

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

Mayor: Guy L. Fugal

Council Members:

Dianna Andersen  
Eric Jensen  
Cyd LeMone (via telephone)  
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  
Sheri Britsch, Library Director  
Marty Beaumont, Public Works Director  
Kyler Ludwig, Assistant to the City Administrator

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

**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, with Council Member LeMone joining via telephone.

**2) PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Director Deon Giles.

**3) OPENING REMARKS**

The opening remarks were given by Council Member Walker.

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

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

5) **OPEN SESSION**

Library Director, Sheri Britsch, introduced Cecilia Carter, who had served on the Library Board for six years and had reached her term limit. She recognized Mrs. Carter for her service, her contributions to the library, and her involvement in the library opening. She noted that Mrs. Carter also worked for the City in the Recreation Department. Mayor Fugal thanked Mrs. Carter for her service.

Director Britsch introduced Kelly Closer, the new full-time Librarian. Mrs. Closer had worked as a librarian for 18 years in Maryland, Provo, and Pleasant Grove. She was grateful and excited for this new position.

Laura Goldfinch identified herself as the owner of a small coffee shop in American Fork and stated that she had been looking into opening a store in Pleasant Grove. However, she was hesitant when she found out about the road impact fees that had just been adopted. As a small business, she would be unable to afford those fees. Council Member Jensen asked how much she would be paying, and Ms. Goldfinch said that the fee would be \$240 per month.

Administrator Darrington explained that the fee for businesses was separated into two tiers. The upper tier would include convenience stores, restaurants with a drive-thru, and businesses with parking lots over 250 stalls. Everything else would fall within the lower tier. Administrator Darrington stated that they would not consider the coffee shop as a “restaurant”, so she would fall within the lower tier, which would be charged \$42 per month. The City Council would be voting on this revision later in the meeting.

Bill Street, a commercial real estate agent, stated that he currently has over 40 acres of retail land listed in the corridors of Pleasant Grove. He expressed general concern with the road fee and its potential impact on future economic development in Pleasant Grove City. He understood the situation they were in, trying to generate funds to repair the roads, but he was pleased that they were sensitive to the businesses here.

Lisa Harrison, a real estate agent, represented Ms. Goldfinch’s coffee shop. One of her concerns was the major jump between the two business tiers. She was afraid that the businesses that are currently in Pleasant Grove would not choose to remain in the City because of the impact fees and new businesses would not choose to come into the City. She wanted to see Pleasant Grove continue to grow.

Administrator Darrington explained that staff and the Council had been in the process of creating the road fee for three years. As part of that process, a traffic study had been done and part of the study defined the relationship between residential traffic and commercial traffic in the community.

At one point, they considered four tiers for businesses, and the upper tier would have been \$1,000 per month. The City Council indicated that they could not do that and tasked staff with trying to bring that down. He assured the public that the City Council was very concerned about the impact the fee will have to the business community. He felt they had done a good job of getting those fees as low as they could while meeting the needs of the roads.

Council Member Andersen stated that the Council Members have literally lost sleep over this issue. The business portion of the fee schedule caused them a great deal of heartache. She commented that funding road maintenance was not a unique problem to Pleasant Grove, and they would soon see all of the surrounding communities implementing similar fees to maintain their roads.

Council Member Williams stated that economic development is his number one priority in the City. He promised that the public's comments had not fallen on deaf ears and they had not taken the task lightly.

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

6) **CONSENT ITEMS**

- a. **City Council Minutes:  
City Council Minutes for the July 3, 2018 Work Session and Regular Meeting.**
- b. **To Consider Approval of Payment Approval Reports for (July 5 and 12, 2018).**

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

There were no appointments.

8) **PRESENTATIONS**

- A) **APPRECIATION TO THE STRAWBERRY DAYS AND RODEO COMMITTEE.**

Lisa Young, from the Strawberry Days Committee, stated that the event went over very smoothly this year, and she received positive feedback about the process from staff.

Mayor Fugal asked how the residents responded to changing the park. Ms. Young stated that it went better than expected. The Committee was working on a "thank you" party for the Parks and Recreation Department, because they could not have done Strawberry Days without them. They also would be nothing without public safety, so the Committee was making a donation to the Public Safety Building Project.

Council Member Andersen stated that the event seemed to be well attended and the Concert in the Park was incredible. Ms. Young agreed.

Mayor Fugal reported that a few residents had commented that Pleasant Grove had the best organized parade that they had seen this year. Ms. Young said that the parade was all organized by the youth.

Council Member Andersen asked about total volunteer hours. Amy Lundell, from the Strawberry Days Committee, stated that they did not have a final number for volunteer hours yet because some people were still working. They would have a closing meeting shortly and she would get those last hours. Ms. Young stated that they would also get hard numbers for how much money was put back into the community from the event.

Codey Lindsay from the Rodeo Committee reported that the Rodeo sold out every night. Saturday night was a bit windy so they couldn't do the fireworks that night but that was the only problem they encountered.

Council Member Andersen asked about concession numbers. Scott Fugal, from the Rodeo Committee, reported that they sold 1,800 plats of strawberries, 850 gallons of cream, about 10,000 hamburgers, and 3,000 hot dogs. They were able to donate four \$1,500 scholarships this year to seniors from Pleasant Grove and Lindon.

#### **B) VICTIM ADVOCATE UPDATE – KIMBERLY SCHROPPEL.**

Kimberly Schroppel identified herself as the Victim Advocate for the Police Department and the City. She deals with victims or survivors of trauma and violent crimes. In looking at the numbers from the last quarter, Ms. Schroppel saw an increase in crime associated with growth in the City and increased internet and media access. In 2018, there had been 186 cases of domestic violence, family problems, or custodial interference; 14 death investigations; 90 DCFS reports files; and 37 sex crimes. She noticed that the average age of the sex offenders had decreased from previous years. Recently, Ms. Schroppel attended a meeting where it was stated that children are viewing pornography at an average of eight years old. Pornography changes how children think about relationships, and it was scary to see those children perpetrating on their friends and family at such a young age.

Ms. Schroppel and Police Chief Mike Smith discussed becoming involved in a program called Start by Believing, a global awareness campaign designed to end the cycle of silence and change the way officials and individuals respond to sexual assault. The program was launched in 2011 and was a nationally recognized program. The Pleasant Grove Police Department was pleased to announce that in March, they would start the program in the City. As an agency, they are committed to taking sexual assault reports and believe that the incidents have merit. Every officer and dispatcher signed a pledge stating that they will treat each case fairly. Ms. Schroppel then presented statistics regarding sexual assault throughout the country and stated that only one out of every 100 perpetrators will be convicted. Victims often hesitate to report assaults because of the anticipated response from family, friends, and law enforcement. Most of the time, the victim knows their perpetrator. Only 12% of women who are raped actually report the crime to the authorities.

Ms. Schroppel read a few statements from Chief Smith regarding his desire to stop abuse and creating an environment where victims feel comfortable reporting the incidents so that they can bring the perpetrators to justice. She invited those present to visit [www.startbybelieving.org](http://www.startbybelieving.org) and take the pledge.

Ms. Schroppel briefly spoke about an app from the Utah Coalition Against Sexual Assault, which provides resources for survivors, family, and friends.

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 from the July 3, 2018 City Council Meeting. Presenter: Director Cardenas.**

Director Cardenas presented the staff report regarding the proposed Code amendment to create a new overlay. He briefly described the purpose of an overlay, which could be applied on top of an existing zoning rather than changing the zoning completely. In this case, the applicant was proposing a mixed-use overlay to facilitate a development with residential, retail, and commercial uses. The item was before the Planning Commission three times and they felt comfortable enough to forward a positive recommendation to the City Council. He asked the Council to keep in mind that they are not discussing the site plan tonight. The purpose of the amendment was to create new rules for a development to happen here, but the vision of the developer will be completely different from the next developer.

Director Cardenas reported that the developer was proposing a new set of rules that would change the applicability of the overlay, the uses allowed, setback requirements, open space requirements, parking requirements, and building height. For applicability, the applicant wanted to be sure that the overlay would be limited. As proposed, the overlay could be applied to properties 10 acres or larger with frontage on Pleasant Grove Boulevard within the Commercial Sales Subdistrict. Director Cardenas presented a map of the area and showed that currently, only the subject property meets all of those requirements. The Planning Commission also recommended allowing the overlay to properties with frontage on North County Boulevard and decreasing the required property size to five acres. Staff maintained that the overlay should be limited to Pleasant Grove Boulevard.

With regard to uses, Director Cardenas explained that the Commercial Sales Subdistrict currently allows only commercial and retail uses. The overlay would allow residential uses at 25 units per acre and would require a certain percentage of sales tax generating uses. The Commercial Sales Subdistrict does not require retail uses, so someone could come assume ownership of the property

and develop strictly office uses, which would not be as profitable to the City. Within the Grove Zone, the other two subdistricts allow residential, but at a maximum density of 12 units per acre. The development proposed by the applicant would have 262 residential units, 40,000 square feet of office space, and 25,500 square feet of sales tax generating uses. Of the sales tax generating uses, 12,000 square feet would be retail and 13,500 square feet would be restaurant uses. Director Cardenas provided a breakdown of the residential units, with 47 townhomes and 215 apartments. There would be 108 one-bedroom apartments and 107 two-bedroom apartments.

Director Cardenas briefly addressed setbacks and stated that the applicant's proposed development could work within the current setbacks and would not have to be altered, as they originally thought. With regard to open space, the current requirements were 30% for residential uses and 10% for non-residential uses. The applicant was proposing to do 20% for each. Essentially, they would be getting the same percent of open space; it would just be allocated differently.

Director Cardenas next addressed parking, which was one of staff's primary concerns. Currently, the Code requires all residential units, regardless of size, to have two parking stalls. After a great deal of back and forth with the Planning Commission, they settled on two stalls for two-bedroom units and a ratio of 1.75 stalls for one-bedroom units. If the parking ratio were applied to the proposed development, they would need to provide 500 residential parking stalls.

Director Cardenas stated that staff was asking for direction from the Council today. If they were interested in pursuing this, they would go back with the applicant and craft the ordinance language.

The applicant, McKay Christensen, displayed photographs of similar developments he had done in Provo and Sandy. The main level of the development would be retail and office uses, residential parking would be on the interior, and bike racks would be provided in each unit and throughout the community. The other two developments had a density over 100 units per acre. Mr. Christensen presented statistics regarding employment growth in Utah County and stated that one-third of the employees coming into these jobs are from out of state. Over the next 50 years, Utah County will be the same size as Salt Lake County. The site he wanted to apply the overlay to was within one-half a mile of doTERRA, Alphagraphics, the Void, Evermore, and other office uses. Currently, hundreds of people drive to this area for work every day. They bring in a lot of vehicular traffic and leave huge vacant parking areas idle overnight. They do not live in the area and they do not spend their money here. Having this kind of residential development would reduce the traffic footprint and provide a work-live-play environment that is popular with the millennial generation. Mr. Christensen stated that their key demographic is young single working professionals, and newlyweds with one or fewer children. Mr. Christensen presented the proposed site plan and discussed the challenges of the site. Because of the shape of the property, strictly retail uses would struggle in this location. Without a text amendment, he was sure that the entire parcel would be developed into offices. His proposal would be to add 25,000 square feet of sales tax generating retail, and he already had commitments from a good friend who would be bringing in four or five restaurants. The proposal would add residential without taking away any of the potential retail from the site. Mr. Christensen presented a slide showing the projected revenue to the City over a 10-year period.

Mayor Fugal opened the public hearing.

Denise Trickler thought this was a wonderful proposal. The product would be used by millennials who live, work, and shop there. The residents would most likely will work at doTERRA, which is planning to expand again.

Brian Clark, also liked the idea of the development, but the 275 Exit intersection needs to be fixed to accommodate it. There was already a large traffic load there, so it should be fixed regardless. Mr. Clark spoke of the difficulties of navigating through the traffic near his home in Mayfield. Mayor Fugal thanked Mr. Clark for his comments and said that the City is currently working with the State on that intersection.

Bill Street, a resident of the County, stated that there are a few things from the Kim Gardner study that he wanted to bring up because they were not mentioned during the presentation. For the first time ever in the State of Utah, there is a shortage of 250,000 rooftops versus households. 80% of their growth is internal, meaning their children looking for homes. It was important for each community to do their part to provide housing affordability. Mr. Street was not necessarily an advocate for density but was in favor of having housing affordability across the housing spectrum.

David Doxy was present on behalf of doTERRA and stated that they are opposed to the ordinance as proposed. He was concerned that the applicant's proposal does not reflect the Planning Commission's recommendations, and even the Commission moved down from what was the normal practice for the City in terms of parking and setbacks. This application is essentially a rezone rather than an overlay. He was asking for a reduction in parking, setbacks, and open space without giving something to the City in return. He commented that there will be a lot of congestion associated with the proposed development that will affect the adjacent neighbors. Mr. Doxy stated that every property owner needs to do their part to provide necessary parking. The applicant provided no evidence that suggests 1.5 parking stalls per unit is sufficient for this type of housing.

Kira Harris, liked the concept of the development, but did not like the ordinance overlay as presented. She was worried about how it will affect The Grove Zone as a whole.

Gordon Jacobson commented that he works in Pleasant Grove and lives on the boundary. He explained that the growth statistics presented by the applicant today were accurate. The City cannot continue to develop the same way that they have been and expect to keep up with the demand. They should take the opportunity to create walkable communities like the one being proposed. If they keep forcing high density away from business areas, it will force employees to drive in to work every day, which only increases the existing traffic problem. Mr. Jacobson also felt that the proposed density of 25 units per acre is not dense enough and they could increase that density in this area and still have a wonderful, walkable community.

Steven Christensen, father of the applicant and resident of Highland, commented on the beauty of the doTERRA campus and remarked that they started something marvelous in The Grove. He commented on the sea of asphalt that comes with large office buildings but stated that having this

model would be an opportunity to build a development that is more walkable with less impact. With their target demographic, there would be little impact on schools.

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

Council Member Jensen identified density as one of the most difficult issues the Council deals with apart from roads. Many communities were trying to push density into other cities rather than allowing it in, but there are many in Pleasant Grove that do not want the high density. He understood that this is a difficult property to work with, particularly with the road going through it, which was required by the City. He appreciated the concerns about increased traffic and parking as well; however, they would have to deal with increased traffic with or without the development.

Council Member Williams was supportive of economic development but had concerns with the proposed overlay. The applicant was asking to rezone commercial sales property to multi-family housing, and they would be providing less parking than what is currently required. This would add 262 residential units or 800 residents to a fairly small piece of property. He was concerned about increasing the density from 12 units per acre to 25 units per acre. The churches, schools, and roads are already overloaded, and this development would only add to the problem. He wanted the area to be known as a place where people can gather for great food and services, not a place where they can rent a small apartment for \$1,500 a month. He urged the Council to vote against the request.

Council Member Andersen expressed her support and stated that her children need a place to live, and they wanted to be in Pleasant Grove. The housing shortage is real, and affordability is a problem. She liked the mixed-use, urban feel of the community, and that it is within walking distance of many offices in the area. The developer would come in with over \$6 million worth of improvements to the area and the road. However, she was very concerned about parking and keeping as much retail along the street frontage as possible. She suggested that the ordinance language require all retail and commercial along the frontage of the boulevard.

Council Member Walker commented that he had gone back and forth on the issue a few times tonight. There had been good input from the residents, staff, and the applicant. He felt that they should let Director Cardenas have an opportunity to craft the ordinance. He also had concerns with the parking and density.

Council Member Williams asked for clarification about the current density of 12 units per acre. Director Cardenas stated that the Commercial Sales Subdistrict did not allow residential uses at all. The 12 units per acre figure was taken from the other subdistricts in The Grove Zone. Council Member Williams suggested keeping with the 12 units per acre and requiring two parking stalls per unit. Council Member Jensen did not think that would be viable for developers.

Council Member LeMone agreed with Council Member Williams' suggestion, because 25 units per acre was just too much. She was worried about congestion and traffic and did not want to lose more commercial property to multi-family housing.



The Council asked for clarification on the applicability of the proposed overlay. Administrator Darrington stated that the restrictions limit the overlay to properties zoned Commercial Sales Subdistrict, those with frontage on Pleasant Grove Boulevard, and parcels that are 10 acres or larger. Under those restrictions, there is only one property this could be applied to. Attorney Petersen added that this does not mean there won't be opportunities for this overlay in the future. Properties could be combined, or someone could choose to redevelop a property.

Administrator Darrington reminded the Council that they did not have to make a decision on density tonight. They could instruct staff to sit down with the developer and negotiate that part of the ordinance.

Council Member Andersen asked if they could allow increased height so that there could be more retail space along the bottom floor with all of the residences above.

Council Member Williams had concerns with the number of units being proposed.

Council Member Andersen wanted her children to be able to live in Pleasant Grove. Currently, her children are at a stage where they are staying in her home and cannot afford to buy a traditional single-family home on one-quarter acre. She felt there could be a good compromise here, and she was trying to figure out what that could be. She felt that increasing the commercial and allowing the housing to go higher would be a good compromise. Director Cardenas clarified that the current height limitation for any residential building is 48 feet. The applicant was proposing to extend that to 65 feet. Office buildings in the Commercial Sales Subdistrict could to up to 100 feet.

Council Member Jensen remarked that this seemed to be spot zoning, since the overlay could only be applied to one property.

Attorney Petersen clarified that the item before them is an ordinance proposed by the applicant. The proposal was to create a new overlay that could be applied to all of the areas in the dotted lines on the map, based on the restrictions outlined previously. Through the process of going to the Planning Commission, they made a few recommendations, including changing the required acreage to a five-acre minimum and increasing the parking ratio for one-bedroom apartments from 1.5 to 1.75. What staff was asking the Council to do was determine whether they were interested in allowing the overlay. If they want to pursue it, staff would work with the applicant and craft the actual language. They were not asking the Council to vote for adoption tonight unless they support what is proposed.

Council Member Jensen supported the recommendation of a 10-acre parcel and keeping it on Pleasant Grove Boulevard. He was in favor of staff working with the applicant on density and parking.

Council Member Williams did not want the City to get into the habit of taking prime commercial real estate in the Grove and turning it into mixed-use. He was, however, open to an overlay on the property because of the unique site challenges. His primary concerns were density and parking.

Council Member Andersen agreed and added that she would like to have retail all along the frontage.

Administrator Darrington wished to speak with the developer about density rather than having the Council give a specific number at this time. The applicant was present and understood where the Council stood on the issue.

Council Member LeMone was open to discussion but stated that parking and density are real issues here.

Mayor Fugal commented on the uniqueness of the property and stated that they have a developer that wanted to make a go of it. He asked staff about the road going through the property. Director Beaumont explained that the road had significant value to the road network, and it would make connections for vehicular as well as pedestrian traffic between major streets. The road was included on the current Master Plan as a collector street.

Mayor Fugal thought the only way they could make the property work with the road was a mixed-use development. If they wait for the property to develop into a retail uses, they would be waiting forever. They needed to be forward thinking and consider the changes to the real estate market.

Administrator Darrington noted that the City is under contract with Mr. Christensen to purchase the City property there. They will need to extend their due diligence time in order to continue to work through the ordinance for the next few months. If this project doesn't go through, the contract will be dissolved.

There was brief discussion about how much time was needed to draft the ordinance. The Council determined that the item could come back on August 21.

**ACTION:** Council Member Jensen moved that the City Council CONTINUE to the August 21, 2018 meeting the 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. Council Member Andersen seconded the motion. The motion passed with unanimous consent of the Council.

- B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-18) AMENDING THE VICINITY PLAN FOR FUTURE LOCAL ROADS, BY TERMINATING 2480 NORTH, NEAR PROPERTY LOCATED AT APPROXIMATELY 1101 WEST 2600 NORTH IN THE R-R (RURAL RESIDENTIAL) ZONE. (NORTH FIELD NEIGHBORHOOD) (GREGORY COOK, APPLICANT) Presenter: Director Beaumont.**

Director Beaumont presented the staff report regarding a proposed amendment to the City's vicinity plan on the property listed above. He reported that a few years earlier, the City created and adopted a vicinity plan with the intent of making sure that properties do not become landlocked

when surrounding properties are developed. Director Beaumont showed the subject property on an aerial photograph and identified the existing home that would be demolished. The vicinity map for the property was created with the idea that it would develop into one-half acre lots; however, the applicant wanted to create a large six-acre estate lot rather than subdividing. The issue with removing the road from the vicinity plan is the permanent termination of 2480 North in the adjacent neighborhood. City Code requires that roads terminate with a property turnaround for emergency vehicles, snow plows, delivery trucks, etc. Typically, the City elects to terminate roads in a cul-de-sac. The applicant proposed to place a hammerhead turnaround in the existing knuckle, which would work without any modifications to the existing infrastructure or parking restrictions. The trick to making that work was to ensure that people understand how to use the turnaround properly.

Mayor Fugal asked about the access to the applicant's property. Director Beaumont explained that the main access would come from 2600 North, but the private road would come down and around the property so that the owner has access to the back of the property. This private road would connect to 2480 North, but it could not be used for public access. The applicant intended to install a crash gate in that location. Another concern was that the City would face finding a place to put snow plowed from 2480 North, which is currently being placed at the end of the stub street.

Director Cardenas reported that the Planning Commission held a public hearing and unanimously recommended approval of the hammerhead, as long as it meets emergency turnaround requirements.

The applicant, Chad Magelby, explained their intentions for the property.

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

**ACTION:** Council Member Williams moved that the City Council ADOPT Ordinance 2018-18 amending the Vicinity Plan for future local roads, by terminating 2480 North near property located at approximately 1101 West 2600 North in the R-R (Rural Residential) Zone. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting "Aye". The motion carried unanimously.

*NOTE: The connection with Council Member LeMone was lost at 8:20 p.m. and reestablished a short time later.*

**ACTION:** Council Member Williams moved that the City Council take a five-minute break. Council Member Jensen seconded. The motion carried with unanimous consent of the Council.

## 10) **ACTION ITEMS READY FOR VOTE**

- A) **PUBLIC HEARING TO CONSIDER A REQUEST OF ARTISAN CONSTRUCTION FOR AN 11-LOT SUBDIVISION PLAT CALLED HAWKES LANDING PLAT "A" ON PROPERTY LOCATED AT**

**APPROXIMATELY 2793 N. CANYON ROAD IN THE R-R (RURAL RESIDENTIAL) ZONE. (MANILA NEIGHBORHOOD)** Presenter: *Director Cardenas.*

Director Cardenas presented the staff report regarding a request for an 11-lot subdivision plat at the address listed above. The subdivision utilized lot size averaging, meaning that the average lot size in the subdivision meets the minimum square footage requirements of the R-R zone. The entire property was just less than seven acres in size and there were existing homes on Lots 1, 2, and 11. There would also be a temporary access easement included until one of the neighboring properties chooses to develop and connect to the roadways. The Planning Commission unanimously recommended approval of the request.

**ACTION:** Council Member Williams moved that the City Council APPROVE the request of Artisan Construction for an 11-lot subdivision plat called Hawkes Landing Plat “A” on property located at approximately 2793 N. Canyon Road in the R-R (Rural Residential) Zone. Council Member Walker seconded the motion. The motion passed with unanimous consent of the Council.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-039) AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (MAG) AND PLEASANT GROVE CITY FOR CONGREGATE MEALS AND SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Giles.*

Director Giles explained that the resolution before them was their annual agreement with MAG, which basically outlines the City’s responsibility for keeping records and other things to support seniors, ages 60 and older, at the Senior Center. The agreement also included some information regarding Meals on Wheels.

**ACTION:** Council Member Andersen moved that the City Council ADOPT Resolution 2018-039 authorizing the Mayor to sign an agreement between Mountainland Association of Governments (MAG) and Pleasant Grove City for congregate meals and services; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-040) AUTHORIZING THE MAYOR TO SIGN A CONTRACT BETWEEN PLEASANT GROVE CITY AND CENTER STAGE YOUTH PERFORMERS FOR THE PURPOSE OF ESTABLISHING THE TERMS OF COOPERATION BETWEEN THE TWO ENTITIES; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Attorney Petersen.*

*NOTE: The above item was heard prior to Item 10A. Council Member LeMone did not participate in the vote.*

**ACTION:** Council Member Williams moved that the City Council ADOPT Resolution 20018-040 authorizing the Mayor to sign a contract between Pleasant Grove City and Center Stage Youth Performers for the purpose of establishing terms of cooperation between the two entities; and providing for an effective date. Council member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, Williams, and Walker voting “Aye”. The motion carried unanimously.

- D) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-041) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH PEN AND INK, LLC, TO PURCHASE APPROXIMATELY 5.1 ACRES OF REAL PROPERTY LOCATED GENERALLY AT 1199 WEST 700 SOUTH PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen explained that the City intended to purchase approximately 5.1 acres of property adjacent to the Close to My Heart building at 1199 West 700 South to facilitate the construction of a storm drain detention facility. The facility would take on a lot of the drainage from the properties to the north. Attorney Petersen reported that they would be purchasing the property for \$1,710,482, which equates to \$7.70 per square foot. That purchase did not include water.

**ACTION:** Council Member Walker moved that the City Council ADOPT Resolution (2018-041) authorizing the Mayor to sign a Purchase Agreement with Pen and Ink, LLC, to purchase approximately 5.1 acres of real property located generally at 1199 West 700 South, Pleasant Grove, Utah; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- E) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-042) AUTHORIZING THE MAYOR TO SIGN A LICENSE AGREEMENT WITH PROVO RIVER WATER USERS ASSOCIATION (PRWUA) TO ALLOW A SEWER LINE TO BE INSTALLED ACROSS THE PROVO RIVER AQUEDUCT AT APPROXIMATELY 395 NORTH PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont***

Director Beaumont explained that the development they were looking at was the Westwood Acres Plat C, which was approved a few months earlier. The developer was required to obtain an easement across the aqueduct to install a sewer line and provide service to the 12 lots across the Murdock Canal Trail and pipeline. That easement was established through the License Use Agreement, because the sewer line would belong to the City. Director Beaumont noted that there was one other alternative to getting utilities to those homes, but that was still under investigation. Staff recommended approval of the agreement, but it would not actually be signed and submitted until they fully vetted the other option.

**ACTION:** Council Member Jensen moved that the City Council ADOPT Resolution 2018-042 authorizing the Mayor to sign a license agreement with Provo River Water Users Association (PRWUA) to allow a sewer line to be installed across the Provo River Aqueduct at approximately 395 North Pleasant Grove, Utah; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- F) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-043) ENTERING INTO A LEASE/PURCHASE AGREEMENT WITH ZIONS BANK FOR POLICE VEHICLES, COMPUTERS AND FITNESS EQUIPMENT IN THE AMOUNT OF \$345,000.00; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Roy**

Director Roy explained that the City would be leasing/purchasing eight police vehicles, \$75,000 worth of computer equipment, and approximately nine cardio machines for \$45,000. She had put out a bid and Zions Bank was the only entity that responded. They were still able to get a competitive interest rate at 3.29% for a three-year term.

**ACTION:** Council Member Williams moved that the City Council ADOPT Resolution 2018-043 entering into a Lease/Purchase Agreement with Zions Bank for police vehicles, computers and fitness equipment in the amount of \$345,000.00; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- G) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-044) OF THE CITY COUNCIL OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH, AMENDING THE COMPREHENSIVE FEE SCHEDULE BY AMENDING AMBULANCE FEES; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Roy.**

Director Roy explained the City adopted a fee schedule as part of next year’s budget, but a few days later the City received a letter from the Bureau of Emergency Medical Services and Preparedness regarding their rates. Every year, they review their rates for transport and mileage, and the City changes the fees to reflect that rate. Rather than continuing to change the fee schedule, staff decided to include language for the Ambulance and Emergency Fees to reflect whatever rate is set by the State of Utah.

**ACTION:** Council Member Andersen moved that the City Council ADOPT Resolution 2018-044 of the City Council of Pleasant Grove City, Utah County, Utah, amending the Comprehensive Fee Schedule by amending Ambulance Fees; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- H) TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-019) AMENDING TITLE 8 CHAPTER 10 “TRANSPORTATION UTILITY” SUBSECTOIN 4 “TRANSPORTATION UTILITY FEE” OF THE PLEASANT GROVE MUNICIPAL CODE MODIFYING THE LANGUAGE REGARDING THE BASIS FOR THE BUSINESS FEE ASSESSMENT FOR THE PURPOSE OF UNDERTAKING REPAIR, MAINTENANCE AND IMPROVEMENT OF CITY STREETS; ESTABLISHING AN ANNUAL REVIEW PROCESS; AND RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

Administrator Darrington stated that a few months earlier the City Council adopted a Transportation Utility Fee to be charged to residential units and businesses based on the traffic they generate. The fee was adopted with an ordinance and a resolution. As staff had been working on implementing that fee, it became clear that they needed to make a change to create a more equitable way of charging the road fee to businesses in the community. This proposal would make one small verbiage change to the ordinance so that the fee would be based on intensity of use. For the resolution, the residential fee would remain the same, but the business fee would be divided into two tiers. Tier 1 businesses would be charged \$41.27 per month, and Tier 2 businesses would be charged \$236.05 per month. Tier 2 businesses were defined to include gas station convenience stores, restaurants with drive-thru services, and users with more than 250 parking stalls. He noted that churches would be considered Tier 1 users because their high intensity of use was limited to a single day per week. Tier 1 businesses were all commercial uses that are not Tier 2 businesses.

**ACTION:** Council Member Andersen moved that the City Council ADOPT Ordinance 2018-019 amending Title 8 Chapter 10 “Transportation Utility” Subsection 4 “Transportation Utility Fee” of the Pleasant Grove Municipal Code Modifying the language regarding the basis for the business fee assessment for the purpose of undertaking repair, maintenance and improvement of City streets; establishing an annual review process; and related matters; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- I) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-045) RESCINDING RESOLUTION 2018-021 WHICH ESTABLISHED A TRANSPORTATION UTILITY FEE AND ADOPTING AN AMENDED RESOLUTION ESTABLISHING A TRANSPORTATION UTILITY SPECIAL REVENUE FUND AND ADOPTING A TRANSPORTATION UTILITY FEE; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

**ACTION:** Council Member Walker moved that the City Council ADOPT Resolution 2018-045 rescinding Resolution 2018-021 which established a transportation utility fee and adopting an amended resolution establishing a Transportation Utility Special Revenue Fund and adopting a Transportation Utility Fee; and providing for an effective date. Council Member Andersen

seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

- J) CONSIDER APPROVAL OF A PERMIT TO EXCEED THE NOISE ORDINANCE FOR GREEN CONSTRUCTION ON JULY 18th, 19th, 20th, AND 23rd TO BEGIN CONSTRUCTION ACTIVITY AT 3:00 A.M.**  
*Presenter: Attorney Petersen.*

Attorney Petersen explained that Green Construction was working on the new doTERRA project and would be doing a rather large cement pour on July 18, 19, 20, and 23. Because of the time of year and the size of the project, they felt they needed to start pouring at about 3:00 a.m. They were asking for a permit to exceed the noise ordinance for those dates. One of the conditions of approval is that the applicant notify the affected residents at least 24 hours prior to the beginning of the pour. Only five or six homes would be affected.

**ACTION:** Council Member Jensen moved that the City Council APPROVE a permit to exceed the Noise Ordinance for Green Construction on July 18, 19, 20, and 23 to begin construction activity at 3:00 a.m. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Williams, and Walker voting “Aye”. The motion carried unanimously.

## **11) ITEMS FOR DISCUSSION**

### **a) Discussion About Use of Old City Hall (Valshi) Building.**

Administrator Darrington explained that the City owns a piece of property that had been rented to a local boutique for the past several years. That contract had come due and staff sent a letter to the tenant stating that the City intended to use the property again. The business owners had paid their rent through the end of July and she was already preparing to discontinue her business. As of August 1, the City will have use of the building and staff was looking for feedback from the Council as to what they want to do with the property. Options included creating a meeting space for various departments or finding another person to lease the space.

Council Member Williams asked about the condition of the building. Director Giles stated that they had not had access to the building for at least six years, so he did not know the condition of the interior. As for the exterior, he knew that the roof needed to be redone and there were a few other minor repairs.

Council Member Williams felt there was some historical significance to the building, and the City Council ought to put some money into keeping it up.

Council Member Andersen agreed with maintaining the building. She suggested that they allow groups such as the Beautification Commission, the Historic Commission, and Follow the Flag to utilize the space for meetings. It would also be a good meeting place for the Strawberry Days Committee.



There was a brief discussion about the size of the space and it was noted that there was no storage space in the building.

Administrator Darrington stated that it would not require much effort to create a meeting space like that. If they wanted to entertain a non-profit group using the space, they should probably enter into an agreement with that organization. There may be other non-profit organizations that would also want to use the space.

Director Giles stated that they would evaluate the building to determine what kind of work needs to be done, and report back to the City Council. Administrator Darrington added that staff would be having a meeting with Follow the Flag in the few weeks to discuss the future of their organization, and he would discuss this option with the group.

**b) Staff Business.**

Director Beaumont reported on the road projects taking place and stated that the City could expect several shutdowns of 100 East between 200 South and 1100 North within the next month. The residents were notified of the closures and intend to finish the road project before school begins.

Administrator Darrington introduced Kyler Ludwig, the new Assistant to the City Administrator and HR Manager. Mr. Ludwig graduated from the Kansas MPA program, which is the top City Manager program in the nation. Mr. Ludwig was originally from Orem and was excited to be back in the area. Pleasant Grove is a great community and he was already impressed with staff. He spoke about his family and his past positions.

Director Cardenas reported that there are a few positions open in the Community Development Department and they have a New Inspector coming on soon.

Director Britsch reported that the Summer Reading Program is coming to a close and they will be having a Closing Party on August 1 from 4:30 p.m. to 6:30 p.m.

**12) REVIEW AND DISCUSSION ON THE AUGUST 7, 2018 CITY COUNCIL MEETING AGENDA**

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

**13) MAYOR AND COUNCIL BUSINESS**

There was none.

**14) SIGNING OF PLATS**

There were no plats signed.

15) **REVIEW CALENDAR**

There were no additional calendar items.

16) **ADJOURN**

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

The meeting adjourned at 9:30 p.m.

The City Council Minutes of July 17, 2018 were approved by the City Council on August 7, 2018.

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Kathy T. Kresser, City Recorder, MMC

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