

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
October 16, 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 Roberts, 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
Kyler Ludwig, Assistant City Administrator

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

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Police Chief, Mike Roberts.

3) OPENING REMARKS

The opening remarks were given by Fire Chief, Dave Thomas.

4) APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda, moving Item 10B to follow Board Appointments, and Items 9A being continued to the October 23, 2018 meeting and Item 9C being continued to the November 13, 2018 meeting. Council Member Andersen 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 October 2, 2018 City Council Meeting
City Council Minutes for the October 4, 2017 Special Meeting**
- b. **To consider for approval payment of approval reports for (October 4 and 10, 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**

- A) **TO CONSIDER THE APPOINTMENT OF TIM NOVINGER AS THE PLEASANT GROVE CITY CHIEF BUILDING OFFICIAL.**

Community Development Director, Daniel Cardenas, introduced Tim Novinger and stated that he was excited to find someone that meets all of the certifications the City needs at this time. Mr. Novinger briefly talked about his background and said that he was happy to serve Pleasant Grove.

ACTION: Council Member LeMone moved that the City Council APPOINT Tim Novinger as the Pleasant Grove City Chief Building Official. Council Member Andersen seconded the motion. The motion passed with unanimous consent of the Council.

8) **PRESENTATIONS**

There were no presentations.

NOTE: Item 10B was heard prior to the Public Hearing Items.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-23) TO REZONE APPROXIMATELY 10.7 ACRES IN ORDER TO APPLY THE BOULEVARD MIXED-USE (BMU) OVERLAY TO PROPERTY LOCATED AT APPROXIMATELY 234 S. PLEASANT**

GROVE BOULEVARD IN THE COMMERCIAL SALES SUBDISTRICT OF THE GROVE ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) (MCKAY CHRISTENSEN, APPLICANT) Presenter: Director Cardenas
**Continued to the October 23, 2018 City Council Meeting.*

- B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-23) AMENDING CITY CODE SECTION 10-14: "THE GROVE ZONING DISTRICT" BY ALTERING SECTION 10-14-24-1: "THE GROVE COMMERCIAL SALE SUBDISTRICT". THE AMENDMENT WOULD ALLOW CLIMATE-CONTROLLED, INDOOR STORAGE UNITS AS A PERMITTED USE IN THE COMMERCIAL SALES SUBDISTRICT OF THE GROVE ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) (LOGAN JOHNSON, APPLICANT) Presenter: Director Cardenas**
**Continued from the October 16, 2018 City Council Meeting.*

Director Cardenas presented background information regarding Pleasant Grove's decision to prohibit storage facilities in The Grove Zone. He explained that Pleasant Grove has less than one mile of land adjacent to the freeway, so they chose to create a high-quality commercial and retail area rather than allow manufacturing or industrial uses like other cities along the freeway. The City Council specifically prohibited carwashes, heavy industrial uses, residential, and storage facilities from the Commercial Sales Subdistrict of The Grove Zone. He noted that these uses are allowed in other zones in the City. Director Cardenas stated that there is a market need for storage facilities right now, and the City received applications regarding this use in the Commercial Sales Subdistrict. In 2015, an application came in that would have allow storage facilities as a permitted use, and it was denied. In 2016, an applicant wanted to create an overlay that would allow a storage facility in the zone, but it would have very strict geographic requirements so that it only applied to one property. The Council approved the overlay because the property is uniquely shaped and it could not be developed with a retail or office use.

Director Cardenas explained that the current proposal includes indoor, climate-controlled storage facilities as a permitted use in the Commercial Sales Subdistrict. He presented an aerial map of The Grove Zone and identified the subject property. The applicant indicated that the indoor storage facility will look like an office building, which will be consistent with the look of the surrounding developments. The Planning Commission heard the item and unanimously recommended denial.

Council Member LeMone asked for the reasons behind the Planning Commission's recommendation. Director Cardenas explained that they felt there was a reason the City Council had prohibited this use in the Commercial Sales Subdistrict, and that there was still potential for another retail or office development to locate on the property. There was also a concern that the building could not be retrofitted into an office use in the future because there would not be sufficient parking.

The applicant, Logan Johnson, explained that there used to be an overlay that would allow storage uses which had some geographic restrictions. Their intent was to open up the overlay to the entire zone, but it had since been removed from the City Code. The dilemma was that his company had been marketing the property for some time, but the market for retail had really slowed down. This

was a result of more and more people making purchases online. They were concerned that the property was not doing anything for the company or the City in its current state. Mr. Johnson stated that they did not have a storage facility project lined up for the property but they want to be able to market it as an option to potential developers.

Mayor Fugal asked Mr. Johnson if he had any conceptual drawings for what an indoor storage facility would look like. He answered in the affirmative. The product would be a multi-story, climate-controlled, indoor storage area, and it would look similar to an office building. He confirmed that there would not be any retail on the main floor.

Council Member Jensen recalled the discussion from 2015 and stated that the Planning Commission did not opt to allow the use because it was proposed to be permitted zone-wide. Director Cardenas confirmed that this was one of the reasons the request was denied. The City Council also wanted the first floor of the facility to be retail, which the applicant did not think was feasible.

Mayor Fugal opened the public hearing.

Kira Harris, a resident, did not like the idea of storage units in The Grove Zone and preferred to see the property remain vacant.

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

Council Member LeMone agreed with the recommendation of the Planning Commission in that there are other storage facilities in the City. She did not feel like they need one in the Commercial Sales Subdistrict. She believed they could get a better-quality development on the property and she was willing to let it sit vacant until then. The rest of the Council agreed.

ACTION: Council Member LeMone moved that the City Council DENY Ordinance 2018-24 to amend City Code Section 10-14: “The Grove Zoning District” by altering Section 10-14-24-1: “The Grove Commercial Sales Subdistrict”. Council Member Jensen seconded the motion. A voice vote was taken with Council Members LeMone Andersen, Jensen, Walker, and Williams voting “Aye”. The motion carried unanimously.

- C) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-25) AMENDING CITY CODE SECTION 10-12B-7:B YARD REQUIREMENTS. THE PROPOSED AMENDMENT WOULD ALLOW AN APPLICANT TO REDUCE SIDE YARD SETBACKS, BASED ON THE PROVISION OF ENHANCED LANDSCAPING TO ANOTHER LOCATION ON THE SAME PROPERTY, IN THE MANUFACTURING DISTRIBUTION (MD) ZONE. (PAUL WASHBURN, APPLICANT)**
*Presenter: Director Cardenas *Continued to the November 13, 2018 City Council Meeting.*

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-051) OF PLEASANT GROVE CITY, UTAH; AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$3,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS; AND RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.*

Administrator Darrington explained that the City has a project that needs to be completed. They now have a funding source through the State. He asked Director Beaumont to describe the project at hand and for Jonathan Ward to explain how the State bonding process would work.

Director Beaumont reported that the City had been discussing the project over the past few years, and elements of it had been budget items for a number of years. Pleasant Grove City has a lot of springs up Battle Creek Canyon, and it is one of the primary sources of culinary water. The lines going up into the Canyon were installed 90 years ago. The proposed project was to rehabilitate all of the lines and springs, which would hopefully increase their water flows. They would also be removing some of the willows and plant-life that had grown into the lines and inhibiting flow volumes. Director Beaumont explained that they would not be following the old alignments because they do not know where all of them are. This would be a beneficial project for the City, but it would also be expensive. As staff was looking at funding options, they decided to apply for a low interest loan from the Division of Drinking Water. They were granted the loan, which would cover the entire cost of the project.

Jonathan Ward explained that the resolution before the Council was prepared by the legal offices of Gilmore and Bell of Salt Lake City, with some input from the State. When the Division of Drinking Water agreed to provide a loan for the project, the State wanted the loan evidenced by a municipal bond. Mr. Ward created a calendar of events outlining the steps to be taken to sell municipals. This resolution was the first step. Mr. Ward explained that the two main points of the resolution are that it authorizes the publication of public notices in the newspaper and on resident utility bills, and the requirement to hold a public hearing. The public hearing would take place on November 13, 2018. The resolution also outlined parameters for the loan amount. The Division of Drinking water approved a loan of \$2.3 million, but they put \$3 million in the document in case the bids come in higher than expected and they have to approach the Division about increasing the loan. Mr. Ward did not foresee the need to increase water rates, based on the current status of the water rates and Culinary Water Fund.

Council Member Andersen asked if they know what the actual cost will be. Director Beaumont stated that the Engineer's option of cost was \$2.3 million. They would be looking to put the project out to bid in November or early December. They would know the actual cost by the end of the year.

Council Member Andersen asked how the project will affect the drinking water. Director Beaumont stated that are wells and other water sources in the City they could utilize in the interim. They also would be constructing the lines off-line and sequencing the rehabilitation of the springs so that they would continue to have some water from Battle Creek.

Mayor Fugal shared stories from his experience with the City's project to redo some Battle Creek lines in 1969.

ACTION: Council Member Williams moved that the City Council ADOPT Resolution 2018-051 of Pleasant Grove City, Utah, authorizing the issuance and sale of not more than \$3,000,000 aggregate principal amount of water revenue bonds; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members LeMone, Andersen, Jensen, Walker, and Williams voting "aye". The motion carried unanimously.

B) TO CONSIDER A SPONSORSHIP CONTRACT BETWEEN PLEASANT GROVE CITY AND THE MISS PLEASANT GROVE SCHOLARSHIP PAGEANT ORGANIZATION. Presenter: Administrator Darrington.

NOTE: This item was heard before Item 9A.

Administrator Darrington explained that the Miss Pleasant Grove Scholarship Pageant was becoming a separate entity from the City, and one of the things they want to do is create a contractual relationship between Pleasant Grove and the pageant. In the past, all of the pageant expenses and revenue went through the City. The City generally spent \$25,000 annually on the pageant, so that was the number they included in the contract. Kymberly Wilson, Pageant Director, approached the Council to request an additional \$5,000. Administrator Darrington noted that the pageant would now be required to carry their own insurance, which they had not had to pay for previously. They requested that the City provide an additional \$800 to cover the cost of insurance, so the total number included into the contract was \$25,800. Since the pageant was now its own entity, the City would be writing them a check for that amount and the pageant would manage the funds on their own. Administrator Darrington explained that some items had not been resolved, but the organization would need to begin expending funds in preparation for next year's pageant. According to the agreement, they would need to have all issues resolved by December 31.

With regard to the additional \$5,000, Administrator Darrington stated that the City Council agreed to use some of the funds generated from the potential CARE Tax. If the CARE Tax passes, the City would write another check for \$5,000 to the pageant and reimburse itself as the tax monies came in. If the CARE Tax does not pass, staff would bring the issue back to the Council to discuss other options.

Administrator Darrington stated that the three items they had not agreed upon involved the float, including the need for a new chassis, annual cost, and maintenance and storage of the float.

The Royalty presented the Heritage Award trophy that they received from the Freedom Festival Parade this year.

ACTION: Council Member Jensen moved that the City Council authorize the Mayor to sign the contract between Pleasant Grove City and the Miss Pleasant Grove Scholarship Pageant. Council Member LeMone seconded the motion. The motion carried with unanimous consent of the Council.

- C) **TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-26) AMENDING TITLE 7 CHAPTER 3 “CEMETERY REGULATIONS” SUBSECTION 4 “BURIAL RIGHTS” OF THE PLEASANT GROVE CITY CODE BY AMENDING THE NUMBER OF CREMAINS ALLOWED IN A BURIAL LOT; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Giles.*

Parks and Recreation Director, Deon Giles, explained that cremations were not common when the cemetery ordinance was created 10 years ago, but now they have one or two per month. Recently, they had a resident request the placement of 12 urns in one plot; however, the current ordinance only allows eight. As staff began the process of documenting eight in one plot, they found that their current program doesn't allow for more than four. He clarified that physically, they can fit eight urns comfortably in one plot, but the computer system will not let them record more than four. Director Giles said that eventually they would be requesting funds to create a cremains niche which could fit 48 urns in an area a little as two square feet. There would be on headstone to which names could be added.

The Council asked if they had considered moving to a different software that would allow more remains in one lot. Director Giles was concerned that it would take a long time for staff to transfer the information over to a new system.

Council Member Andersen stated that citizens expect cities to provide space for burials, but cities aren't able to afford the land or cannot physically provide enough land. Cremation was on a steep upward trajectory.

Council Member Williams requested that staff research the options for new software or an update.

ACTION: Council Member Jensen moved that the City Council CONTINUE the item to the November 13, 2018 City Council Meeting. Council Member Walker seconded the motion. The motion carried with unanimous consent of the Council.

11) ITEMS FOR DISCUSSION

- A) **Continued items from the Work Session, if needed.**

12) REVIEW AND DISCUSSION ON THE NOVEMBER 13, 2018 CITY COUNCIL MEETING AGENDA

The aforementioned meeting was briefly reviewed and discussed during the work session.

Administrator Darrington reported that they originally intended the CARE Tax to be the only item on the agenda, but there were some other items to address. He reported that they would begin holding interviews for the Police Chief position after the Regular Session. He hoped to begin the interviews at 6:30 p.m.

Director Cardenas briefly addressed an application to allow distilleries as a permitted use in the MD zone and explained that the Planning Commission recommended approval of the manufacturing use, but not the proposed tasting room and retail storefront.

13) MAYOR AND COUNCIL BUSINESS

Director Beaumont updated the Council on the progress of 100 East and stated that they intend to have everything paved by the end of the month. All of the work behind the curb would be done over the winter and spring, and their estimated completion date was June 1, 2019. Regarding Pleasant Grove Boulevard, Director Beaumont stated that Urban Grove and Hyatt are trying to get all of their work done in the next few weeks. He received confirmation from UDOT that the project to widen and improve the Pleasant Grove Boulevard-North County Boulevard interchange had been funded and it would take place in 2020.

Council Member Jensen commented that the Governor issued a state of emergency for water. Director Beaumont stated that they decided to shut off storage water one week earlier than planned in response to that.

Director Cardenas reported that they only need one Building Inspector to be fully staffed.

Library Director, Sheri Britsch, reported that the PG Players will be opening their production this week, and tickets will sell quickly. Council Member LeMone commented that she had PG Player signs for the Mayor and Council and invited them to take some on their way out.

Director Britsch reminded the Council that the Veteran's Day program will take place on November 12 at 11:00 a.m.

Director Giles reported that the Monster Village event is scheduled for October 26 at 6:30 p.m. at the Recreation Center. He invited the Council to attend.

It was noted that the Recreation Center would be closed on Halloween day.

Council Member LeMone reported that Evermore Park reduced their prices, particularly during weekdays, and are offering an additional coupon to Pleasant Grove residents.

Council Member Jensen announced that October 26 is Council Member LeMone's birthday.

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 Williams seconded the motion. The motion carried with unanimous consent of the Council.

The meeting adjourned at 7:44 p.m.

The City Council Minutes of October 16, 2018 were as approved by the City Council on November 13, 2018

Kathy T. Kresser, City Recorder, MMC

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