction. For this reason, they decided to host this year's 5k run in her honor in Pleasant Grove. Mr. Jenson explained that the Addict to Athlete program includes a group of friends and family members who are either in recovery or have a family member undergoing treatment. Mr. Jenson commented that one way to find new life is through fitness.

Administrator Darrington stated that Mr. Jenson will need to obtain a special event permit, which can be obtained with staff's assistance. He stated that while there is a fee tied to the permit. The may qualify for a waiver. Council Member LeMone remarked that it sounds like a great event. Council Member Williams expressed interest in getting involved with the group. Mr. Jenson

announced that the run would be held September 14 and 15. He concluded by sharing his personal story of how the organization has changed his life.

David Hart voiced support for the Sewer Line Extension Project being proposed on 100 East. He stated that it will improve the lives of area residents. He opined that the neighborhood will also be in support of the project.

Dixie Carpenter reported that “For Sale” signs were posted in the Downtown Village area near BJ’s. She was concerned that the area in question will turn into high rise apartments. She preferred this area be reserved for retail development. Furthermore, the existing apartments in the area do not have grass or play areas for children. This has resulted in youth hanging out in stores and the library, which is becoming problematic. She preferred to see residential development of one story town homes that are owner occupied with green space for children. Ms. Carpenter discussed the possibility of developing a new park. She implored the Mayor and Council to not forget the City’s history and purpose.

Kira Harris asked if improvements would be made to the Downtown Park once construction of the New Public Safety Building is complete. Mayor Fugal stated that the City plans to conduct a survey to determine what the public would like done there. He commented that ideally, they would like to revamp the entire park and make it a showpiece in the City.

Jeannie Cisco-Meth, a new Pleasant Grove resident, commented that the City has a very good website and expressed her appreciation. She was excited about the City’s future.

There were no further comments. Mayor Fugal closed the Open Session.

6) **CONSENT ITEMS**

- a) **City Council Minutes:
City Council Minutes for the January 9, 2018 Meeting.
City Council Minutes for the January 16, 2018 Meeting.**
- b) **To Consider Approval for Pay Request No. 1 for Top Job LLC for the Crack Seal Project.**
- c) **To Consider Approval of Payment Approval Reports for (January 18, 2018).**

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

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

- A) TO CONSIDER THE APPOINTMENT OF LAUREL CUNNINGHAM AS A MEMBER OF THE HISTORIC PRESERVATION COMMITTEE.**

Mayor Fugal invited Ms. Cunningham to come forward. He reported that he interviewed her for the position, and he believes she would be a great asset to the Historic Preservation Committee. Ms. Cunningham introduced herself and stated that she has lived in Pleasant Grove for over three years. She first became interested in local history during the debates pertaining to the Old

Recreation Center. She believed it was important for the City to know more about its history. Her goal was to digitize files and pictures to make Pleasant Grove's history more accessible to citizens.

Council Member Williams also met with Ms. Cunningham and he agreed with Mayor Fugal that she will be a great asset to the Committee.

ACTION: Council Member Williams moved to appoint Laurel Cunningham as a member of the Historic Preservation Committee. Council Member LeMone seconded the motion. The motion passed with the unanimous consent of the Council.

8) **PRESENTATIONS**

A) **GFOA DISTINGUISHED BUDGET AWARD. *Presenter: Finance Director Roy.***

Finance Director, Denise Roy, explained that since 2014, Pleasant Grove has been applying to have the City's budget certified by the Government Finance Officers Association (GFOA). She stated that they recently received a press release indicating that Pleasant Grove has once again been awarded the Distinguished Budget Award for 2018. She read the letter from GFOA into the record and stated that the City's first financial certification was in 2014.

Mayor Fugal thanked Director Roy and Former Finance Director, Dean Lundell, for their efforts in receiving this recognition for the City.

9) **PUBLIC HEARING ITEMS**

A) **CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-4) AMENDING CITY CODE SECTION 10-13D-3: PERMITTED AND CONDITIONAL USES, IN ORDER TO SUPPORT BUSINESSES RELATED TO WEDDINGS SUCH AS RETAIL FOR MEN AND WOMEN'S CLOTHING, FLOWERS, AND GIFTS, BY LISTING THEM AS PERMITTED USES IN THE RURAL COMMERCIAL OVERLAY (RCO) ZONE. (CITY WIDE) (JENNIE JOHNSON APPLICANT) *Presenter: Director Cardenas *Continued from the January 16, 2018 meeting. *Please Note: This item is going to be continued indefinitely.***

B) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE TO CREATE AN OVERLAY ZONE THAT PROVIDES FOR FLEXIBILITY IN CREATING MASTER-PLANNED COMMUNITIES THAT INCORPORATE COMMERCIAL AND MIXED-USE BUILDINGS AS WELL AS A VARIETY OF HOUSING TYPES. (CITY WIDE) (DAVID RUNNELLS APPLICANT) **Please Note: This item is going to be continued indefinitely.***

C) PUBLIC HEARING TO CONSIDER A REQUEST OF FFG DEVELOPMENT, LLC FOR APPROVAL OF A PROPOSED SITE PLAN FOR A NEW RESTAURANT NAMED R&R BBQ, ON PROPERTY LOCATED AT 1977 WEST PLEASANT GROVE BOULEVARD IN THE GROVE ZONE – INTERCHANGE SUBDISTRICT. (SAM WHITE’S LANE) *Presenter: Director Cardenas.*

Community Development Director, Daniel Cardenas, presented the staff report which included an aerial map, zoning map, site plan, landscape plan, and building elevations for subject property. The applicant was requesting approval of the proposed site plan for a new restaurant located at 1977 West Pleasant Grove Boulevard in the Interchange Subdistrict of The Grove Zone, with a General Plan designation of The Grove. The proposed use is listed as a permitted use under Land Use Code 5810 “Eating Places” in Interchange Subdistrict of The Grove Zone. The property was recorded as Lot 15 of Valley Grove Business Park Plat C, with an area of 0.99 acres, on January 3, 2018.

The building includes one story with a height of 22 feet and a gross floor area of 5,029 square feet. The proposed site plan meets all requirements for parking and landscaping. The parking requirement for a restaurant is one foot per 3.5 seats or one per 100 square feet of gross floor area (excluding kitchen, storage, etc.), whichever is greater. The floor plan shows a total of 112 seats, including outdoor seating. The parking requirement for 112 seats is 32 stalls. The gross floor area is 5,039 square feet and the parking requirement is 51 stalls. Director Cardenas explained that because the parking requirement based on gross floor area is greater, the 51-stall requirement applies. The proposed site plan exceeds the parking requirement with a total of 72 parking stalls provided. The ADA parking requirement for parking lots is between 51 and 75 stalls, with three of the stalls being ADA accessible. The ADA stalls have been provided by the applicant. The requirement for bicycle parking is calculated as 5% of the total provided parking stalls provided on a site. Therefore, four bicycle stalls were also provided.

The main landscaping requirement is one tree for every 1,000 square feet of landscaped area. The landscaped area of the site is about 11,350 square feet, which requires 11 trees. The proposed landscape plan exceeds this requirement by providing 23 trees. Furthermore, 30% of the required trees must be evergreens and three evergreens are proposed. Additionally, 126 shrubs and many perennials and grasses are proposed as directed by the Design Review Board (DRB). Ground cover will include a combination of Oquirrh gravel, sod, and mulch.

There was subsequent review of the site plan. Council Member Andersen asked if a specific area would be a detention basin. Public Works Director, Marty Beaumont, responded in the negative and explained that there was a drainage easement in the location Council Member Andersen identified on the site plan. Director Beaumont then identified the location of the detention basin for this facility.

Mayor Fugal opened the public hearing.

Josh Miller thanked City staff for their assistance. He commented that he has never worked with a City that has helped him accomplish his project goals so quickly. Mr. Miller was available to answer questions and noted that the target opening date is sometime in July.

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

ACTION: Council Member Jensen moved to approve a proposed site plan for a new restaurant named R&R BBQ, on property located at 1977 West Pleasant Grove Blvd in the Grove Zone – Interchange Subdistrict. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-6) TO AMEND CITY CODE SECTION 10-21-5: MINOR HOME OCCUPATIONS, IN ORDER TO ALLOW MICRO-BLADING AS A MINOR HOME OCCUPATION. (CITY WIDE) (Tamara Oborn Applicant) Presenter: Director Cardenas.

Director Cardenas presented the staff report and explained that Pleasant Grove City Code encourages the majority of business activities to be conducted in an appropriate commercial zone; however, the Code also provides opportunities for business to be conducted within a residence on a limited basis. City Code Section 10-21 contains standards established with the intent to regulate the operation of businesses as home occupations.

The Community Development Department received a business application for a home business to perform microblading. As staff reviewed the application, it was discovered that the current Code allows for beauty shops but forbids medical, dental, and other health professional offices that require the disposal of medical waste. Staff considers that while microblading is commonly performed in beauty shops, it also generates medical waste. As a result, there is a need to specify the use of microblading as a minor home occupation.

In Utah County, some jurisdictions do not specifically regulate or prohibit microblading as a home occupation permitted use; however, other cities, such as Lehi, ban microblading based on the belief that microblading is commonly associated with tattoo parlors or body art facilities.

Staff considers microblading, which is the process of applying semi-permanent makeup to the eyebrows, to be more closely related to the use of beauty shops. With the authorization of the Utah County Health Department, it may be allowed as a minor home occupation as long as the number of clients does not exceed one at a time.

Staff contacted the Utah County Health Department who gave their approval. There are specific requirements for the disposal of blades used in the microblading process as well as requirement to provide separate restroom facilities. All Building Code and land use requirements also apply to business home occupations. In the case of a microblading business home occupation, it is required that a business license be maintained at all times and renewed annually. Business home occupations are a privilege that can be revoked if disruption of the residential neighborhood occurs.

A copy of proposed text amendment was presented as follows:

10-21-5: MINOR HOME OCCUPATIONS:

Home occupations which meet the above standards shall be defined as minor home occupations. In order to minimize traffic and off-street parking, and to avoid health and sanitation risks from the disposal of medical wastes, medical, dental and other health professional offices are specifically excluded as home occupations. Permitted minor home occupations include, but are not necessarily limited to, the following:

A. Artists, authors, architectural services, advertising.

B. Barber and beauty shops, including those that offer microblading services as a cosmetic use, provided the number of clients is limited to one (1) at a time and that a permit from the Utah County Health Department is first obtained.

Council Member Williams asked if the proposed language was drafted to be similar to the requirements upheld by other cities. Director Cardenas remarked that some jurisdictions do not even address the matter. Council Member LeMone asked if these businesses will need to be licensed similar to other jurisdictions. Director Cardenas answered in the affirmative. It was noted that the Planning Commission's recommendation was unanimous. He stated that the blades used are similar to those used for trimming cuticles in nail salons. Mayor Fugal reported that he attended the Commission Meeting where the matter was discussed.

Tamara Oborn thanked Director Cardenas and stated that he had been great to work with. She reported that she became certified last year and has since started her own business. She reported that she obtained a permit from the County Health Department. In reviewing City ordinances, she realized that this particular service was not covered and wanted to make sure she was conducting her business legally.

Mayor Fugal opened the public hearing. There were no public comments. The public hearing was closed.

ACTION: Council Member Williams moved to adopt an Ordinance (2018-6) to amend City Code Section 10-21-5: Minor Home Occupations to allow microblading as a minor home occupation. Council Member Jensen seconded the motion. A public hearing was held. A voice vote was conducted with Council Members Andersen, Jensen, LeMone and Williams voting "Aye". The motion carried unanimously.

E) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUDGET AMENDMENT FOR THE INSTALLATION OF APPROXIMATELY 2,270 LINEAR FEET OF EIGHT-INCH SEWER MAIN WITH ASSOCIATED MANHOLES AND LATERALS IN CONJUNCTION WITH THE 100 EAST (2300 NORTH TO 2850 NORTH) RECONSTRUCTION PROJECT BEING CONSTRUCTED BY UTAH COUNTY WITH THE FUNDING SOURCE FROM THE SEWER FUND. *Presenter: Director Beaumont.*

Director Beaumont presented the staff report and displayed an aerial map. He identified areas where the additional 2,270 linear feet of sewer line will be installed. He also showed where the current sewer line exists and the homes that will be serviced by the new line. He explained that the estimated cost of the project is \$320,000. He commented that with the reconstruction of 100 East there will not be a better time to complete the project.

Director Beaumont reported that staff still has not determined whether the residents will need to participate financially in the project. Staff continued to work through the negotiations. Internally, staff had discussed creating agreements similar to the 4000 North project. He reviewed preliminary ideas regarding the finances of the project and noted that the item will be discussed again on February 20.

Mayor Fugal asked about the depth of the line in the west section depicted on the map. Director Beaumont recalled that it was about 12 to 13 feet deep. Council Member Williams asked if the residents are opposed to having a sump pump lift the sewage. Director Beaumont again stated that staff has not yet discussed the project with the residents.

Mayor Fugal opened the public hearing.

Chris Williams inquired as to when staff expects the project to begin. Director Beaumont stated that it will begin sometime the beginning of March. It was noted that the project would not be done in phases. He explained that sections will be completed simultaneously; however, the details have not yet been worked out with the contractor. Director Beaumont stated that this is a County project and not a City project. They will, however, make sure to provide access during construction.

A comment was made by an unidentified member of the audience who wanted to make sure that the cost to the homeowners in the southern section will be commensurate with those in the northern section. He agreed that now is the best time to move forward with the project.

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

F) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUDGET AMENDMENT FOR ELECTRIC UPGRADES TO CITY HALL, LIBRARY, PUBLIC WORKS FACILITIES, COMMUNITY POOL, CEMETERY OFFICE, SENIOR CENTER, GROVE CREEK WELL HOUSE, ELKINS WELL HOUSE, PETERSON WELL HOUSE, AND CEDAR HILLS WELL HOUSE, WITH THE FUNDING SOURCE FROM THE GENERAL FUND.
Presenter: Parks and Recreation Director Deon Giles.

Parks and Recreation Director, Deon Giles, explained that it has become necessary to amend the FY 2017/2018 budget to reflect actual and anticipated expenditures for Electric Upgrades to City Hall, the Library, Public Works Facilities, Community Pool, Cemetery Office, Senior Center, Grove Creek Well house, Elkins Well house, Peterson Well house, and Cedar Hills Well house

with the funding source from the General Fund in the amount of \$7,000. He explained that Rocky Mountain Power approached staff regarding this issue about five months ago. It was expected to take approximately 15 months to complete the project.

Mayor Fugal opened the public hearing. There were no public comments. The public hearing was closed.

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-05) AMENDING THE PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUDGET FOR THE INSTALLATION OF APPROXIMATELY 2,270 LINEAR FEET OF 8-INCH SEWER MAIN WITH ASSOCIATED MANHOLES AND LATERALS IN CONJUNCTION WITH THE 100 EAST (2300 NORTH TO 2850 NORTH) RECONSTRUCTION PROJECT BEING CONSTRUCTED BY UTAH COUNTY WITH THE FUNDING SOURCE FROM THE SEWER FUND IN THE AMOUNT OF \$320,000 AND PROVIDING FOR AN EFFECTIVE DATE.

Presenter: Director Beaumont.

In response to a question from Council Member LeMone regarding an anticipated start date, Director Beaumont stated that they have not selected a contractor yet. Once they do, the contractor will provide a construction schedule. He also explained that there will be a website specifically set up for the project, which will be handled by the County.

Mayor Fugal asked about the number of days until completion. Director Beaumont said the contractor must have the project completed by December 1st. Council Member Andersen liked the cost savings of doing the project now while the road is exposed. Council Member Williams confirmed that they will not be redoing all of 100 East, just the area where the sewer line will be installed. Director Beaumont confirmed this to be the case.

ACTION: Council Member LeMone moved to adopt a Resolution (2018-05) amending the Pleasant Grove City Fiscal Year 2017/2018 Budget for the installation of approximately 2,270 linear feet of 8-inch sewer main with associated manholes and laterals in conjunction with the 100 East (2300 North to 2850 North) reconstruction project being constructed by Utah County with the funding source from the Sewer Fund in the amount of \$320,000 and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

B) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-06) AMENDING THE PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUDGET FOR ELECTRIC UPGRADES TO CITY HALL, LIBRARY, PUBLIC WORKS FACILITIES, COMMUNITY POOL, CEMETERY OFFICE, SENIOR CENTER, GROVE CREEK WELL HOUSE, ELKINS WELL HOUSE, PETERSON WELL HOUSE, AND CEDAR HILLS WELL HOUSE WITH THE FUNDING SOURCE FROM THE GENERAL FUND IN THE AMOUNT

OF \$7,000 AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Giles.*

ACTION: Council Member LeMone moved to adopt a Resolution (2018-06) amending the Pleasant Grove City Fiscal Year 2017/2018 Budget for Electric Upgrades to City Hall, Library, Public Works Facilities, Community Pool, Cemetery Office, Senior Center, Grove Creek Well house, Elkins Well house, Peterson Well house, and Cedar Hills Well house with the funding source from the General Fund in the amount of \$7,000 and providing for an effective date. Council Member Williams seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

C) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-07) AUTHORIZING THE MAYOR TO EXECUTE A CONDUIT LEASE AGREEMENT WITH UTOPIA THAT SETS FORTH THE TERMS AND CONDITIONS OF UTOPIA LEASING FROM THE CITY APPROXIMATELY 1,225 FEET OF CONDUIT TO PROVIDE TELECOMMUNICATION SERVICES WITHIN THE MUNICIPAL BOUNDARIES OF PLEASANT GROVE CITY, AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.*

Director Beaumont stated that UTOPIA approached staff one month ago with a desire to provide services to The Void. He explained that they applied for a street excavation permit for a section of North County Boulevard in cooperation with UDOT to access their fiber conduits. He explained that the City previously installed four, 1.5-inch conduits at 1300 West and Proctor Lane and the City only used one for communication of the traffic signals. Therefore, there are three extra conduits available that could be leased. UTOPIA has been the first to approach the City about leasing the 1,225 feet of conduit presently available in the City. He reviewed the terms of the 10-year agreement with UTOPIA promising to pay the City an annual lease payment of \$720 (broken down as \$.60 per foot.)

Council Member Jensen remarked that this will be a nice residual income for the City and he expressed support for the proposal. Mayor Fugal asked if a Franchise Agreement would be required with UTOPIA at some point. Director Beaumont responded negatively because UTOPIA will be within a pre-existing conduit.

ACTION: Council Member Williams moved to adopt a Resolution (2018-07) authorizing the Mayor to execute a Conduit Lease Agreement with UTOPIA that sets forth the terms and conditions of UTOPIA leasing from City approximately 1225 feet of conduit to provide telecommunication services within the municipal boundaries of Pleasant Grove City, and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

D) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-08) AUTHORIZING THE MAYOR TO DECLARE A 1994 FORD F-700 TRUCK WITH SALT SPREADER AND SNOW PLOW AND 1 CELL PHONE AS

SURPLUS AND DIRECTS THAT THEY BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE. *Presenters: Director Beaumont.*

Director Beaumont provided a brief description of the above stated items and the reasons why they needed to be surplus.

ACTION: Council Member Andersen moved to adopt a Resolution (2018-08) authorizing the Mayor to declare a 1994 Ford F-700 Truck with salt spreader and snow plow and 1 cell phone as surplus and directs that they be disposed of according to the City's policy for disposing of surplus property and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone and Williams voting "Aye". The motion carried unanimously.

E) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-09) AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED CONSISTING OF 9,551 SQUARE FEET, 0.219 ACRES IN FAVOR OF VALLEY GROVE II LLC FOR PARCEL A OF VALLEY GROVE BUSINESS PARK PLAT C AND PROVIDING AN EFFECTIVE DATE. *Presenter: Director Beaumont.*

Director Beaumont explained that the City inadvertently acquired some excess property. The mistake was noticed only recently when the developer discovered the issue when reviewing the County's data and subsequently notified staff. A clerical error occurred during the Grove Tower development, which caused a parcel of land to be dedicated to the City. Unfortunately, staff overlooked the mistake. Staff recommended approval of the proposed resolution to correct the error and noted that it was currently affecting the R&R BBQ project.

ACTION: Council Member LeMone moved to adopt a Resolution (2018-09) authorizing the Mayor to sign a Quit Claim Deed consisting of 9,551 square feet, 0.219 acres in favor of Valley Grove II LLC for Parcel A of Valley Grove Business Park Plat C and providing an effective date. Council Member Williams seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone and Williams voting "Aye". The motion carried unanimously.

Administrator Darrington suggested that subsequent to Item 10F the Council adjourn and reconvene as the Redevelopment Agency (RDA). Mayor Fugal consented to this request.

F) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-10) AUTHORIZING THE MAYOR TO SIGN AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN PLEASANT GROVE CITY AND THE PLEASANT GROVE REDEVELOPMENT AGENCY FOR THE 1300 WEST COMMUNITY DEVELOPMENT PROJECT AREA AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Randy Sant, Economic Development Consultant.*

City Economic Development Consultant, Randy Sant, explained that two weeks earlier there was discussion regarding DoTERRA's announcement that they would be constructing a new building and manufacturing facility. The project would generate an additional \$55 million of assessed value and they requested that the Pleasant Grove RDA participate in an incentive of \$1.3 million in exchange of infrastructure upgrades on Pleasant Grove Boulevard. Mr. Sant presented the terms of the current interlocal agreement as follows:

WHEREAS, on June 9, 2015 the parties entered into an Interlocal Agreement (the "Agreement") for the sharing of the City property tax revenues ("Tax Increment") derived from the 1300 West Community Development Area ("Project Area") with the Agency;

WHEREAS, the Agreement provided that the Agency has the authority to collect 75% of the tax increment attributable to the City tax levy on both real and personal property within the Project Area pursuant to the terms and conditions of the Agreement, for a period not to exceed twenty (20) tax years beginning with the year the Agency begins to draw the tax increment, and a total budget cap not to exceed \$ 4,750,000;

WHEREAS, the Agreement limits the collection of the City share to the development of the DoTERRA office complex only, and any additional increment that may be created from other development, including the expansion of the DoTERRA complex, cannot be collected by the Agency without the consent of the City;

WHEREAS, DoTERRA is developing a new office building and manufacturing complex within the Project Area, which will create new value and increase the tax base of the Project Area, which will benefit the City and will reduce the time for the participation of the total Tax Increment participation in the project area by an estimated five (5) years;

WHEREAS, in order to assist in the development of the new office building and manufacturing facility, the Agency has determined the use of additional Tax Increment is necessary and appropriate, and will meet the objectives as defined in the Project Area plan; and

WHEREAS, the Parties now desire to amend the Original Agreement and authorize the Chair to sign Amendment No. 1 to the Interlocal Agreement between the Pleasant Grove City Redevelopment Agency and Pleasant Grove City for the 1300 West Community Development Project Area.

Mr. Sant explained that as part of the incentive program established in 2013 or 2014, all of the taxing districts were approached with the request to participate in the agreement. As part of Phase II, he recommended that the City make amendments to the existing interlocal agreement (listed above). The proposed amendments will accomplish two things: (1) the taxing entities will consent to collect an increment off of the Phase II development; and (2) the tax increment amount from each entity would go toward the \$1.43 million incentive. Mr. Sant explained that under the statute, the City is required to go through this process by way of an interlocal agreement.

Mr. Sant explained that the RDA is a separate, independent body. Under State Statute, the City Council makes up the RDA Board with the Mayor serving as its Chair. If approved by the Council, the RDA will subsequently enter into the same interlocal agreement.

ACTION: Council Member Jensen moved to adopt a Resolution (2018-10) authorizing the Mayor to sign Amendment No. 1 to the Interlocal Agreement between Pleasant Grove City and the Pleasant Grove Redevelopment Agency for the 1300 West Community Development Project area and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

ACTION: Council Member Jensen moved to adjourn as the Pleasant Grove City Council and reconvene as the Pleasant Grove City Redevelopment Agency. Council Member Williams seconded the motion. The motion passed with the unanimous consent of the Council.

Notes: The minutes for the RDA portion of the meeting are recorded under Agenda Item #17. The City Council took a short break after the RDA meeting at around 7:50 pm.

G) TO CONSIDER AWARDING THE NORTH UNION DITCH PIPING PROJECT BID TO CODY EKKER CONSTRUCTION IN THE AMOUNT OF \$104,575.00 WHICH INCLUDES THE BASE BID AND ADDITIVE ALTERNATE #1 AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT AND NOTICE TO PROCEED UPON RECEIPT AND APPROVAL OF FINAL CONTRACT DOCUMENTS. *Presenter: Director Beaumont.*

Director Beaumont presented the staff report and explained that the North Union Ditch is a shared irrigation and City storm drain facility. Six contractors bid on the project and Mr. Ekker’s bid was the lowest. Mr. Ekker also completed the 900 South project and staff had full confidence in his work. Director Beaumont stated that the project needs to be completed prior to irrigation season, or by April 1. He explained that an additive alternate was included in the bid to replace a corrugated pipe that runs across 200 South. Director Beaumont stated that if this issue is not addressed now, the costs will only continue to increase in the future.

Director Beaumont explained that there is an easement on the back of all of the residential properties that he subsequently identified on an aerial map. Currently, the potential impacts the project will have on the properties was unknown. They should, however, be minor in nature.

Council Member Jensen identified an empty soccer field in the area and suggested they store pipe there. In response to a question from Council Member LeMone, Director Beaumont explained that as the contractor pipes the area, the steep slope will be decreased to reduce the hazard level throughout the area.

ACTION: Council Member LeMone moved to award the North Union Ditch Piping Project bid to Cody Ekker Construction in the amount of \$104,575.00, which includes the base bid and additive alternate #1 and authorizing the Mayor to sign the Agreement and Notice to Proceed

upon receipt and approval of the final contract documents. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

11) ITEMS FOR DISCUSSION

A) DISCUSSION AND DIRECTION ON ROAD FEE OPTIONS. *Presenter: Administrator Darrington.*

Administrator Darrington presented the following information:

Option #1- Funding Start Point \$3.8M	FY 19	Option #2- Funding Start Point \$3.43M	FY 19
Commercial Broken Out/45% Exempt		Commercial 2 Tiers/45% Exempt	
Class C Revenue/Gas Tax	\$ 1,280,000	Class C Revenue	\$ 1,280,000
General Fund-Base Budget	\$ 425,000	General Fund-Base Budget	\$ 425,000
Road Fee	\$ 1,722,000	Road Fee	\$ 1,500,600
Total	\$ 3,427,000		
Road Fee Per Month-Residential	\$ 10.29	Total Revenue Available	\$ 3,205,600
Road Fee Per Month-< 2 Trips	\$ 23.45		
Road Fee Per Month-< 2-4 Trips	\$ 69.53	Road Fee Per Month-Residential	\$ 8.96
Road Fee Per Month-< 4-20 Trips	\$ 216.91	Road Fee Per Month-0-4 Trips	\$ 23.93
Road Fee Per Month-> 20 Trips	\$ 568.70	Road Fee Per Month-4+ Trips	\$ 136.84

Council Member Williams discussed Salt Lake City’s road funding needs as compared to Pleasant Grove’s situation. He asked if Salt Lake was also planning to implement a road fee, to which Administrator Darrington responded affirmatively. It was stated that Pleasant Grove is not the only City facing these types of issues with their roads.

Council Member Jensen inquired as to how the fee will be assessed for landowners who lease property to several tenants. Administrator Darrington explained that the fee will be assessed on utility bills. He mentioned SB 136, which pertains to transportation governance amendments, proposed legislation sponsored by Wayne A. Harper.

In response to a question raised by Council Member Williams it was confirmed that the increase in electric and natural gas vehicles will affect Class C Road funding distributions. Council Member Williams stated that the City will need to make up the difference in this decreased revenue source. City Attorney, Tina Petersen, explained that the State recognized this, which was why the legislature is getting involved. There was additional discussion regarding SB 136, as well as the road fee Provo City implemented. Staff reported that meetings were scheduled with local businesses to discuss the proposed road fee in Pleasant Grove. There will be three different sessions to meet everyone’s scheduling needs. Administrator Darrington added that an Open House will also be scheduled later in the month to discuss the fee with residents. After the meetings have taken place, the Council will hold a formal public hearing prior to making a decision.

Council Member Williams stated that staff presented workable numbers and he supported the proposal. Council Member Andersen commented that while she liked the numbers presented for residents, she still had angst about the proposed fee for businesses. Of the two options, she

preferred Option #2. Administrator Darrington explained that the numbers are not locked in and they could continue discussions as needed.

In response to a question from Council Member Williams, Attorney Petersen explained that since this issue has not been litigated, she could not be 100% positive that the fee wouldn't be challenged. Staff, however, referred to the study when preparing preliminary numbers and the basis of the fee vs tax question is on usage which our plan does. After further deliberation, the Council agreed that it was time for the public to weigh in on the issue.

B) DISCUSSION AND DIRECTION ON THE WATERSHED PROTECTION PLAN IN AMERICAN FORK CANYON. *Presenter: Director Beaumont.,*

Director Beaumont stated that there is a drain above the City that feeds the springs where they obtain water of different grades: irrigation, culinary, etc. Staff received an email from Mark Allen with regard to a bill that would take away the extraterritorial control in municipalities. If the bill passes, watershed oversight would be transferred to the Division of Water Quality and the County Health Department. Director Beaumont explained that the City's major watershed areas include Battle Creek and Grove Creek.

Director Beaumont explained that with regard to American Fork Canyon, the current debated issue was whether existing mines would contaminate local water sources in the event of a disturbance. He stated there was an incident one year ago where contaminated sediment washed into the American Fork River through Tibble Fork Reservoir.

Director Beaumont explained that American Fork and Cedar Hills have passed ordinances to address development in American Fork Canyon with regard to potential contamination. However, since the City does not have a culinary water source in American Fork, staff does not feel the ordinance applies to Pleasant Grove as much as it does to Cedar Hills and American Fork. He acknowledged that Pleasant Grove obtains water from the same aquifers so, if they were to become contaminated it would be problematic for the City. However, that is more of a regional concern than a local one. Staff recommended the Council opt not to go in this particular direction, as it would obligate the City's involvement in the review process of any development that may occur in American Fork Canyon.

C) DISCUSSION ON STREET LIGHT UTILITIES. *Presenter: Director Beaumont.*

Director Beaumont stated that a number of months ago the City acquired all of the street lights from Rocky Mountain Power. Staff had been working with Black and McDonald with the maintenance of those street lights. He displayed a link to a map of the City's lights that was recently posted on the City's website. He explained that if anyone has a problem with a street light they can report the issue using the online map.

Council Member Andersen asked if the City is paying per work order or a flat contract amount. Director Beaumont explained that they are paying a contract rate per light. The original estimate was \$48,000 per year for all of the City's lights. There are about 1,200 lights listed in the contract. He reviewed the financial terms listed in the agreement. The developers were required

to install LED lights for new projects. However, retrofitting the entire system would be expensive at a cost of approximately \$400 per light. Ultimately, while the cost of the retrofitting project would be expensive up front, in the long run the City would pay less for power to each light per month.

D) DISCUSSION AND DIRECTION ON THE ORGANIZATION OF THE PLANNING COMMISSION. *Presenter: Administrator Darrington.*

Administrator Darrington explained that the Planning Commission currently has members who are appointed to serve as alternates. Typically, Commission Members serve as alternates for the first year in order to train for the role. They also fill in if a quorum is not present. He explained that he, along with Director Cardenas and Attorney Petersen, were working to modify the Planning Commission bylaws. The organization of the Planning Commission and decision to have alternates rests with the City Council. The Planning Commission operations are also defined through bylaws. In reviewing the bylaws, staff felt that the terms of service need to be better defined. He explained that when a person gets appointed to the Commission, they are appointed to a four-year term. In the past if a Commission Member has not completed a term, the position is filled by another person. They have been given a four-year term when technically they should have just been filling the remainder of the previous person's term. Staff would make sure to clarify this in the bylaws. Administrator Darrington noted that there are nine Commissioners including the alternates, which means that every two years the Commission will have two people cycling out. If a member seeks reappointment, they will need to figure out how this will affect the alternates.

Council Member Andersen asked if start dates are based on the calendar year or if there is a separate date of appointment. Administrator Darrington explained that currently the bylaws specify that if a person is fulfilling a previous term, the term kicks back to one year served as of January. Council Member Andersen remarked that her year as an alternate on the Planning Commission was beneficial for training purposes.

12) REVIEW AND DISCUSSION ON THE FEBRUARY 9, 2018 BUDGET AND PLANNING RETREAT AGENDA

The aforementioned meeting agenda was briefly reviewed and discussed.

13) NEIGHBORHOOD AND STAFF BUSINESS

Director Beaumont announced that there will be a public Open House for the mill ditch piping project next week at the Cedar Hills clubhouse from 5:30 p.m. to 7:30 p.m. Administrator Darrington stated that there will be a road presentation on the same night at 6:00 p.m. Police Chief, Mike Smith, announced that there will be banquet on Monday night. He also announced that the Citizens Academy is scheduled for April 4. Library and Arts Director, Sheri Britsch, provided updates on the elevator project and announced that there will be a grand reopening on April 28.

14) MAYOR AND COUNCIL BUSINESS

Council Member Andersen congratulated the Finance Department for their recent award. Council Member Jensen briefly discussed the Choose Kindness Club, and expressed excitement for the elevator project at the Library. Mayor Fugal remarked that the City is headed in a good direction and was confident that 2018 will be a good year.

15) SIGNING OF PLATS

There were no plats signed.

16) REVIEW CALENDAR

There were no additional calendar items.

17) CONVENE AS THE PLEASANT GROVE CITY REDEVELOPMENT AGENCY

ACTION: Board Member Andersen moved to convene as the Pleasant Grove City Redevelopment Agency. Board Member Williams seconded the motion. The RDA convened at 7:30 p.m.

PRESENT:

Chair: Guy Fugal

Board Members: Dianna Andersen
Todd Williams
Cyd LeMone
Eric Jensen

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Denise Roy, Finance Director
Marty Beaumont, Public Works Director
Deon Giles, Parks and Recreation Director
Sheri Britsch, Library and Arts Director
David Larson, Assistant to the City Administrator
Mike Smith, Police Chief
Daniel Cardenas, Community Development Director
Kathy Kresser, City Recorder

Others: Randy Sant, Economic Development Consultant

Excused: Lynn Walker, Board Member

ACTION: Board Member LeMone moved to adjourn as the Pleasant Grove City Redevelopment Agency and reconvene as the Pleasant Grove City Council. Board Member Williams seconded the motion. The motion passed with the unanimous consent of the Board.

18) **RECONVENE AS THE PLEASANT GROVE CITY COUNCIL**

The Pleasant Grove City Council reconvened around 8:10 p.m.

19) **ADJOURN**

ACTION: Council Member Andersen moved to adjourn. Council Member Williams seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 9:11 p.m.

The minutes of February 6, 2018 City Council Meeting were approved by the City Council on March 6, 2018.

Kathy T. Kresser, City Recorder, MMC

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