

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
August 6, 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
Daniel Cardenas, Community Development 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
Britt Smith, Police Captain
Dave Thomas, Fire Chief

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 Police Captain Britt Smith.

3) OPENING REMARKS

The opening remarks were given by Council Member Jensen.

4) APPROVAL OF MEETING'S AGENDA

City Administrator, Scott Darrington explained that Item 9B was withdrawn by the applicant and they would be reconfiguring their development plan. Item 10B was postponed indefinitely.

ACTION: Council Member Williams moved to approve the agenda, with Item 9B removed from the agenda, and Item 10B continued indefinitely. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

5) **OPEN SESSION**

Darrell Weaver stated that on June 15, someone tried to take two of his children on their way home from school. A police officer came and spoke to his children about the incident, but he did not take official statements from them and he did not call anything in. Mr. Weaver was confident that the suspects would have been caught if a BOLO had been put out. He personally visited all of the homes on the street that may have camera footage from that time period in order to get more information on the vehicle or individuals involved. He asked why the ball was dropped.

Mayor Fugal advised him to meet with Police Captain Smith about the incident.

6) **CONSENT ITEMS**

(Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion.)

- a. **To Consider for Approval Partial Payment No. 2 to Cody Ekker Construction for the 300 East Street and Utility Improvement Project.**
- b. **To Consider for Approval Pay Request No. 5 to Hidden Peak Electric Co. Inc. for the Pleasant Grove Boulevard and 220 South / 550 South Project.**
- c. **To Consider for Approval Partial Payment No. 2 to C&L Water Solutions, Inc. for the FY 2018-19 Sewer Rehabilitation Project.**
- d. **To Consider for Approval Payment No. 1 to Stratton & Bratt for the Walker Tank Landscaping Project.**
- e. **To Consider for Approval Change Order No. 2 to Holbrook Asphalt for the 2018 to 2020 Street Asphalt Seal Coat project.**
- f. **To Consider Approval of Payment Approval Reports for (July 17, July 25 and August 1, 2019).**

ACTION: Council Member Jensen moved to APPROVE the Consent Items. Council Member Walker 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 (2019-16) 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. (CLARE MOON, APPLICANT) *Presenter: Director Cardenas.***

Director Cardenas began his presentation by displaying a map of The Grove Zone and identified the Commercial Sales Subdistrict. The goal of the subdistrict is to invite sales tax-generating uses. In 2015, Aroma Tools wanted to develop a multi-story building that included a reception center. At the time, the Planning Commission and City Council decided that a reception center was not a use they wanted in the zone on its own, so they decided to make it a conditional use with three specific conditions: A) It shall not be located on a ground level; B) It shall not occupy more than 20 percent of the total square footage of a building where they are housed; C) It shall only accompany an active use that is permitted in this section. He noted that the Commercial Sales Subdistrict was not very developed when the Code was adopted.

Recently, staff was approached by an applicant who wanted to create a food truck park on property in the Commercial Sales Subdistrict. The concept site plan also showed a large open barn, which would act as a shaded area for patrons to sit and eat their food, and the applicant could sell beverages. The applicant thought the building could also be used as a reception center; however, that would meet the existing conditions for the use, so the applicant proposed removing conditions A and B, and modifying C. Condition C would read, "receptions centers shall only exist if they are subordinate in the parcel to a permitted or conditional use that generates sales tax". Staff recommended keeping reception centers as a conditional use because parking could be difficult.

Council Member Williams asked if having a candy counter in the building would count as a sales tax-generating use. Director Cardenas stated that staff proposed keeping condition B, but the Planning Commission thought it was too restrictive. Their primary concern was establishing the retail sales tax. Because reception centers would remain a conditional use, the Planning Commission would be able to determine if there was enough sales tax to support a reception center.

Administrator Darrington was concerned that the word 'subordinate' was subject to interpretation and wasn't clearly defined in the Code. Condition B would help to tighten up that requirement. Attorney Petersen stated that use of the word 'subordinate' without a definition could create problems in the future if someone doesn't like the City's decision. She would prefer that this condition be clarified. Council Member Williams asked if the applicant's project would be negatively affected if they included Condition B in the Code.

The applicant, Clare Moon, confirmed that she could still do her project and meet Condition B. Her hope was to have food trucks in operation as much as possible but she also wanted the flexibility to use the area for receptions. It would also be good to combine food trucks and events.

There was discussion about requiring the sales tax use along the frontage, and Administrator Darrington stated that this was the impetus behind Condition A. The Council was in favor of including Condition B in the final language.

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

ACTION: Council Member LeMone moved that the City Council ADOPT Ordinance 2019-16 amending City Code Section 10-14-24-1-C3: The Grove Commercial Sale Subdistrict, Conditional Uses, by changing the conditions and requirements for the establishment of Use #6399 Reception Centers, within The Grove Zone, including Subsections A “Reception Centers shall only exist if they are subordinate, in the same lot or parcel, to a permitted or conditional use that generates sales tax” and B “Reception Centers are limited to less than fifty percent (50%) of each individual site plan, either by square footage of the lot or by hours of operation designated for each use” in the final language. 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.

- B) PUBLIC HEARING TO CONSIDER FOR ADOPTION A RESOLUTION (2019-038) AMENDING THE GENERAL PLAN APPENDICES “D” TRANSPORTATION MASTER PLAN BY AMENDING THE VICINITY PLAN FOR UNDEVELOPED PROPERTIES BY TERMINATING A FUTURE ROAD NEAR 200 SOUTH AND FUTURE ROAD 825 EAST, NEAR PROPERTY LOCATED AT APPROXIMATELY 950 EAST 200 SOUTH IN THE R1-10 (SINGLE-FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) (DENY FARNWORTH, APPLICANT) Presenter: Director Cardenas *Continued to the September 3, 2019 City Council Meeting.**

10) ACTION ITEMS READY FOR VOTE

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-038) AUTHORIZING THE MAYOR TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH ZMFU II INC., SALT LAKE CITY, UTAH, FOR THE PURPOSE OF ACQUIRING PUBLIC SAFETY VEHICLES, COMPUTERS AND FITNESS EQUIPMENT AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen**

Attorney Petersen reported that the above resolution involves a Lease Agreement that the City enters into every year to rotate equipment and leased vehicles. The equipment list was included in Exhibit B of the staff report. The total amount of the lease was \$405,695, and the money has already been allocated in the budget.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-038 authorizing the Mayor to enter into a Lease-Purchase Agreement with ZMFU Inc., Salt Lake City

Utah, for the purpose of acquiring public safety vehicles, computers and fitness equipment, and authorizing the execution and delivery thereof; 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 APPROVAL A FINAL SUBDIVISION PLAT CALLED DANA POINT SUBDIVISION PLAT ‘C’ AND SITE PLAN APPROVAL. PROPERTY LOCATED AT APPROXIMATELY 633 AND 671 S PLEASANT GROVE BLVD IN THE GROVE ZONE COMMERCIAL SALES SUBDISTRICT. AARON WAGNER, APPLICANT) Presenter: Director Cardenas *Continued indefinitely.**

- C) **TO CONSIDER FOR APPROVAL A THREE-LOT FINAL SUBDIVISION PLAT CALLED GROVE COMMONS SUBDIVISION PLAT ‘C’ ON PROPERTY LOCATED AT APPROXIMATELY 1809 W STATE STREET IN THE GROVE ZONE COMMERCIAL SALES AND MIXED HOUSING SUBDISTRICT. SPENCER WRIGHT, APPLICANT) Presenter: Director Cardenas.**

Director Cardenas presented the staff report and stated that the entire property is 3.8 acres in size. All of the proposed lots have access to State Street, which is required in the Commercial Sales Subdistrict. The Engineering Department and Planning Commission recommended approval.

Council Member Williams asked about the purpose of the subdivision. The applicant, Logan Johnson, explained that the parcel needs to be subdivided in order to be sold. The Commercial Sales Subdistrict Code requires all lots to have frontage on a main road, and the plan meets that requirement.

ACTION: Council Member Walker moved that the City Council APPROVE a three-lot final 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 Subdistricts. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

- D) **TO CONSIDER FOR ADOPTION A RESOLUTION (2019-039) SUPPORTING THE UTAH COUNTY GOOD GOVERNANCE ADVISORY BOARD’S SIX RECOMMENDATIONS AND SPECIFICALLY THE RECOMMENDATION TO PLACE A CHANGE OF FORM OF GOVERNMENT QUESTION ON THE NOVEMBER 2019 BALLOT; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Administrator Darrington.**

Administrator Darrington explained that the form of government for Utah County involves a three-member commission. However, there had been discussion about changing that to a mayor and seven County Council members. The existing Commission created the Utah County Good

Governance Advisory Board to research the potential change and they gave the following six recommendations:

1. The Utah County Board of County Commissioners should support a change of Utah County's form of government from its three-member county commission form to the county executive-council (mayor-council) form of government with a full-time elected at-large mayor, [and] an elected seven-member part-time council that has five seats elected by districts and two seats left at large.
2. The Utah County Board of County Commissioners should pass a county ordinance to hire a professionally trained and skilled chief administrative officer (CAO) to aid in the day-to-day management of the county.
3. The Utah County Board of County Commissioners should move expeditiously to hold a special election in November 2019 to seek voter approval for a change in Utah County's form of government to the mayor-council form.
4. The Utah County Board of County Commissioners should establish a non-partisan committee to follow established federal and state judicial criteria and recommend the geographic boundaries for the five district seats of the county council. Public engagement in this process guards against perceptions of self-serving decisions made by county officials.
5. The Utah County Board of County Commissioners should establish a compensation committee comprised of volunteers with expertise in cost analysis and compensation. Public engagement in this process guards against perceptions of self-serving decisions made by county officials.
6. The Utah County Board of County Commissioners should educate Utah County voters on the mayor-council form of government and how it holds elected officials accountable, improves representation of all areas and communities within the county, and how the transition will be funded.

Administrator Darrington stated that some communities have already expressed their support for these recommendations via resolution, such as the proposed resolution. It was unclear whether this change of government would be on the 2019 Ballot.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-039 supporting the Utah County Good Governance Advisory Board's six recommendations and specifically the recommendation to place a Change of Form of Governance question on the November 2019 Ballot; and providing for an effective date. Council Member Andersen seconded. 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.

Library Director, Sheri Britsch did not have final numbers for the Summer Reading Program but 320,000 items were checked out during the month of July. The Harry Potter event was to take place the end of September and she invited the City Council and staff to help with the event. Last year, the event was very crowded, so they were exploring different options for crowd control, including limiting the event to Library cardholders. She expressed thanks to those that planned the pool party for City employees.

Recreation Director, Tyler Wilkins stated that this week would be the annual cleaning and maintenance for Rec Center. They would be closed for three days. During that time, the American Fork and Lehi Recreation Centers would accept Pleasant Grove pass holders.

Fire Chief, Dave Thomas reported that they were in the process of hiring three new full-time firefighters to fill recently vacated positions. They would also be interviewing for an Administrative Assistant in the next few days.

Police Captain, Britt Smith reported on an incident involving an individual who stole items from a truck. The person was apprehended. The newest member of the K-9 unit, Django, was taken to the animal hospital recently to remove a ball from his throat. He survived and was recovering.

Administrator Darrington thanked everyone involved in the pool party.

Public Works Director, Marty Beaumont stated that there was an incident last week with runoff water from Battle Creek. The water overflowed and washed away a significant portion of the trail, which exposed 30 to 40 feet of the spring line. The Public Works and Parks Departments responded and diverted the water back into the original channel and filled in the trail to cover the pipe. The Battle Creek Springs Rehabilitation Project was progressing well, and they found a few new springs that could be incorporated into the system. Director Beaumont reported on the progress of 380 East, 300 East, and 1100 North. The residents could expect minor traffic delays on State Street in the coming days because of a sewer line increase.

Council Member LeMone had heard concerns from the residents about the County's road projects. They had tried to contact the County and the contractor but received no response. Council Member Williams asked if they would consider including a bike lane on 100 East when they stripe the road. Director Beaumont stated that the Council could direct any public concerns to him. If they included a bike lane on 100 East, there wouldn't be enough room for on-street parking. He would discuss the option with the County.

Director Cardenas reported on his bi-monthly meetings with Evermore and stated that they were looking forward to the next season opening, as fall was one of their best seasons. They reconfigured the barn to have the restaurant on the south and a retail area on the north. He reported on the items that would be going to the Planning Commission at the next meeting, including a food truck park.

Director Beaumont noted that he would be having a meeting with UDOT the following morning about the intersection of North County Boulevard and Pleasant Grove Boulevard. They would be discussion the scope of the project so they could move onto concept designs.

Council Member Andersen thanked those who helped with the pool party.

City Recorder, Kathy Kresser reminded the Council that the primary election will be held Tuesday, August 13. The Council will also hold a Special Meeting on August 27 for canvassing.

12) **REVIEW AND DISCUSSION ON THE AUGUST 20, 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**

Board Member Walker moved to adjourn the meeting at 7:33 p.m. Board Member Andersen seconded the motion. The motion carried with the unanimous consent of the Board.

The City Council Minutes of August 6, 2019 were approved by the City Council on September 3, 2019.

Kathy T. Kresser, MMC
City Recorder

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