

**Pleasant Grove City  
City Council Regular Session  
Meeting Minutes  
April 17, 2018  
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen  
Eric Jensen  
Cyd LeMone  
Lynn Walker  
Todd Williams

Staff Present: Scott Darrington, City Administrator  
Denise Roy, Finance Director  
Deon Giles, Parks and Recreation Director  
Dave Thomas, Fire Chief  
Mike Smith, Police Chief  
Kathy Kresser, City Recorder  
Daniel Cardenas, Community Development Director  
Marty Beaumont, Public Works Director  
Tina Petersen, City Attorney  
Sheri Britsch, Library and Arts Director

The City Council and staff met in the Recreation Center Multi-Purpose Room at 547 South Locust Avenue, Pleasant Grove, Utah.

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**REGULAR CITY COUNCIL MEETING**

**1) CALL TO ORDER**

Mayor Fugal called the meeting to order and noted that all Council Members were present.

**2) PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Thomas, a scout.

**3) OPENING REMARKS**

The opening remarks were given by Niels Fugal.

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

Administrator Darrington commented that everything on the agenda will be addressed in order, with the exception that the Council will go into an Executive Session to address legal issues after Item 10C. When the City Council returns to the regular session, they will vote on Item 10D and address the Redevelopment Agency items.

**ACTION:** Council Member Jensen moved to approve the agenda, as written. Council Member Walker seconded the motion. The motion carried with unanimous consent of the Council.

5) **OPEN SESSION**

There were no public comments.

6) **CONSENT ITEMS**

- a. **City Council Minutes:  
City Council Minutes for the March 27, 2018 meeting.**
- b. **To Consider Approval of Payment Approval Reports for (April 10 and 12, 2018).**

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

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-11) AMENDING CITY CODE SECTION 10-14: THE GROVE ZONE DISTRICT BY CREATING A NEW OVERLAY ZONE UNDER CITY CODE SECTION 10-14-26: THE GROVE MIXED USE OVERLAY (GMU). THE AMENDMENT WOULD PROVIDE GUIDELINES AND VARIOUS ZONING REQUIREMENTS FOR THE ESTABLISHMENT OF MIXED USE DEVELOPMENTS, WHERE RESIDENTIAL AND COMMERCIAL USES ARE FUNCTIONALLY INTEGRATED, IN THE GROVE DISTRICT. LARRY MYLER, APPLICANT. SAM WHITE'S LANE NEIGHBORHOOD.  
*Presenter: Director Cardenas.***

Director Cardenas briefly described the three sub-districts of The Grove Zone: Interchange, Commercial Sales, and Mixed Housing. The purpose of the proposed ordinance was to create an

overlay that would allow commercial and mixed housing uses to be developed together. The overlay could be applied over any base zone in The Grove Zone and would be called the Grove Mixed Use Overlay (GMU). To provide a frame of reference, Director Cardenas addressed the history of the property that the applicant intended to apply the overlay to.

Director Cardenas addressed the major points of the proposed ordinance. With regard to commercial and retail uses, the ordinance language limits the amount of square footage that can be used for storage to 1,500 square feet. The uses proposed for the GMU are similar to what already exists in the Commercial Sales and Interchange Sub-districts, although some uses such as used car sales were removed. They tried to include uses that were conducive to a walkable development. It was noted that the GMU can only be applied to properties that are larger than 20 acres in size with frontage on State Street. The ordinance requires that 55% of the property be used for residential development. All parking, landscaping, and setback requirements must fit within that 55%. The remainder of the property must be developed commercially, and 50% of the commercial development must generate sales tax. Residential density will be limited to eight units per acre. The proposed ordinance would require 20% open space for the residential portion of the development, and 15% for retail. Building height will be restricted to three stories or 40 feet for any building with residential units. Buildings that are strictly commercial are restricted to 65 feet but can extend to 100 feet with a conditional use permit. The Planning Commission unanimously recommended approval of the ordinance.

Council Member Jensen asked if the ordinance requires commercial development to be located along the street. Director Cardenas reported that this requirement will be outlined in the Development Agreement.

Council Member Andersen asked for clarification on the 1,500 square foot limitation for retail uses. Director Cardenas explained that retail uses can have up to 1,500 square feet of storage space.

The applicant, Larry Myler, stated the intended application of the overlay was for a parcel of more than 20 acres at approximately 1650 West State Street, just east of the Neighborhood Walmart. Mr. Myler previously presented a concept plan to the City Council, and the most recent version of the concept plan had only a few changes. The architect changed the six and seven-unit residential buildings to three and four-unit buildings. There would now be more end units and fewer center units, which would result in more walkways between buildings. Mr. Myler briefly addressed the new road alignment, as requested by the Public Works Department.

Mayor Fugal opened the public hearing.

Pete Blake gave his address as 29 South 200 West and stated that the overlay seemed only to apply to one specific parcel. He asked what the overlay would provide that the current zoning does not. Attorney Petersen explained that the parcel was bisected between the two sub-districts, and the line between zones did not divide the property evenly. The purpose of the overlay was to allow the developer to encroach slightly into the dividing line with residential units. The current zoning prohibits residential in the Commercial Sales Zone. The entire parcel would comprise one zone, which would allow more flexibility between commercial and residential.

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

**ACTION:** Council Member Walker moved to adopt Ordinance 2018-11 amending City Code Section 10-14: The Grove Zone District by creating a new overlay zone under City Code Section 10-14-26: The Grove Mixed Use Overlay (GMU). Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

**B) TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUDGET AMENDMENT TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES TO PROVIDE FOR THE DISBURSEMENT OF FUNDS TO PURCHASE A STORAGE SHED FOR THE PLEASANT GROVE YOUTH THEATER.**

Administrator Darrington explained that Center Stage is a City program, although they have a committee that runs it. In the past, Center Stage did some fundraising and gave the money to the City to hold until they had a use for it. In order to allow staff to move the funds so that Center Stage could utilize it, a budget amendment needed to be approved. The amount was \$9,000.

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

**C) TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUGET AMENDMENT TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES FOR THE DISBURSEMENT OF FUNDS TO PURCHASE 27 – SCBA’s (SELF-CONTAINED BREATHING APPARATUS) FOR THE FIRE DEPARTMENT.**

Administrator Darrington explained that the Fire Department applied for and received a grant for \$161,118 to purchase 27 new SCBAs (Self-Contained Breathing Apparatus). In order for the City to utilize the grant, they are required to match 10% of the grant money, which calculated to be \$16,118. Staff was requesting to take the money out of the General Fund balance. The total amount spent on the SCBAs would be \$177,300.

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

**10) ACTION ITEMS READY FOR VOTE**

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-022) ADJUSTING AND AMENDING THE 2017/2-18 BUDGET TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES TO PROVIDE FOR THE DISBURSEMENT OF FUNDS TO PURCHASE A STORAGE SHED FOR THE PLEASANT GROVE YOUTH THEATER IN THE AMOUNT OF \$9,000 WITH THE FUNDING SOURCE BEING ARTS DONATIONS IN THE GENERAL FUND, THE FUNDS WERE ACCUMULATED BY THE PLEASANT GROVE YOUTH THEATER FROM FUNDRAISERS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Britsch.***

**ACTION:** Council Member Jensen moved to ADOPT Resolution 2018-022 adjusting and amending the 2017/2018 budget to reflect actual and anticipated expenditures to provide for the disbursement of funds to purchase a storage shed for the Pleasant Grove Youth Theater in the amount of \$9,000 with the funding source being Arts Donations in the General Fund, the funds were accumulated by the Pleasant Grove Youth Theater from fundraisers; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-023) ADJUSTING AND AMENDING THE 2017/2018 BUDGET TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES TO PROVIDE FOR THE DISBURSEMENT OF FUNDS TO PURCHASE 27 – SCBA<sub>s</sub> (SELF-CONTAINED BREATHING APPARATUS) FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$177,300 WITH THE FUNDING SOURCE BEING FEMA (FEDERAL GRANT) IN THE AMOUNT OF \$161,118 AND A MATCH OF \$16,118 GENERAL FUND BALANCE; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Chief Thomas.***

**ACTION:** Council Member Andersen moved to ADOPT Resolution 2018-023 adjusting and amending the 2017/2018 Budget to reflect actual and anticipated expenditures to provide for the disbursement of funds to purchase 27 – SCBA<sub>s</sub> (Self-Contained Breathing Apparatus) for the Fire Department in the amount of \$177,300 with the funding source being FEMA (federal grant) in the amount of \$161,118 and a match of \$16,118 General Fund balance; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-024) AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH LARRY MYLER FOR PROPERTY LOCATED AT APPROXIMATELY 1300 WEST STATE STREET IN THE GROVE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen explained that the proposed resolution was for a Development Agreement with Larry Myler for a mixed-use development called Hidden Spring located at 1470 West State Street. The property is approximately 21.67 acres in size and located in The Grove Zone within two sub-districts. The developers wished to unify the zoning on the parcel and develop a mixed-use development, which would include commercial, retail sales, flex space, and multi-family residential units. The concept plan was attached to the resolution as an exhibit. The Development Agreement provides that the project be developed in three phases. In each phase they will construct no more than 56 residential units and at least 10,000 square feet of retail sales or other sales tax generating uses, such as a hotel. The retail development must take place before they move on to the next phase. Attorney Petersen noted that if the developer chooses to build a hotel, that would count toward the 10,000 square feet.

There was brief discussion regarding the 10,000 square feet of retail. Attorney Petersen clarified that the document requires the retail to be along the street frontage. A hotel will not be placed on the frontage but would still count toward the 10,000 square feet.

Council Member LeMone asked for an example of flex space. Attorney Petersen said that the developer anticipated smaller retail uses that would have a need for some warehouse space. She gave an example as a cupcake shop, where the owner would have a small shop in the front for customers, and a large kitchen in the rear. Administrator Darrington noted that the flex space could include office or small retail and the user would not have to utilize the 1,500 feet of allowed storage.

Attorney Petersen explained that the property is not currently zoned GMU and the developers have the property under contract. If either of the two issues goes unresolved, the Development Agreement would be null and void.

**ACTION:** Council Member Williams moved to ADOPT Resolution 2018-024 authorizing the Mayor to enter into a Development Agreement with Larry Myler for property located at approximately 1300 West State Street in The Grove District; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

**CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 1 (c))**

**ACTION:** Council Member Jensen moved to go into Closed Meeting to discuss pending or reasonably imminent litigation at 6:51 p.m. Council Member LeMone seconded the motion. The motion carried with unanimous consent of the Council.

**PRESENT:**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen  
Eric Jensen

Cyd LeMone  
Lynn Walker  
Todd Williams

Staff Present: Scott Darrington, City Administrator  
Tina Petersen, City Attorney  
Kathy Kresser, City Recorder

**ACTION:** Council Member LeMone moved to come out of the Closed Meeting. Council Member Andersen seconded the motion. The motion carried with unanimous consent of the Council.

The City Council reentered the Regular Session at 7:45 p.m.

- D) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-025) AUTHORIZING THE MAYOR TO SIGN A CLAIM ALLOWANCE AND SETTLEMENT AGREEMENT WITH JD HOLDINGS, LLC, REGARDING THE REAL ESTATE PURCHASE AND DEVELOPMENT AGREEMENT ENTERED INTO WITH THE REVOCABLE TRUST OF JOHN Q. HAMMONS FOR DEVELOPMENT OF A FULL-SERVICE HOTEL AND OTHER RELATED DEVELOPMENT IN THE GROVE ZONE; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

**ACTION:** Council Member Jensen moved to ADOPT Resolution 2018-025 authorizing the Mayor to sign a Claim Allowance and Settlement Agreement with JD Holdings, LLC, regarding the Real Estate Purchase and Development Agreement entered into with the Revocable Trust of John Q. Hammons for development of a full-service hotel and other related development in The Grove Zone; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

**11) ITEMS FOR DISCUSSION**

There were no items for discussion.

**12) REVIEW AND DISCUSSION ON THE MAY 1, 2018 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting would be held in the Library on the main level.

**13) MAYOR AND COUNCIL BUSINESS**

There was brief discussion about ordering shirts for Strawberry Days.

**14) SIGNING OF PLATS**

There were no plats signed.

15) **REVIEW CALENDAR**

There were no additional calendar items.

16) **CONVENE AS THE PLEASANT GROVE CITY REDEVELOPMENT AGENCY**

**ACTION:** Council Member Jensen moved to adjourn the City Council Meeting and reconvene as the Pleasant Grove City Redevelopment Agency at 7:46 pm. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

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

**ACTION:** Board Member Jensen moved to adjourn the RDA meeting and reconvene as the Pleasant Grove City Council at 7:48 pm. Board Member Williams seconded the motion. The motion passed with unanimous consent of the Board.

18) **ADJOURN**

**ACTION:** Council Member Jensen moved to adjourn. Council Member Walker seconded the motion. The motion carried with unanimous consent of the Council.

The meeting adjourned at 7:54 p.m.

The minutes of April 17, 2018 City Council meeting were approved by the City Council on May 15, 2018

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Kathy T. Kresser, City Recorder, MMC

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