

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
July 16, 2019
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 Director
Tyler Wilkins, Recreation Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Marty Beaumont, Public Works Director
Kyler Ludwig, Assistant City Administrator
Sheri Britsch, Library Director
Mike Roberts, Police Chief
Dave Thomas, Fire Chief
Daniel Cardenas, Community Development Director
Nate Reed, Intern

The City Council and staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah.

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 Council Member LeMone.

3) OPENING REMARKS

The opening remarks were given by Assistant City Administrator Kyler Ludwig.

4) APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda, as written. Council Member Andersen 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 June 25, 2019 Meeting.
City Council Minutes for the July 1, 2019 Special Meeting.**
- b. **To Consider for Approval Pay Request No. 4 for the Pleasant Grove Boulevard and 2200 South / 550 South Project for Hidden Peak Electric Company, Inc.**
- c. **To Consider for Approval Change Order No. 1 to Cody Ekker Construction for the 300 East Street and Utility Improvement Project.**
- d. **To Consider for Approval Change Order No. 1 for the Walker Tank Landscaping Project for Stratton and Bratt Landscapes, LLC.**
- e. **To Consider Approval of Payment Approval Reports for (June 27, July 3 and 11, 2019).**

At the request of Council Member Andersen, Public Works Director, Marty Beaumont briefly explained the reason for the change order for Cody Ekker Construction and the change order for the Walker Tank Landscaping project.

ACTION: Council Member Andersen moved to APPROVE the consent items. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

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

There were none.

8) **PRESENTATIONS**

There were none.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-14) TO ADJUST THE COMMON BOUNDARY BETWEEN PLEASANT GROVE CITY AND THE CITY OF CEDAR HILLS. THE PROPOSED AREA TO BE ADJUSTED IS OWNED BY RYAN AND ELIZABETH CLARK 3824 N CANYON ROAD, PLEASANT GROVE, UT, COMPRISING OF 0.81 ACRES AND JODIE VANZANT, LOCATED 3862 N CANYON RD, PLEASANT GROVE, UT, COMPRISING OF 0.937 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen reported that the City received an application from the two property owners listed above requesting a boundary adjustment. The two properties are on the east side of 100 East in the north part of Pleasant Grove. Pleasant Grove City does not provide sewer services to the properties. Cedar Hills can provide sewer services but Cedar Hills requires the properties to be within the city boundaries to service them.

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

ACTION: Council Member Jensen moved that the City Council ADOPT Ordinance 2019-14 to adjust the common boundary between Pleasant Grove City and the City of Cedar Hills. The proposed area to be adjusted is owned by Ryan and Elizabeth Clark 3824 N. Canyon Road, Pleasant Grove, Utah, comprising of 0.81 acres and Jodie VanZant 3862 N. Canyon Road, Pleasant Grove, UT, comprising of 0.937 acres; and providing for an effective date. Council Member LeMone seconded the motion. A public hearing was held. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

- B) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-15) AMENDING PLEASANT GROVE CITY BOUNDARIES BY ANNEXING PARCELS FROM UTAH COUNTY, WITH THE SERIAL NUMBERS OF 14:054:0154, 14:054:0155, 14:054:0152, AND SURROUNDING AREAS ALONG THE I-15 CORRIDOR, TOTALING AN AREA OF 13.27 ACRES. THE AFOREMENTIONED AREA, KNOWN AS THE BETTER INVESTMENT ANNEXATION, WILL RECEIVE THE ZONING DESIGNATION OF THE GROVE ZONE, INTERCHANGE SUBDISTRICT LOCATED AT APPROXIMATELY 2295 W 700 S, PLEASANT GROVE, UT AND PROVIDING FOR AN EFFECTIVE DATE. (SAM WHITE’S LANE NEIGHBORHOOD) *Presenter: Director Cardenas***

Community Development Director, Daniel Cardenas presented the staff report regarding the request to annex 13.27 acres of property into Pleasant Grove City from Utah County. The Annexation Policy Plan adopted by the City Council includes the subject property for future annexation. Referencing the map, Director Cardenas identified the property owned by the applicant, a small corner piece owned by a private owner, and a section near I-15 owned by UDOT. The City requested that all three pieces be included in the annexation so as not to create islands of unincorporated property. The property would take on the zoning designation of The Grove Zone-

Interchange Subdistrict. The Planning Commission heard the proposal and unanimously recommended approval. A private property owner expressed his desire not to be included in the annexation and had spoken to the Legal Department.

Mayor Fugal opened the public hearing.

Garth Jacklin, the owner of the small corner property, commented that he did not have much choice in the annexation because his property is too small. His primary concern was his ability to keep his animal rights and large equipment on the property. He hoped that both uses would be grandfathered in.

City Attorney, Tina Petersen stated that she spoke with Mr. Jacklin the day before about obtaining a Zoning Verification Letter from staff, which would establish the legal non-conforming use rights he was seeking. To receive that letter, he would have to show that he legally established the uses while it was permitted in the zone. The Community Development Department would evaluate and provide that letter if appropriate.

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

ACTION: Council Member LeMone moved that the City Council ADOPT Ordinance 2019-15 amending Pleasant Grove City boundaries by annexing parcels from Utah county, with the serial numbers of 14:054:0154, 14:054:0155, 14:054:0152, and surrounding areas along the I-15 corridor, totaling an area of 13.27 acres. The aforementioned area, known as the Better Investment Annexation, will receive the zoning designation of The Grove Zone - Interchange Subdistrict located at approximately 2295 W 700 S, Pleasant Grove, UT; and providing for an effective date. Council Member Jensen seconded the motion. A public hearing was held. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

- C) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-16) AMENDING CITY CODE SECTION 10-14-24-1-C3: THE GROVE COMMERCIAL SALES SUBDISTRICT, CONDITIONAL USES, BY CHANGING THE CONDITIONS AND REQUIREMENTS FOR THE ESTABLISHMENT OF USE # 6399 RECEPTION CENTERS, WITHIN THE GROVE ZONE AND LIMITED TO THE COMMERCIAL SALES SUBDISTRICT. (CLARE MOON APPLICANT) (SAM WHITE’S LANE NEIGHBORHOOD) Presenter: Director Cardenas *Continued to August 6, 2019 meeting.**

10) **ACTION ITEMS READY FOR VOTE**

- A) **TO CONSIDER FOR ADOPTION A RESOLUTION (2019-034) AUTHORIZING THE MAYOR TO EXECUTE A CONDUIT SYSTEM LEASE AGREEMENT WITH UTOPIA; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.**

Attorney Petersen stated that the proposed resolution anticipates the City entering into a Conduit Lease Agreement with UTOPIA to provide fiber to a few businesses in Pleasant Grove. They would be using the conduits the City already has in place and pay the City approximately \$0.60 per foot for the lease. That equates to approximately \$900 per year. The contract also included a 2% annual adjustment. Council Member Andersen asked if they would be cutting into the roadways. Attorney Petersen stated that there would be some boring. They would discuss this in more detail with the next item.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2019-034 authorizing the Mayor to execute a Conduit System Lease Agreement with UTOPIA; and providing for an effective date. Council Member Walker seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

B) TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-17) AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH UTOPIA AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.

Public Works Director, Marty Beaumont explained that private utility providers are normally required to enter into a Franchise Agreement with the City. This provides the City coverage if something happens when they do work in the public right-of-way. He described the areas where UTOPIA already has fiber cables and where they intend to install. Staff felt it was time for UTOPIA to enter into a Franchise Agreement with the City.

ACTION: Council Member Williams moved that the City Council ADOPT Ordinance 2019-17 authorizing the Mayor to execute a Franchise Agreement with UTOPIA; and providing for an effective date. Council Member LeMone seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

C) TO CONSIDER FOR APPROVAL A TWO-LOT FINAL SUBDIVISION PLAT, CALLED GROVE CREEK CENTER COMMERCIAL SUBDIVISION PLAT ‘B’ ON PROPERTY LOCATED AT APPROXIMATELY 2054 WEST GROVE PARKWAY IN THE GROVE ZONE – INTERCHANGE SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (DAVID SELLS APPLICANT) Presenter: Director Cardenas.

Director Cardenas presented the staff report regarding the request for a two-lot commercial subdivision at the address listed above. He explained that the applicant intends to consolidate three existing lots and subdivide the parcel into two lots. Referencing the map, he identified the accesses for the proposed lots. The subdivision was determined to meet all requirements of the zone and staff and the Planning Commission recommended approval.

ACTION: Council Member Williams moved that the City Council APPROVE a two-lot final subdivision plat called Grove Creek Center Commercial Subdivision Plat ‘B’, located at approximately 2054 West Grove Parkway in The Grove Zone – Interchange Subdistrict. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

- D) TO CONSIDER FOR APPROVAL A SITE PLAN FOR A MULTI-TENANT PROFESSIONAL OFFICE BUILDING, ON PROPERTY LOCATED AT 1972 WEST GROVE PARKWAY IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (JUSTIN PACK APPLICANT) presenter: Director Cardenas.**

Director Cardenas presented the proposed site plan and made the correction that the building height will be 146 feet. The Design Review Board and Planning Commission reviewed the application and recommended approval.

ACTION: Council Member Jensen moved that the City Council APPROVE a site plan for a multi-tenant professional office building, on property located at 1972 West Grove Parkway in The Grove Zone – Commercial Sales Subdistrict. Council Member Williams seconded. The motion carried with the unanimous consent of the Council.

- E) TO CONSIDER FOR APPROVAL A FOUR-LOT, RESIDENTIAL FINAL SUBDIVISION PLAT CALLED FAUSETT ESTATES PLAT ‘B,’ ON PROPERTY LOCATED AT APPROXIMATELY 1250 NORTH 680 WEST IN THE R1-8 (SINGLE FAMILY RESIDENTIAL) ZONE. (NORTH FIELD NEIGHBORHOOD) (LYNN D. AND JENNY FAUSETT APPLICANTS) Presenter: Director Cardenas.**

Director Cardenas presented the staff report regarding a four-lot residential subdivision plat at the address listed above. The property is located within the R1-8 Zone, which requires a minimum lot size of 8,000 square feet. The Planning Commission unanimously recommended approval.

ACTION: Council Member Williams moved that the City Council APPROVE a four-lot, residential final subdivision plat called Fausett Estates Plat ‘B’, on property located at approximately 1250 North 680 West in the R1-8 (Single-Family Residential) Zone. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

- F) TO CONSIDER FOR APPROVAL FINAL COMMERCIAL EXPANDABLE CONDOMINIUM SUBDIVISION PLAT CALLED BATTLE CREEK BUSINESS PARK PLAT “A” ON PROPERTY LOCATED AT APPROXIMATELY 1877 WEST STATE STREET IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (RIDGEPOINT MANAGEMENT GROUP LLC SUSAN PALMER APPLICANT) Presenter: Director Cardenas.**

NOTE: Items 10F and 10G were discussed simultaneously.

Director Cardenas presented the staff report regarding an expandable condominium subdivision plat at the address listed above. He also presented the site plan for the property, which includes two office buildings. He noted that the lot will eventually have frontage to State Street once the other property develops. He identified the access points on the site plan.

ACTION: Council Member Jensen moved that the City Council APPROVE a final commercial expandable condominium subdivision plat called Battle Creek Business Park Plat ‘A’ on property located at approximately 1877 West State Street in The Grove Zone – Commercial Sales Subdistrict. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

- G) TO CONSIDER FOR APPROVAL A SITE PLAN ON PROPERTY LOCATED AT APPROXIMATELY 1909 – 1959 STATE STREET IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (RIDGEPOINT MANAGEMENT GROUP LLC SUSAN PALMER) APPLICANT) Presenter: Director Cardenas.**

NOTE: Items 10F and 10G were discussed simultaneously.

ACTION: Council Member LeMone moved that the City Council APPROVE a site plan on property located at approximately 1909-1959 State Street in The Grove Zone-Commercial Sales Subdistrict. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

- H) TO CONSIDER A TWO-LOT, COMMERCIAL FINAL SUBDIVISION PLAT CALLED VALLEY GROVE BUSINESS PARK PLAT “J,” ON PROPERTY LOCATED AT APPROXIMATELY 1221 SOUTH VALLEY GROVE WAY IN THE GROVE – INTERCHANGE SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (MARK CATHEMER APPLICANT) Presenter: Director Cardenas.**

Director Cardenas presented the staff report regarding a final commercial subdivision plat, which would be the third Valley Grove Tower. The Planning Commission unanimously recommended approval of the request.

ACTION: Council Member Andersen moved that the City Council APPROVE a two-lot, commercial final subdivision plat called Valley Grove Business Park Plat ‘J’, on property located at approximately 1221 South Valley Grove Way in The Grove Zone – Interchange Subdistrict. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

- I) TO CONSIDER FOR APPROVAL A SITE PLAN FOR A FIVE-STORY OFFICE BUILDING, ON PROPERTY LOCATED AT 1155 SOUTH**

VALLEY GROVE WAY IN THE GROVE ZONE – INTERCHANGE SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (MARK CATHEMER APPLICANT) *Presenter: Director Cardenas.*

Director Cardenas presented the site plan for the proposed five-story office building, which is similar in design and style to the other Valley Grove Towers. The Design Review Board and Planning Commissioner reviewed the application and recommended approval. Director Cardenas noted that the site plan exceeds the parking requirements.

ACTION: Council Member Andersen moved that the City Council APPROVE the site plan for a five-story office building, on property located at 1155 South Valley Grove Way in The Grove Zone-Interchange Subdistrict. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

- J) TO CONSIDER FOR APPROVAL A THREE-LOT COMMERCIAL SUBDIVISION PLAT, CALLED GROVE COMMONS SUBDIVISION PLAT C ON PROPERTY LOCATED AT APPROXIMATELY 1809 WEST STATE STREET IN THE GROVE ZONE – COMMERCIAL SALES AND MIXED HOUSING SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (SPENCER H. WRIGHT APPLICANT) *Presenter: Director Cardenas.***

Staff requested that the above item be continued.

ACTION: Council Member LeMone moved that the City Council CONTINUE the approval of a three-lot commercial subdivision plat, called Grove Commons Subdivision Plat, on property located at approximately 1809 West State Street in The Grove Zone-Commercial Sales and Mixed Housing Subdistricts. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

- K) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-035) AUTHORIZING THE MAYOR TO ENTER INTO REIMBURSEMENT AGREEMENTS WITH PROPERTY OWNERS ALONG THE NORTH SIDE OF 1100 NORTH BETWEEN 437 EAST AND 555 EAST FOR CONSTRUCTION OF ROADWAY AND UTILITY IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that the reconstruction of 1100 North includes a storm drain line replacement, water service replacements, and road surface reconstruction. Originally, staff also looked at the cost of doing sidewalk improvements on the north side of the road. Referencing the map, he identified the areas along the road that do not have street improvements, including sidewalk, curb, and gutter. Staff had since spoken to the five property owners on this side of the road who agreed to enter into the agreement and pay for the curb, gutter, and sidewalk improvements. There was brief discussion regarding drainage for both sides of the roadway.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-035 authorizing the Mayor to enter into Reimbursement Agreements with property owners along the north side of 1100 North between 437 East and 555 East for construction of roadway and utility improvements; and providing for an effective date. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

- L) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-036) AUTHORIZING THE MAYOR TO DECLARE TWO IPHONE AND A SURFACE PRO LAPTOP AS SURPLUS AND DIRECTS THAT THEY BE DISPOSED OF ACCORDING TO THE CITY’S POLICY FOR IS DISPOSING OF SURPLUS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Chief Thomas.***

ACTION: Council Member Williams moved that the City Council ADOPT Resolution 2019-036 authorizing the Mayor to declare two iPhones and a Surface Pro Laptop 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. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

- M) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-037) AMENDING THE PERSONNEL POLICIES AND PROCEDURES PREVIOUSLY APPROVED BY THE CITY COUNCIL. SPECIFICALLY, AMENDING SECTION XVI “LEAVES OF ABSENCE” AND SECTION XIII “REIMBURSABLE EXPENSES” AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen reported that staff had been working through the policy manual, and this was the latest update. Amended sections included leave of absence, transferring of paid time off from other departments, the number of roll-over hours, changing the roll-over date to the anniversary date for each employee, sick leave, workers compensation, and mileage compensation.

ACTION: Council Member LeMone moved that the City Council ADOPT Resolution 2019-037 amending the Personnel Policies and Procedures previously approved by the City Council. Specifically, amending Section XVI “Leaves of Absence” and Section XIII “Reimbursement Expenses”; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye”. The motion carried unanimously.

11) ITEMS FOR DISCUSSION

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

Before addressing Staff Business, Administrator Darrington stated that Larry Myler was present to provide an update on his project. He was not able to make it to the meeting in time for the Open Session.

Developer Larry Myler reported that Richmond American Homes is moving quickly on the residential portion of the development and they are almost ready for 1300 West to go in. There were some setbacks with the weather and some soil issues came up, but they were moving forward. With regard to the hotel, they were starting to explore other options. Since the property is not near a freeway, it is not the optimal location for a hotel. They were looking into a hybrid model for short and long-term stays.

Developer Dave Runnels, reported that the retail portion of the development is going well. He was not able to say specifically what businesses they were in discussions with but they were in negotiations with several potential tenants, including local restaurants and businesses.

Council Member Andersen requested that they inform the Council of any press releases.

Administrator Darrington reviewed the calendar items including a multi-city social gathering on July 29 at 6:30 p.m. with elected officials from Lindon, American Fork, and Cedar Hills. The City Swim Party was scheduled for August 5.

Director Beaumont reported on the 100 East Road Project and stated that they would mill this week and pave next week. Striping would occur around the first week of August.

Director Cardenas stated that he emailed everyone a copy of the RAP sheet. He then reported on the status of a few applications.

Library Director, Sheri Britsch informed the Council that the Summer Reading Program is going well and they are constantly busy.

Recreation Director, Tyler Wilkins reported that they are currently hosting a baseball tournament, and there was a lot going on in association with that. They also will be wrapping up basketball, volleyball, and tennis camps in the next few weeks. They would soon be getting ready for fall sports.

Fire Chief, Dave Thomas indicated that they were able to conduct a test for the Battalion Chief position, and they received over 25 applications. They would now be looking to fill two other open positions at the station. He briefly reported on a recent brush fire and stated that the bike trail stopped the fire from going any further than it did. Today, the Fire Fighters Association awarded Chief Thomas a replica leather fire bucket, commemorating the new fire station.

Police Chief, Mike Roberts reported that they would be hosting a concealed carry class on August 1.

Council Member LeMone thanked the Police Department for the fireworks shows.

Council Member Jensen stated that there would be a groundbreaking for the new branch of Bank of American Fork the following day at noon. He invited all to come and show their support.

Council Member Andersen enjoyed the festivities since the last meeting, especially the Follow the Flag event.

Council Member Walker commented that they have had a great month so far, and he was looking forward to more.

12) **REVIEW AND DISCUSSION ON THE AUGUST 6, 2019 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting agenda was briefly discussed.

13) **MAYOR AND COUNCIL BUSINESS**

14) **SIGNING OF PLATS**

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member Williams moved to adjourn the City Council meeting at 7:42 p.m. and reconvene as the Pleasant Grove Redevelopment Agency. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council Minutes of July 16, 2019 were approved by the City Council on August 20, 2019

Kathy T. Kresser, MMC
City Recorder

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