

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
November 13, 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
Jon Hawkins, Elected Representative

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 of the Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Walker.

3) OPENING REMARKS

The opening remarks were given by Library Director, Sheri Britsch.

4) APPROVAL OF MEETING AGENDA

ACTION: Council Member Williams moved to approve the agenda. Council Member LeMone seconded the motion. The motion carried with the 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 September 18, 2018 Meeting.
City Council Minutes for the October 4, 2018 Special Meeting.
City Council Minutes for the October 16, 2018 Meeting.
City Council Minutes for the October 23, 2018 Meeting.
City Council Minutes for the October 30, 2018 Special Meeting.
- b. **To consider approval of payment approval reports for (October 18, 24, 31, and November 8, 2018).**
- c. **To Consider the Appointment of Scott Darrington and Tina Petersen to the Nominating Committee for a New Justice Court Judge.**

Administrator Darrington reported that Judge Bullock would be retiring early next year, and they need to go through a process to appoint a new judge. Part of the process was to create a Nominating Committee to select three candidates from the applicants. Mayor Fugal requested that Scott Darrington and Tina Petersen serve on the committee.

ACTION: Council Member Jensen moved to APPROVE the Consent Items. Council Member Williams seconded the motion. The motion carried with the 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) **PUBLIC HEARING TO ALLOW PUBLIC INPUT REGARDING THE (A) ISSUANCE AND SALE OF NOT MORE THAN \$3,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS AND (B) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT DESCRIBED HEREIN TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2019 BONDS ISSUED UNDER THE ACT MAY HAVE ON THE PRIVATE SECTOR; AND RELATED MATTERS. *Presenter: Administrator Darrington.***

Administrator Darrington reported that the City received approval through the State for a loan to finance the water project up Battle Creek Canyon. Jonathan Ward from Zions Bank Public Finance described the financial aspect of the project. He reported that authorization was given for a \$2.3 million loan at 2% interest from the State of Utah. The purpose of tonight's hearing was to allow the public to voice their concerns about how this competes with the private sector, address questions about financing, and the process. They anticipate being back before the City Council in December with a final resolution, at which point the bond would be authorized to be sold to the State of Utah.

Council Member Jensen asked for clarification on the difference between the \$2.3 million and \$3 million figures. Mr. Ward explained that they want to authorize a contingency based on the current construction environment.

Public Works Director, Marty Beaumont, briefly described the project and stated that over the past three years, staff had been trying to get a project up Battle Creek Canyon to replace the water collection system. All of the property is owned by the Forest Service, but the City has easements to the facilities in the canyon. The system is 90 years old, with only some of the pipes having been replaced 40 years ago. The intention of the project was to reconstruct the system up to the springs, which will bring more water to the valley.

Mayor Fugal opened the public hearing.

John Johannesmeyer gave his address as 1069 West 810 North and was concerned that his utility bill had become very complicated in recent years. He asked for clarification of the charges and where the money is going. Mayor Fugal offered to meet with Mr. Johannesmeyer and staff to go review his bill and explain the charges.

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

- B) PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE (2018-27) TO AMEND CITY CODE SECTION 10-12B-2: PERMITTED USES IN THE MANUFACTURING DISTRIBUTION ZONE, BY ADDING USES (#2182, 2183, AND 2184) AS PERMITTED USES TO THE MANUFACTURING DISTRIBUTION (MD) ZONE IN ORDER TO ALLOW MANUFACTURING OF A VARIETY OF LIQUOR PRODUCTS. (SAM WHITE'S LANE NEIGHBORHOOD) (MATTHEW EAU CLAIR, APPLICANT) Presenter: Director Cardenas *Continued from the October 23, 2018 Meeting.**

Director Cardenas presented the staff report regarding a text amendment that would add three new permitted uses to the MD zone. The proposed uses were as follows:

1. Use 2182 – malt barley, rye, wheat, and corn by products.
2. Use 2183 – wine, brandy, and brandy spirits.

3. Use 2184 – distilling, rectifying, and blending liquors.

Director Cardenas emphasized that breweries were not included in the proposal. The request was heard by the Planning Commission in October and they forwarded a recommendation of approval for the manufacturing use only. They did not recommend approval of retail sales or tasting rooms.

Council Member Andersen asked for the reasoning behind the Planning Commission's recommendation. Director Cardenas explained that there are three different dance schools in the MD zone, and they did not feel that sales or tasting rooms were compatible with the existing uses. He noted that after the Planning Commission made their recommendation, he took a few of them on a field trip to a distillery; however, the item did not go back to the Planning Commission for further discussion. It was possible that their recommendation could have changed.

Council Member Williams asked what the applicant wished to do. Director Cardenas stated that he would like to include the tasting room.

Mayor Fugal asked if the Council could choose to add retail sales and tasting rooms as an allowed use. Director Cardenas responded that the Council could approve the permitted uses now, but he requested more time for staff to work on qualifying provisions for the tasting room and retail uses.

The applicant, Matthew Eau Clair, clarified that retail sales are a permitted use. He would have a Type 5 Package Agency, which would allow him to sell to local restaurants and bars. What they discussed with the Planning Commission was not displaying bottles in a storefront. Without the Type 5 Package Agency, he would be at the mercy of the State Liquor Store as to when they start carrying his product and which stores the liquor is in. He was also under the impression that he could sell to individuals that come to the distillery.

Director Cardenas stated that the motion made by the Planning Commission was not entirely clear on the retail sales/store front.

Planning Commission Chair Coombs thought the Commission was fine with the owner selling his product, just not in a storefront.

Mr. Eau Clair stated that being able to sell to the public would be advantageous, especially to those taking tours of the facility. However, the most important aspect for them was to be able to sell to restaurants and bars.

Administrator Darrington confirmed that the applicant would be selling the product and individuals could pick it up from the distillery. He would not, however, be able to display the product in a storefront. If the Council wants to allow tasting rooms and store fronts, he recommended they sent the item back to the Planning Commission.

Attorney Petersen clarified that the Council could vote on the ordinance as written, which would allow the manufacturer to move forward, but it did not provide for a tasting room or a store front. If the applicant wished to address those uses, he could come back to the City for an amendment.

The Council could also vote to continue the item and send it back to the Planning Commission to work on adding those two uses. Director Cardenas stated that the next Planning Commission Meeting is scheduled for December 6, and the item could come back to the City Council on December 11th.

ACTION: Council Member Williams moved that the City Council CONTINUE adoption of Ordinance 2018-27 to the December 11, 2018 City Council Meeting to all the applicant to work on the proposed language. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

- C) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-28) AMENDING CITY CODE SECTION 10-12B-7:B YARD REQUIREMENTS. THE PROPOSED AMENDMENT WOULD ALLOW AN APPLICANT TO REDUCE THE 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.

Director Cardenas explained that the applicant's intention was to eliminate the side yard setback requirement for one side of a property, however, staff thought it was feasible to eliminate that requirement on both sides of a property. They asked for a continuance to allow for more research.

ACTION: Council Member Williams moved that the City Council CONTINUE adoption of Ordinance 2018-28 to the December 11, 2018 City Council Meeting. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

- D) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-29) TO PERMANENTLY ABANDON AND VACATE A ROAD RIGHT-OF-WAY APPROXIMATELY 470' BY 41' OF THE OLD 700 SOUTH (SAM WHITE'S LANE) BETWEEN 2000 WEST (NORTH COUNTY BLVD AT GROVE PARKWAY) AND SAM WHITE'S LANE (700 SOUTH); AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that the portion of 700 South in question had only been used as a utility right-of-way in recent years. The road was realigned, so it was no longer needed for street travel. There was, however, a storm drain utility and water line running there. An applicant approached the City about vacating the road right-of-way, and the property would be given equally to the properties on each side of the road. He noted that there were six owners on the north side of the road, and one owner on the south. The six parcels on the north side of the road were illegally subdivided, so staff determined that they did not have the same right to access as other lots. Staff had also spoken to the owners and they did not seem concerned with the proposed road vacation.

Mayor Fugal opened the public hearing.

Chris Paulsen, a resident, identified his property on the aerial map displayed and asked if the application would affect his ability to develop his property in the future. Director Beaumont confirmed that the application would not affect his property in that way. Mr. Paulsen then inquired about a portion of property between his land and the neighbor, which seemed to be owned by no one. He had approached the County and they also had no record of ownership. Attorney Petersen stated that the City could not comment on that, because it is a private property issue.

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

ACTION: Council Member Jensen moved that the City Council ADOPT Ordinance 2018-29 to permanently abandon and vacate a road right-of-way approximately 470' by 41' of the old 700 South (Sam White's Lane) between 2000 West and Sam White's Lane. Council Member Williams 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.

10) ACTION ITEMS READY FOR VOTE

- A) TO CONSIDER FOR APPROVAL THE REQUEST FOR A CLASS "B" ON-PREMISE BANQUET LIQUOR LICENSE AND A LIMITED SERVICE RESTAURANT LIQUOR LICENSE FOR EVERMORE PARK LOCATED AT 382 S. EVERMORE LANE, PLEASANT GROVE, UTAH. (EVERMORE PARK, APPLICANT) *Presenter: Attorney Petersen.***

Attorney Petersen explained that Evermore Park requested a Class "B" Liquor License. The venue was open and had been operating for several months but they were not selling alcohol on the premises. They had now completed the requirements to be considered for an on-premise banquet liquor license, and they were applying for a limited service restaurant liquor license from the State. She briefly explained what would be allowed with the Class "B" liquor license. There were a few things that the applicant had not yet provided to staff, so Attorney Petersen requested that they continue the item or approve the license contingent upon the applicant completing all of the requirements.

ACTION: Council Member Williams moved that the City Council APPROVE the request for a Class "B" On-Premise Banquet Liquor License and a Limited Service Restaurant Liquor License for Evermore Park located at 382 South Evermore Lane, Pleasant Grove, Utah, based on the condition that all requirements are completed. Council Member LeMone 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 FOR APPROVAL A REQUEST FOR A CLASS "C" ON-PREMISE LIQUOR LICENSE AND A FULL SERVICE RESTAURANT LIQUOR LICENSE FOR HYATT HOUSE PROVO/PLEASANT GROVE HOTEL LOCATED AT 544 S PLEASANT GROVE BOULEVARD,**

PLEASANT GROVE, UTAH. (PG HOTEL PARTNERS, LLC, APPLICANT) *Presenter: Attorney Petersen.*

Attorney Petersen stated that Hyatt House was requesting a Class “C” Liquor License and briefly described what this license would include. The applicant completed and paid for two Class “C” licenses, and they completed the inspections; however, they still needed to provide proof that all of the training and seminars had been completed.

ACTION: Council Member Williams moved that the City Council APPROVE the request for a Class “C” On-Premise Liquor License and a Full-Service Restaurant Liquor License for Hyatt House Provo/Pleasant Grove Hotel located at 544 South Pleasant Grove Boulevard, Pleasant Grove, Utah, based on the condition that all requirements are completed. 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.

Council Member LeMone asked for a report on Evermore Park. Ken Bretschneider, CEO of Evermore, reported that they sold 25,000 tickets for their first event and the response from the public had been positive. They had also received national and international attention. BuzzFeed did a piece on the park and it received more than 14.5 million views. They were also featured on the cover of *The LA Times*. The next event would be their Christmas event, which would begin the end of November. He reported that large groups had expressed interest in doing specialized events at Evermore. There also was an exciting trend in the number of repeat visitors. He reported that the track component of The Grid was complete and they planned to get permits to open soon.

- C) **CONTINUED ITEM: 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 THE BURIAL LOT; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Giles *Continued from the October 16, 2018 Meeting.*

Parks and Recreation Director, Deon Giles, reported that the Council discussed the above item a few weeks earlier, and he was asked to research the software programming about doing a cremains area of the cemetery. He reported that the system would allow it. Staff was still requesting that the number of cremains allowed in a lot be reduced to four, because there were still concerns about damaging urns if there are too many in one lot. Council Member Williams asked if they should require vaults for the urns. Director Giles responded that this would probably not be a good practice.

ACTION: Council Member Williams moved that the City Council ADOPT 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 allow in the burial lot; and providing for 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.

- D) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-054) AUTHORIZING THE MAYOR TO DECLARE 23 LAPTOP COMPUTERS AND 35 DESKTOP COMPUTERS AS SURPLUS AND DIRECTS THAT THEY BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

Administrator Darrington explained that the majority of the City's computers are due to be replaced this year. Per policy, the computers will be scrubbed and employees given the option of purchasing their computer. The computers were all about three years old.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2018-054 authorizing the Mayor to declare 23 laptop computers and 35 desktop computers as surplus and direct that they be disposed of according to the City's policy for disposing of surplus property; 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.

- E) TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-30) AMENDING TITLE 8 CHAPTER 5 SECTION 4 "STORM WATER UTILITY FEE" OF THE PLEASANT GROVE MUNICIPAL CODE; ESTABLISHING A NEW ESU CALCULATION PROVIDING FOR FEE CALCULATIONS FOR VARIOUS TYPES OF DEVELOPMENT; ESTABLISHING A REDUCTION IN FEE FOR DEVELOPMENTS THAT PROVIDE ON-SITE STORM WATER DETENTION OR RETENTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

Administrator Darrington reported that staff had been working to resolve issues with the storm drain billing system. The first issue had to do with how ESUs (Equivalent Service Units) were assigned, particularly to multi-family and commercial developments. He noted that the ESU was calculated by the amount of impervious surface in a development. For each residential unit, the City had been charging one ESU at \$13.10 each month. A church, which has a much larger parking lot, would be charged 20 ESUs. Staff discovered that what they had been charging and what was outlined in the Master Plan were not consistent. With multi-family housing, they had been charging one ESU per unit, but the ordinance does not require that. For commercial businesses, they found that many commercial businesses were not entered into the system correctly and were being over or under charged. Administrator Darrington and Director Beaumont had been working with individual business owners to discuss the proposed calculation change and educate the public.

Administrator Darrington explained that the proposal was to correct the Code so that the ESU application and Master Plan are consistent. The ordinance would be revised to match the current billing practices on multi-family developments. There would also be a 30% discount provided to developments that have detention or retention areas on-site. Staff set up a way to credit properties that had been overcharged going back one year. They would also correct the number of ESUs

being charged to commercial properties. Administrator Darrington anticipated that primarily businesses would be impacted because of the change in ESU application. The rate of \$13.10 would not change.

Council Member Williams reiterated that the real impact would be to businesses that have large impervious surfaces. Administrator Darrington confirmed that this was correct, but staff would be sitting down with the businesses about the change. There would be some budgetary impact to the Storm Drain Fund, but they were not sure of the entire impact yet. The Storm Drain Fund struggled the most because there was a lot of need and very little money going into it. Staff would have a better idea of any potential rate change after the ESU application is corrected. Administrator Darrington noted that if approved tonight, the change would affect the January billing.

ACTION: Council Member Williams moved that the City Council ADOPT Ordinance 2018-30 amending Title 8 Chapter 5 Section 4 “Storm Water Utility Fee” of the Pleasant Grove Municipal Code; establishing a new ESU calculation providing for Fee Calculations for various types of development; establishing a reduction in fee for developments that provide on-site storm water detention or retention; 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.

- F) **TO CONSIDER AWARDED THE 220 AND 550 S PLEASANT GROVE BOULEVARD SIGNALS PROJECT TO HIDDEN PEAK ELECTRIC CO. IN THE AMOUNT OF \$176,150.00 AND AUTHORIZE THE MAYOR TO SIGN THE NOTICE TO PROCEED AND TO SIGN THE AGREEMENT UPON RECEIPT AND APPROVAL OF FINAL CONTRACT DOCUMENTS.** *Presenter: Director Beaumont.*

Director Beaumont reported that the City had been discussing doing the signals on Pleasant Grove Boulevard at 220 South and 550 South, and had received bids on the project. A mandatory briefing meeting was held with three contractors in attendance. Four bids were received but one company was not present at the mandatory meeting. If the bid was awarded tonight, they should have all the necessary documentation back in two weeks. They expected delivery of the equipment by the end of December and a completed project by the end of February. Staff recommended awarding the bid to Hidden Key Electric Company in the amount of \$176,150.00.

ACTION: Council Member Walker moved that the City Council AWARD the 220 and 550 South Pleasant Grove Boulevard Signals Project to Hidden Peak Electric Company in the amount of \$176,150.00 and authorize the Mayor to sign the Notice to Proceed and to sign the Agreement upon receipt and approval of final contract documents. Council Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

11) **ITEMS FOR DISCUSSION**

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

Administrator Darrington stated that there would be a canvass of the election on November 20 beginning at 5:00 p.m., and that would be the only item on the agenda. City Council Meetings were scheduled for December 4 and December 11, and both agendas were filling up quickly. There would be a tree lighting ceremony on November 26 at 6:00 p.m. at the Downtown Park.

Council Member LeMone gave a brief rundown of the Tree Lighting Ceremony, which would have the theme of *A Charlie Brown Christmas*.

Director Beaumont reported on the status of various road projects throughout the City, and those in the planning stages.

Fire Chief, Dave Thomas, gave a report regarding the firefighters assigned to the Woolsey Fire in California. The fire was about 35% contained, but they expected very high winds in the next few days. The death toll was currently 50. He also reported that the fire station was coming along well, and they would hopefully have power next week.

Library Director, Sheri Britsch, reported that the Library was having a computer help lab from 1:00 p.m. to 3:00 p.m. this week, as well as story times, Book Enders Club, holiday gift wrapping classes, chemistry magic shows, and an after-hours taste test challenge for teens. December 6 would be a book launch for local author Erin Summerill.

12) **REVIEW AND DISCUSSION ON THE NOVEMBER 20, 2018 CITY COUNCIL MEETING AGENDA**

13) **MAYOR AND COUNCIL BUSINESS**

Mayor Fugal thanked staff for the successful Veteran's Day program.

Council Member Andersen reported on the Follow the Flag event up Ogden Canyon and the Boyd Fugal service.

Council Member Jensen thanked Chief Thomas for allowing the City to use the soon-to-be New Fire Station for their retreat. Administrator Darrington said that the Retreat is scheduled for Friday, February 8, 2019.

Council Member Walker was also pleased with the Veteran's Day program and thanked Mayor Fugal for speaking at the event.

14) **SIGNING OF PLATS**

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member Jensen moved to adjourn the meeting at 8:02 p.m. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council Minutes of November 13, 2018 were approved by the City Council on December 4, 2018.

Kathy T. Kresser, City Recorder, MMC

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