

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
September 17, 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
Denise Roy, Finance Director
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

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 Scout Garrett Robinson.

3) **OPENING REMARKS**

The opening remarks were given by Brent Bullock.

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

ACTION: Council Member Jensen moved to approve the agenda, with Item 9B continued to the October 1, 2019 meeting. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

5) **OPEN SESSION**

Garrett Robinson, a scout, described his Eagle Scout Project of maintaining the trails leading up to the G. They would be cutting back foliage, cleaning out pipes, and doing general cleanup of the trails. Volunteers will be divided into four groups. He hoped the City Council would be involved. The project was scheduled to take place on September 28 at 7:00 p.m.

Council Member LeMone asked if the Council could help advertise the project on social media. Garrett said that would be appreciated. He noted that they need more safety vests for the volunteers.

Taryn Christensen, Miss Pleasant Grove of 2018, reported that she has had time to reflect on her experience and wanted to thank the Council for their support. She spoke of her fundraising efforts and said that Mayor Fugal won the fundraising contest. Miss Christensen was currently working for the Lindon Police Department and studying criminal justice at UVU.

Dustin Phillips, a resident, stated that his wife recently approached staff about the state of the trails, which were covered in trash. The mess was cleaned up a few weeks earlier but the trails were trashed again. Mr. Phillips gave the Council information regarding a company responsible for some of the mess and who should be encouraged to help with the next cleanup project.

Jason Cowley, a resident, provided a report of the Valley Vista trail. They were coming on 500 volunteer hours, and that had been steady for the past year or so. Because the trail was well maintained, it was instrumental in preventing the recent fire from going up the mountainside.

Tara Farrell, a resident, commented on the proposed rezone of five acres of property. The Council stated that they would be discussing this item later in the meeting, and there would be a public hearing at that time.

6) **CONSENT ITEMS**

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

- a. **City Council Minutes:
City Council Minutes for the August 20, 2019 Meeting.**
- b. **To Consider for Approval Partial Payment No. 4 and Change Order No. 2 to Cody Ekker Construction, Inc. for the 300 East Street and Utility Improvement Project.**
- c. **To Consider for Approval Partial Payment No. 1 to Condie Construction Company for the 2019 Sewer Improvement Project.**

- d. To Consider for Approval Change Order No. 2 for Stratton and Bratt Landscapes, LLC for the Walker Tank Landscape Project.
- e. To Consider for Approval Payment No. 2 to Holbrook Asphalt for the 2018 to 2020 Street Preservation – Asphalt Seal Coat Project.
- f. To Consider Approval of Payment Approval Reports for (September 5 and 12, 2019).

ACTION: Council Member Williams moved to APPROVE the Consent Items. Council Member Jensen 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 (2019-20) TO REZONE APPROXIMATELY 5.027 ACRES FROM THE R1-8 (SINGLE-FAMILY RESIDENTIAL) ZONE WITH MINIMUM LOT AREA OF 8,000 SQUARE FEET PER LOT TO THE R1-7 (SINGLE-FAMILY RESIDENTIAL) WITH MINIMUM LOT AREA OF 7,000 SQUARE FEET PER LOT ON PROPERTY LOCATED AT APPROXIMATELY 921 WEST 1100 NORTH; AND PROVIDING FOR AN EFFECTIVE DATE. (MUD HOLE NEIGHBORHOOD) (CLAY M. LISTON, APPLICANT) *Presenter: Director Cardenas***

Community Development Director Daniel Cardenas presented the staff report regarding a proposal to rezone 5.027 acres from R1-8 to R1-7. He presented an aerial map of the property and identified the roadways that cut through the property. There was also stub a street going into the property from a previous development. Director Cardenas explained that the applicant was not requesting the rezone to get smaller lots, but to utilize the smaller lot width requirement of the R1-7 Zone. When the applicant was laying out the subdivision, he found that he was ten feet short of getting four lots. The lot width requirement for the R1-8 Zone was 85 feet, and it was 75 feet for the R1-7 zone. The applicant intends to keep larger lot sizes. Staff had considered lot size averaging, but that tool was not available in the R1-8 or R1-7 zone. The applicant could have pursued a code amendment to include lot size averaging in the R1-8 zone, but that avenue would be more time-consuming. There was also the option of pursuing a variance, but it wasn't likely that this would be granted because the issue was "self-imposed". The Planning Commission voted 5 to 2 in favor of a positive recommendation.

Council Member LeMone asked why the two Commissioners were opposed to the recommendation. Director Cardenas explained that there were other avenues to accomplish this

development, and these Commissioners didn't feel the rezone was the best option. They were not opposed to allowing smaller lot widths.

Mayor Fugal opened the public hearing.

Tara Ferrell gave her address as 966 North 1010 West and was concerned that the rezone would allow the developer to have small lots and homes, which would not be consistent with the neighborhood. Ms. Ferrell stated that her lot is .25-acre. There was also the concern of increased traffic in the area.

Mayor Fugal explained that the applicant intends to keep the lot sizes large. He was seeking the rezone so that he could utilize the smaller lot width requirement.

City Attorney, Tina Petersen clarified that they were not considering a site plan at this time. The developer would come back to propose a subdivision at a later date. There was the possibility that the developer will come back and propose smaller lots than what are shown here, or another developer could come in with a different plan.

Laura Albertine, a resident, did not have an opinion about the rezone request itself but was concerned that this was not a solid basis on which to approve a rezone.

Tim Clyde, a Planning Commission Member, reported that he made the motion to recommend approval of the rezone. As he looked at the parcel and the different options, he felt that the rezone was the best choice. Considering the roadways and the shape of the property, there is no other way to develop the property than what the applicant was proposing. With regard to the zoning Code, the Commission agreed that the language needed to be cleaned up a bit, and that might include lot size averaging. Commissioner Todd Fugal mentioned that he did not want to set precedent with the rezone, but Commissioner Clyde did not believe that any rezone will set precedent because each property, area, and parcel are different. Even if the applicant wanted to create smaller lots, he would not be able to squeeze them into the property based on all of the zoning requirements. If the applicant were to develop under the current zoning, he would only be able to develop three very large lots, which would not be consistent with the surrounding neighborhood.

The applicant, Clay Liston, stated that his family-owned this property for over 50 years, and have lived in Pleasant Grove for over 100 years. They farmed the subject property for a long time but stopped when the surrounding properties began to develop and residents were concerned about drainage from their farmland. He reiterated that he had no intention of creating smaller lots. He wanted this development to match the surrounding lots. If they were developed under the current zoning, each lot would be almost 20,000 square feet. He had several engineers look at this property, and the smallest lot they could achieve, based on the layout of the roads, would be 11,000 square feet.

Director Cardenas confirmed that it would be extremely difficult to create lots smaller than 11,000 square feet.

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

Council Member Jensen asked if they need to take a look at revising the Code. Attorney Petersen said that lot size averaging allowed some lots in a development to be up to 25% smaller than the minimum requirement. If lot size averaging were allowed in the R1-8 Zone, there was a potential for tiny lots. If the Council was considering a text amendment, they should consider all of the effects it would have and not just jump to add lot size averaging to the R1-8 and R1-7 zones.

Council Member Williams asked the applicant if he had a time-constraint on this project. Mr. Liston stated that he has been working the project for the last 10 years and he would like to move forward, if possible.

ACTION: Council Member Williams moved that the City Council ADOPT Ordinance 2019-20 to rezone approximately 5.027 acres from the R1-8 (Single-Family Residential) Zone with minimum lot area of 8,000 square feet per lot to the R1-7 (Single-Family Residential) Zone with minimum lot area of 7,000 square feet per lot, on property located at approximately 921 West 1100 North; 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 voting “Aye”. The motion carried unanimously.

- B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-21) TO AMEND CITY CODE SECTION 10-11-D-16: CS-2 (COMMERCIAL SALES – 2) ZONE: MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT REQUIREMENTS, BY CHANGING THE CONDITIONS AND REQUIREMENTS FOR THE ESTABLISHMENT OF MULTI-FAMILY RESIDENTIAL DEVELOPMENTS ON PROPERTIES LARGER THAN FIVE (5) ACRES WITHIN THE CS-2 ZONE; AND PROVIDING FOR AN EFFECTIVE DATE. (JOE SALISBURY, APPLICANT) Presenter: Director Cardenas *Continued to the October 1, 2019 City Council Meeting.**

10) ACTION ITEMS READY FOR VOTE

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-042) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT TO PURCHASE 8.071 ACRES OF PROPERTY FROM WADLEY DEVELOPMENT CO. LLC., AND DIANE AND JL ANDERSON FOR PROPERTY LOCATED AT APPROXIMATELY 2600 NORTH 300 EAST FOR THE VALLEY VISTA TRAIL; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Giles**

Parks Director, Deon Giles reported that the subject property is just over 10 acres in size and was owned by two individuals. Mr. Andersen, an owner, offered to sell his property, while Mr. Wadley, another owner, wanted to maintain a portion of their property. Director Giles presented a map of the property and identified what would be purchased and what will remain in Mr. Wadley’s ownership. It was noted that the proposed trail system has been presented to

Metropolitan Water, the Bureau of Reclamation, and Jordan Valley Water. Staff was awaiting their approval. Once the approvals come in, staff would present the trail plan to the Planning Commission.

Council Member LeMone asked how the trail project would be funded. Director Giles stated that this was Phase 3 of a project that was approved by the Council some time ago. There was some money left from that budget and they received several donations. They would also be using impact fees.

There was brief discussion regarding the timeframe for the project. Director Giles stated that depends on how quickly they received approval from the other entities mentioned earlier.

ACTION: Council Member LeMone moved that the City Council ADOPT Resolution 2019-042 authorizing the Mayor to sign a Purchase Agreement to purchase 8.071 acres of property from Wadley Development Co. LLC., and Diane and JL Andersen for property located at approximately 2600 North 300 East for the Valley Vista Trail; 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.

B) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-043) AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH ELIZABETH LARSON (“PROPERTY OWNER”) FOR A PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 1800 NORTH AND 873 WEST, PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont*

Public Works Director, Marty Beaumont reported that an applicant came before the Planning Commission and Council some time ago regarding a new vicinity plan for the subject property. The request was denied because the City felt that it was essential for 900 North to connect through her property, as planned. Since then, the applicant has worked with staff to find a way to develop the property with the existing vicinity plan. The applicant’s primary concern was that the cost of installing the infrastructure for the road was not feasible at this time. The applicant recently went to the Planning Commission to create a one-lot plat, and the approval of that plat was subject to the Council adopting a Development Agreement to address the construction of the road. Director Beaumont presented the agreement and stated that there were three conditions upon which the entire roadway would be installed. If the applicant decides to subdivide their property for future development, they would be required to dedicate the road and construct the improvements at that time. If the City determines they would like the road installed, they may purchase the right-of-way at the appraised value. If the adjacent property subdivides or develops, the owner of the property agrees to sell the right-of-way on their property for the appraised value and allow that construction to occur.

In response to a question from Council Member Andersen, Director Beaumont explained that the applicant would be required to install curb, gutter, and sidewalk along the frontage of their lot.

The applicant, Robby Weber, explained that he had entered into a lease with Elizabeth Larsen with the intent to purchase the property. He already had plans completed for the house and accessory building.

The property owner, Elizabeth Larsen, stated that she had tried to work with the City for a number of years to make the development work, but the roadway made development too expensive.

ACTION: Council Member Andersen moved that City Council ADOPT Resolution 2019-043 authorizing the Mayor to sign a Development Agreement with Elizabeth Larson (“Property Owner”) for a parcel of property located at approximately 1800 North 873 West, Pleasant Grove, UT; 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 ADOPTION A RESOLUTION (2019-044) AUTHORIZING THE MAYOR TO SIGN A COOPERATIVE AGREEMENT FOR LOCAL AGENCY PERFORMING WORK, WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR INSTALLATION OF STREET LIGHTING ON SR-89 OVER THE RAILROAD BRIDGE IN PLEASANT GROVE; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont***

Director Beaumont explained that there had been concerns expressed about the lack of lighting over the bridge, which was a safety issue. When the bridge was installed, they also installed conduits and base mounts for lighting, but the poles and fixtures were never installed. Recently, Director Beaumont had the opportunity to speak with UDOT’s Region Director and asked for his support on getting the lights installed. He received a call from the Project Manager stating that they had some contingency money to put toward lighting the bridge. The project was expected to be done in the next few months.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-044 authorizing the Mayor to sign a Cooperative Agreement for Local Agency Performing Work, with the Utah Department of Transportation (UDOT) for the installation of street lighting on SR-89 over the railroad bridge in Pleasant Grove; 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.

- D) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-045) AUTHORIZING THE MAYOR TO SIGN THE FOURTH ADDENDUM TO THE SOLID WASTE AND RECYCLING COLLECTION AGREEMENT WITH ALLIED SERVICES FOR THE PURPOSE OF EXTENDING THE TERMS OF THE SERVICE CONTRACT AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington***

Administrator Darrington said that they had been working with Republic Services for several months on an updated agreement for recycling and waste services, and they had discussed this

issue in several work sessions. Starting on January 1, 2020, the City would be charged an additional \$0.73 per recycling container per month. This would help offset the cost of tipping fees Republic Services pays for recycling. It was up to the Council to decide whether to pass that cost along to the residents in January or at the beginning of the next fiscal year. There was enough reserve money to cover that additional cost until next summer, if the Council decided to delay. However, the City would not be able to cover the increased cost indefinitely. Beginning July 1, 2020, there would be a one-cent increase/decrease per recycling container for every one-dollar increase/decrease in the average tipping fee cost for the most previous rolling 12-month period. Currently, the tipping fee is \$90. The agreement also addressed what would happen if a large number of residents opt-out of the recycling program. If the number of recycling containers drops below 4,750, the cost per can would go up ten cents per container per month.

Reece DeMill, from Republic Services, introduced Jim Hutchinson and Richard Kopplin.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-045 authorizing the Mayor to sign the Fourth Addendum to the Solid Waste and Recycling Collection Agreement with Allied Services for the purpose of extending the terms of the service contract and providing for an effective date. Council Member Jensen 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.**

i. **Staff Business.**

Library Director, Sheri Britsch thanked all who participated in the Heritage Festival and recognized Stacy Martineau for her work organizing the event.

Council Member Andersen stated that the event was great and the numbers had increased a lot from last year. The music was good and the food was “spot on”.

Director Britsch thanked Director Giles and his crew for setting up and taking down. She reported that she received bids for the monument sign and she was expecting a few more.

Recreation Director, Tyler Wilkins stated that they began their fall programs, including flag football. More than 750 children were enrolled in flag football this year. They also received new equipment for the Recreation Center.

Parks Director, Deon Giles thanked the Council for authorizing the purchase of the trail property earlier this evening. He reported on the projects they were currently doing, such as cutting down trees and redoing the roof of the score tower.

Fire Chief, Dave Thomas reported that they have three new firefighters who seemed to be integrating well. He was pleased with their performance.

Police Chief, Mike Roberts reported that they would be having a Citizen's Academy starting next Wednesday, and enrollment was about half full.

City Attorney, Tina Petersen reported that she signed up to help with the mock trial for the Citizen's Academy on October 23. She was recently appointed as State Chair for the International Municipal Lawyers Association.

Finance Director, Denise Roy briefly described the process of the financial audit, and where that falls within the fiscal year.

Public Works Director, Marty Beaumont stated that a pre-construction meeting was held for the newest Grove Tower with St. John Properties. They also had a meeting scheduled for Iceberg the following Monday. They would be looking for a new storm drain employee. He then reported on the Battle Creek Spring Rehabilitation Project, 200 East, the sewer line on State Street, 1100 North, and the Walker Tank.

Administrator Darrington commented that they received bids for Christmas lights for the municipal buildings. The Council allocated \$20,000 which could be used to light the fire station this year. The reason they were considering installing permanent lights was for time and safety. The Council discussed the types of lighting being proposed, and there was concern that it would not look like traditional Christmas lights. Staff was willing to do what the Council wants in this matter. With regard to fall cleanup, staff estimated that it would cost \$5,000 per day for the cleanup. They recommended November 1 and 2 for cleanup days.

12) REVIEW AND DISCUSSION ON THE OCTOBER 1, 2019 CITY COUNCIL MEETING AGENDA

The aforementioned meeting agenda was briefly discussed.

13) MAYOR AND COUNCIL BUSINESS

There was none.

14) SIGNING OF PLATS

The following plats were signed:

- Muirfield Plats 'E' and 'F'
- Fausett Plat 'B'

15) REVIEW CALENDAR

16) ADJOURN

Council Member LeMone moved to adjourn the meeting at 8:05 p.m. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of September 17, 2019 were approved by the City Council on October 1, 2019.

Kathy T. Kresser, MMC
City Recorder

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