

**Pleasant Grove City  
City Council Meeting Minutes  
Regular Session  
July 03, 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  
Mike Smith, Police Chief  
Kathy Kresser, City Recorder  
Daniel Cardenas, Community Development Director  
Dave Thomas, Fire Chief  
Tina Petersen, City Attorney

Excused: Sheri Britsch, Library Director  
Marty Beaumont, Public Works Director

The City Council and staff met in the Library, Main Level, at 30 East Center Street.

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**6:00 P.M. REGULAR CITY COUNCIL MEETING**

1) **CALL TO ORDER**

Mayor Fugal called the meeting to order and noted that all Council Members were present. He welcomed Muzi Gama from Swaziland, who was finishing his Accounting degree at UVU.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Andersen.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Williams.

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

**ACTION:** Council Member Jensen moved to approve the agenda, with Item 9A being continued to the July 17, 2018 City Council Meeting. Council Member Walker seconded the motion. The motion carried with unanimous consent of the Council.

5) **OPEN SESSION**

Jackie Miller, owner of Interior Concepts, spoke regarding the proposed Grove Mixed Use Overlay. She had attended the Planning Commission Meetings where the item was discussed, and she was opposed to it. Her property is adjacent to the property they intend to apply the overlay to. When it was initially proposed, the applicant showed pictures of what they want to build, which is lovely, but it would greatly impact Pleasant Grove Boulevard and the neighboring businesses. The applicant is planning a very large number of housing units, and parking would be a huge issue. She feared that residents and patrons would end up parking in her parking lot and at the doTERRA campus. They should also consider green space, schools, and churches that will be affected by this high number of housing. When Ms. Miller planned her building, she adhered to all of the zoning requirements and now this individual is coming in and changing the rules to accommodate his product. She was greatly concerned.

There were no further public comments. Mayor Fugal closed the open session.

6) **CONSENT ITEMS**

- a. **City Council Minutes:  
City Council Minutes for the June 12, 2018 meeting  
To Consider Approval of Payment Number 2 for Noland and Son  
Construction Co. Inc. for Murdock Drive Street and Utility Improvement  
Project.**
- b. **To Consider Approval of Payment Approval Reports for (June 14, 21, and 28,  
2018).**

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

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

There were no appointments.

8) **PRESENTATIONS**

- A) **VICTIM ADVOCATE UPDATE – KIMBERLY SCHROPPEL**

The above presentation was continued to a future meeting.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER AN ORDINANCE (2018-16) AMENDING CHAPTER 14 “THE GROVE ZONING DISTRICT” TO CREATE AN OVERLAY ZONE THAT PROVIDES FOR FLEXIBILITY IN CREATING MASTER-PLANNED COMMUNITIES THAT INCORPORATE COMMERCIAL, OFFICE, AND MIXED-USE BUILDINGS, AS WELL AS A VARIETY OF HOUSING TYPES. (SAM WHITE’S LANE NEIGHBORHOOD) (MCKAY CHRISTENSEN, APPLICANT) \*Continued to the July 17, 2018 City Council Meeting.**

**10) ACTION ITEMS READY FOR VOTE**

- A) **TO CONSIDER AUTHORIZING THE MAYOR TO SIGN A PERMIT TO EXCEED NOISE ORDINANCE RESTRICTIONS FOR KYLE FOX AND FOLLOW THE FLAG. *Presenter: Attorney Petersen***

Attorney Petersen reported that Kyle and Kari Fox requested a permit to exceed the noise ordinance time limitations for the Follow the Flag celebration they are sponsoring. The event would take place at the top of 500 North at the Grove Creek Trailhead parking lot. The activities will take place from July 4<sup>th</sup> to July 8<sup>th</sup> and activities include various musical concerts that should conclude at 10:00 p.m. They requested that the Council authorize the Mayor sign a permit to exceed the noise curfew of 10:00 p.m. but not the decibel level limitation. She had put in an ending time of 11:00 p.m. but the Council could discuss an earlier time, if they feel necessary.

Council Member LeMone received additional information from Kyle and Kari Fox as they were unable to attend tonight’s meeting. She noted that the musical number on Sunday the 8<sup>th</sup> will end well before 10:00 p.m. so they would not need the permit that day. The City Council made a determination to leave the 11:00 p.m. ending time in place.

Mayor Fugal asked Chief Smith to document any traffic and noise complaints so that they can discuss them with the Foxes at a later meeting.

**ACTION:** Council Member LeMone moved that the City Council AUTHORIZE the Mayor to sign a permit to exceed Noise Ordinance Restrictions for Kyle Fox and Follow the Flag, from Wednesday, July 4<sup>th</sup> to Saturday, July 7<sup>th</sup>, extending the time curfew from 10:00 p.m. to 11:00 p.m. Council Member Jensen seconded the motion. The motion passed with unanimous consent of the Council.

- B) **TO CONSIDER A REQUEST OF DAN VOWLES FOR A FINAL SUBDIVISION PLAT, WITH ONE LOT AND ONE PARCEL, CALLED KARMA HOLDINGS PLAT ‘A’ ON PROPERTY LOCATED AT APPROXIMATELY 175 SOUTH PROCTOR LANE IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (DAN VOWLES, APPLICANT) *Presenter: Director Cardenas***

*NOTE: Items 10B and 10C were discussed simultaneously.*

Director Cardenas presented the staff reports for Items 10B and 10C at the same time, because they involve the same property. The first request was for approval of a subdivision plat called Karma Holdings Plat A. The entire property was about 1.5 acres in size, and they were proposing to subdivide into one lot and one parcel. The one-half acre lot facing Proctor Lane (1300 West) would be developed into an office building and the remaining parcel would remain undeveloped. The parcel would be unbuildable unless it was incorporated into one of the surrounding businesses. The plat and site plan were presented to the Planning Commission on June 14, and they unanimously recommended approval of both applications.

Director Cardenas presented the proposed site plan for Interior Concepts. This plan exceeded all zoning requirements for setbacks, landscaping, and parking. The site plan was also reviewed by the Design Review Board and passed with flying colors. He explained that parking was calculated based on the uses within the building, which included offices, a showroom, and a small warehouse. He noted that the warehouse would be used to store items purchased by clients until they are ready to be moved to the home. The required parking includes 17 stalls and the applicant was proposing 20. Director Cardenas showed the elevations.

Council Member Jensen asked about The Nest.

Jackie Miller, owner of Interior Concepts, explained that some independent interior designers do not have anywhere to show items to their clients. This program allows them to utilize the showroom and offices of Interior Concepts in order to continue their careers while being with their families.

**ACTION:** Council Member Jensen moved that the City Council APPROVE the request of Dan Vowles for a Final Subdivision Plat with one lot and one parcel, called Karma Holdings Plat ‘A; on property located at approximately 175 South Proctor Lane in The Grove Zone – Commercial Sales Subdistrict. Council Member Andersen seconded the motion. The motion passed with unanimous consent of the Council.

- C) TO CONSIDER FOR APPROVAL A PROPOSED SITE PLAN FOR A NEW OFFICE BUILDING ON PROPERTY LOCATED AT APPROXIMATELY 175 SOUTH PROCTOR LANE IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (DAN VOWLES, APPLICANT) *Presenter: Director Cardenas***

*NOTE: Items 10B and 10C were discussed simultaneously.*

**ACTION:** Council Member Williams moved that the City Council APPROVE the proposed site plan for a new office building on property located at approximately 175 South Proctor Lane in the Grove Zone – Commercial Sales Subdistrict. Council Member LeMone seconded the motion. The motion passed with unanimous consent of the Council.

- D) CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2018-035) ESTABLISHING A SOCIAL MEDIA POLICY GOVERNING ADMINISTRATION AND USE OF CITY SOCIAL MEDIA PLATFORMS**

**AND ESTABLISHING AN EFFECTIVE DATE.** *Presenter: Attorney Petersen*  
- *Continued from the June 12, 2018 meeting.*

Attorney Petersen explained that the proposed resolution would establish a Social Media Policy for use with the various social media platforms that they operate as a City entity. Pleasant Grove currently uses Facebook, Twitter, Constant Contact, and Instagram. The proposed resolution would establish a policy for administrators of the various sites and puts the public on notice as to the rules for using those sites. At the previous meeting they discussed modifying the policy to allow for answering public comments or specific questions. The above item was discussed in detail during the work session, so she did not go into detail here.

**ACTION:** Council Member Jensen moved that the City Council ADOPT Resolution 2018-035 establishing a Social Media Policy governing administration and use of City social media platforms and establishing an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye”. The motion carried unanimously.

**E) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-037) AUTHORIZING THE MAYOR TO DECLARE A 0.721 ACRE PIECE OF PROPERTY LOCATED AT 781 EAST GROVE CREEK DRIVE AS SURPLUS AND AUTHORIZE THE MAYOR TO SIGN THE SALES AGREEMENT BETWEEN PLEASANT GROVE CITY AND JOSH H. RAY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Attorney Petersen*

Attorney Petersen reported that the above item was described in detail during the Work Session. The subject property was a remnant left over from the City’s Public Works projects in the area. The projects are coming to an end and an adjacent property owner expressed a desire to purchase the property and incorporate it into his. The City was selling the property for fair market value, which is the same amount they purchased if for plus a little more to compensate for the surveying that was done. The agreement provides for a boundary line adjustment rather than conveying the property by deed.

**ACTION:** Council Member LeMone moved that the City Council ADOPT Resolution 2018-037 authorizing the Mayor to declare a 0.721-acre piece of property located at 781 East Grove Creek Drive as surplus and authorize the Mayor to sign a Sales Agreement between Pleasant Grove City and Josh H. Ray; and providing for an effective date. Council Member Williams seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye”. The motion carried unanimously.

**F) TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-17) AMENDING TITLE 8 CHAPTER 1 SECTION 5(E) “FEES, RATES, AND CHARGES” OF THE PLEASANT GROVE MUNICIPAL CODE; TITLE 8 CHAPTER 5 SECTION 4(G) “STORM WATER UTILITY FEE”; “RATES” AND TITLE 8 CHAPTER 9 SUBSECTION 2 “USER FEES” AND ADDING TIME**

**FRAME PROVISIONS FOR BILLING APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Attorney Petersen*

Attorney Petersen explained that the proposed ordinance amendment will affect several different sections of Title 8, which is the public utility section of the City Code. The amendment provides for the establishment of a “look back period” for users who find there have been errors on any of their utility bills. The timeframe staff proposed for the look back period was 12 months. Currently, there is a provision in the Code that gives residents 10 days from the date of billing to dispute a charge, but it did not specify how far back the City would go to correct that error.

**ACTION:** Council Member Walker moved that the City Council ADOPT Ordinance 2018-17 amending Title 8 Chapter 1 Section 5(e) “Fees, Rates, and Charges” of the Pleasant Grove Municipal Code; Title 8 Chapter 5 Section 4(g) “Storm Water Utility Fee; “Rates” and Title 8 Chapter 9 Subsection 2 “User Fees” and adding time frame provisions for billing appeals; 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.

**G) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-038) AUTHORIZING THE MAYOR TO SIGN A PUBLIC ENTITY RESOLUTION NAMING INDIVIDUALS TO ACT ON BEHALF OF THE CITY TO MAKE NECESSARY CHANGES TO BANK ACCOUNTS TIED TO PTIF ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

*Presenter: Director Roy*

Director Roy explained that the resolution before them was required by the Office of the State Treasurer. The resolution would appoint Finance Director, Denise Roy, and City Treasurer, Karen Bezzant, as authorized signatories to transfer monies between the Public Treasurers Investment Fund (PTIF) and the City’s accounts.

**ACTION:** Council Member Andersen moved that the City Council ADOPT Resolution 2018-038 authorizing the Mayor to sign a Public Entity Resolution naming individuals to act on behalf of the City to make necessary changes to bank accounts tied to PTIF accounts; 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**

**a) Staff Business.**

Fire Chief Thomas reported that the Annual Fireworks Show will take place the following night, and it was customary for the Mayor to set off the first firework. Mayor Fugal stated that he would be in Arizona and be unable to participate, so Mayor Pro Tempore LeMone would do the honors.

Council Member LeMone thanked the Parks and Recreation Department for Strawberry Days, which was a success. Mayor Fugal thanked the Fire Department for the lunch they hosted on Saturday. She also thanked the Fire and Police Departments for keeping things safe and organized during Strawberry Days.

Council Member Andersen asked if they could have the Strawberry Days Committee and the Rodeo Days Committee come to a Work Session to be recognized by the City Council. Administrator Darrington said that they could schedule something in August.

Council Member Williams commented on the dirt in the in the secondary water lines. Council Member LeMone had spoken with the Public Works Director about this issue and he was planning to install filters on the secondary water coming from Provo River. He indicated that it would be a \$1.25 million project.

Council Member Andersen said that she would like to have a conversation about the Old Beck Home and the City's intentions. Administrator Darrington reported that at the Budget Retreat, the City Council had given staff authorization to advertise to the public if someone wants to come and take the home away. If no one takes it by the end of the year, the City would raze the building and use the space. There had been discussion about extending the Library or creating another parking area.

Attorney Peterson commented that there was nothing in the purchase agreement that restricts what the City can do with the property.

**12) REVIEW AND DISCUSSION ON THE JULY 17, 2018 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting was briefly reviewed and discussed during the Work Session.

**13) MAYOR AND COUNCIL BUSINESS**

There was no Council Business.

**14) SIGNING OF PLATS**

There were no plats signed.

**15) REVIEW CALENDAR**

There were no additional calendar items.

**16) CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-2051(c))**

**ACTION:** Council Member Jensen moved that the Council take a five-minute break before entering the Closed Session. Council Member LeMone seconded the motion. The motion carried with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye.”

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

**17) ADJOURN**

**ACTION:** At 8:03 pm Council Member Jensen moved to come out of the Closed Meeting and go back into regular City Council meeting. Council Member Andersen seconded the motion. The motion carried with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye.”

**ACTION:** Council Member Williams moved to adjourn. Council Member Andersen seconded the motion. The motion carried with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye.”

The meeting adjourned at 8:04 p.m.

The City Council Minutes of July 3, 2018 were approved by the City Council on July 17, 2018

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Kathy T. Kresser, City Recorder, MMC

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