

**Pleasant Grove City  
City Council Meeting Minutes  
Regular Session  
October 1, 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  
Drew Engemann, Battalion Chief  
Mike Roberts, Police Chief  
Denise Roy, Finance Director

The City Council and staff met in the Community Room, 106 South 100 East, Pleasant Grove, Utah.

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**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 Walker.

**3) OPENING REMARKS**

The opening remarks were given by Council Member Williams.

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

**ACTION:** Council Member LeMone moved to approve the agenda, with the addition of a Closed Session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

5) **OPEN SESSION**

Darrell Bingham gave his address as 895 Murdock Drive and expressed his concerns about Murdock Drive. It used to be a lazy road, but since the road was extended 300 feet, it's been "hell". The residents had spoken to law enforcement several times, but it seems that very little action is taken. A speed trailer was set up there a few months ago and took some data, and now the trailer has been sitting there for three weeks doing nothing. The speeds have only increased since the trailer was turned off. This was a real safety concern for the residents. They had talked about speed bumps, and putting an officer up there to issue speeding tickets, but neither of those things has happened. Mr. Bingham stated that this is a serious issue that deserves action.

Council Member LeMone requested that staff stay in contact with Mr. Bingham, as he is essentially the neighborhood representative.

Administrator Darrington stated that staff conducted speed studies of the road and they were currently exploring several mitigation options. Staff would be back before the Council with their recommendations shortly.

There were no further public comments. Mayor Fugal closed the open session.

6) **CONSENT ITEMS**

- a. **City Council Minutes:  
City Council Minutes for the September 3, 2019 meeting.  
City Council Minutes for the September 17, 2019 meeting.**
- b. **To Consider for Approval Payment No. 4 to S&L Corp for the Battle Creek Springs Rehabilitation Project.**
- c. **To Consider for Approval Payment No. 2 to Staker Parson Materials & Construction for the 1100 North Road and Storm Drain Project.**
- d. **To Consider for Approval Pay Request No. 3 to Stratton and Bratt LLC for the Walker Tank Landscaping Project.**
- e. **To Consider Approval of Payment Approval Reports for (September 26, 2019).**

**ACTION:** Council Member Andersen 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**

- A) **TO CONSIDER FOR APPROVAL THE APPOINTMENT OF TODD FUGAL AS A REGULAR PLANNING COMMISSION MEMBER AND JIM MARTINEAU AS AN ALTERNATE PLANNING COMMISSION MEMBER.**

**ACTION:** Council Member Jensen moved that the City Council APPROVE the appointment of Todd Fugal as a Regular Planning Commission Member and Jim Martineau as an Alternate Planning Commission Member. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

Jim Martineau introduced himself to the City Council and reported that he worked as a Commercial Contractor for 18 years. He was pleased to be getting involved in the City.

8) **PRESENTATIONS**

There were none.

9) **PUBLIC HEARING ITEMS**

- A) **CONTINUED 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 (COMMERCIAL SALES – 2) ZONE; AND PROVIDING FOR AN EFFECTIVE DATE. (JOE SALISBURY, APPLICANT) *Presenter: Director Cardenas***

Director Cardenas presented the staff report regarding a proposed Code Amendment to the CS-2 Zoning Ordinance in regard to residential developments. About 10 years ago, the City decided to allow residential uses in the commercial zone, but developments need to meet certain requirements first. At the time, the Council did not want any more large developments with just one housing type, so the Code requires all residential developments over five acres have three housing types. Director Cardenas presented a map of the area and identified the CS-2 zones that haven't been developed, including two that were owned by the applicant. The applicant wanted to change the threshold of five acres to facilitate the development of two townhome developments, both just over five acres. He was also proposing additional design standards for developments over five acres. The existing Code contains different tables of design standards, and a residential development must have at least 25 points from those tables. When staff met with the applicant, they decided to add items to the tables and require more points for the additional acreage.

For developments between five and six acres, 10 additional points were required, seven additional points for another acre, and five additional points for the up to eight acres. Staff and the applicant were asked to come up with additional design standards for the tables. Most of staff's recommendations were primarily improvements to the site, while the recommendations from the applicant were primarily building improvements. After some consideration, they decided to combine the two lists and allow future developers to choose from the items. Director Cardenas presented the table that was reviewed and recommended by the Planning Commission.

Mayor Fugal opened the public hearing.

Jeannie Knight reported that she owns several businesses near the Smith's in this zone. She supported the proposal because growth in business requires people.

The applicant, Joe Salisbury, gave a presentation on what he intends to develop on the two properties. He planned to own the properties long-term, so he was interested in constructing buildings that will last. Regarding the basic residential requirements in the current Code, he stated that 61% are site-related, which is why he proposed additional building-related items. He displayed images of the product he hoped to build.

Council Member Williams asked if this plan would meet the Code requirements if the amendment were passed. Mr. Salisbury stated that it would almost meet the requirements. In a previous version, the exterior materials used to be 10 points each, but they had been reduced to five points. He was fine with other items being lower in point value because the cost was minimal, but the cost to upgrade the exterior materials was high. If he could only get 10 total points for stone and hardy board, he wouldn't be able to afford the other requirements to get him enough points.

Mayor Fugal stated that this was something he would need to work out with the Planning Commission. Attorney Petersen clarified that if Mr. Salisbury did not agree with the recommendation from the Planning Commission to lower the points, it was true that the City Council could make changes to the amendment before final approval, but it was their practice not to do so. The Council could continue this item and send it back to the Planning Commission with specific direction to work with the applicant on this issue. This matter has been the subject of at least two discussions at Planning Commission and City Council usually defers to the Commissions expertise.

Mr. Salisbury presented calculations for the cost of stone and hardy board compared to other design standards. He felt it was fair that those items were worth 10 points each.

Council Member Andersen liked hardy board as an exterior material. Council Member Williams agreed and liked the idea of improving the buildings. He read the recommendation from the Planning Commission, including the second bullet point that dealt with the points for additional design features. He preferred rock and brick over stucco and he felt that they could consider giving those extra points for better materials.

Director Cardenas stated that the Planning Commission took that into consideration. They held two-hour-long discussions about the matter. The point allocation was reduced, but they also

reduced the total number of additional points required. In the beginning, they were asking for 10 points per additional acre of five acres, which was a total of 30 points. That was reduced to 22 points.

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

Council Member Andersen asked how many parcels would be affected by the proposed amendment. Director Cardenas stated that there are four undeveloped parcels with this zoning, but a future developer could ask to rezone another property to CS-2 and utilize the Code.

Council Member Andersen wondered if they were too heavy on the site-related elements. Director Cardenas stated that the Planning Commission also discussed this, which is why all of the applicant's proposed items were included in the table.

Council Member LeMone agreed that she would like to see quality structures. She wasn't fond of stucco. She understood that they want to protect the City, but she also wanted this to work for the developer.

Attorney Petersen clarified that the property would likely be developed with or without the extra points. If the points remain at five, the applicant would have to go back to his plan and make a business decision about whether he wants to spend the money on exterior materials. Director Cardenas gave an example of the points he could get if he included rock and hardy board. Administrator Darrington noted that part of the consideration was that the Planning Commission wants to avoid all of the points coming from the structure and nothing coming from the site. Allowing the higher quality building materials may come at the expense of open space and parking.

Council Member Williams stated that this property was up for discussion at a work session about three months ago and now they have a pretty decent plan before them for the oddly-shaped properties. He wanted to work with the applicant to make it work. He didn't see an issue with raising the points for stone and hardy board up to 7.5 or 10 points.

Council Member Jensen remarked that the developer had been working on the property for years. He felt that the City Council would sometimes get in their own way with things like this. A high quality, good-looking development would be beneficial to the City. The Council has had disagreements with the Planning Commission in the past, and they have made changes to their recommendations.

Mayor Fugal suggested continuing the item and sending it back to the Planning Commission for further review.

Attorney Petersen confirmed that they could continue it and give the Planning Commission specific direction. They could also deny the application, or approve it with the changes that the developer was asking for. Historically, the City Council deferred to the Planning Commission and allowed them to dig deeper into an issue.

Council Member Andersen liked the point system proposed because it allows flexibility for developers and the City. She didn't think they were far from making the Code amendment work for the developer, and she wasn't sure they needed to send it back to the Planning Commission.

Council Member Williams thought that it would be an unnecessary expense to send the applicant back through the Planning Commission for five points. He felt they could resolve the problem without continuing the item.

Council Member Andersen was interested in putting a higher point value on the exterior finishes. The Council discussed increasing "extra materials including rock and brick" and "concrete siding exterior material" to 7.5 points each. Council Member Andersen asked why affordable housing was worth 20 points. Director Cardenas explained that they were working toward getting more affordable housing in the City, and this could help incentivize that kind of development.

**ACTION:** Council Member Williams moved that the City Council ADOPT 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 development on properties larger than five (5) acres within the CS-2 Zone, with the changes to the second bullet point: "points allocated to any of the optional additional design features be changed to allow for 7.5 points for 'extra material, including rock, brick on 10% of the exterior', and 7.5 points for 'concrete siding, exterior material'"; 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 voting "Aye". The motion carried unanimously.

**10) ACTION ITEMS READY FOR VOTE**

- A) TO CONSIDER FOR APPROVAL A TWO-LOT FINAL SUBDIVISION PLAT CALLED DANA POINT PLAT 'C' ON PROPERTY LOCATED AT APPROXIMATELY 671 SOUTH PLEASANT GROVE BOULEVARD IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) (AARON WAGNER, APPLICANT)**  
*Presenter: Director Cardenas.*

**ACTION:** Council Member Jensen moved to CONTINUE Items 10A and 10B until the October 15, 2019, City Council Meeting. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

- B) TO CONSIDER FOR APPROVAL A SITE PLAN FOR TWO MULTI-TENANT RETAIL BUILDINGS ON PROPERTY LOCATED AT 633 AND 671 SOUTH PLEASANT GROVE BOULEVARD IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) (AARON WAGNER, APPLICANT)** *Presenter: Director Cardenas.*

*NOTE: This item was continued.*

- C) TO CONSIDER FOR APPROVAL A SITE PLAN CONTAINING FOUR BUILDINGS WITH 30 MULTI-FAMILY UNITS ON PROPERTY LOCATED AT APPROXIMATELY 2340 WEST 250 SOUTH IN THE GROVE ZONE – MIXED HOUSING SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (SETH HOPKINS, APPLICANT) *Presenter: Director Cardenas.***

Director Cardenas presented the staff report regarding a request to approve a site plan for property in The Grove Zone – Mixed Housing Subdistrict. The site plan contains four buildings of townhome units. Three buildings would have eight townhomes and one would have six townhomes for a total of 30 units. The property was 2.5 acres in size, making the density of the project 12 units per acre, which was allowed in this zone. The Design Review Board and the Planning Commission reviewed the site plan and recommended approval.

**ACTION:** Council Member Jensen moved that the City Council APPROVE a site plan containing four buildings with 30 multi-family units, on property located at approximately 2340 West 250 South in The Grove Zone – Mixed Housing Subdistrict. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

- D) TO CONSIDER FOR APPROVAL A COMMERCIAL SITE PLAN FOR A SINGLE-STORY BANK WITH A DETACHED DRIVE-THRU LOCATED AT 1953 WEST PLEASANT GROVE BOULEVARD IN THE GROVE ZONE – INTERCHANGE SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (LARRY OLDHAM, BABCOCK DESIGN, APPLICANT) *Presenter: Director Cardenas.***

Director Cardenas presented the staff report regarding a commercial site plan for a single-story bank with a detached drive-thru located at the address listed above. This would be located between R&R Barbeque and Village Baker on Pleasant Grove Boulevard. He presented the site plan and identified a right-in only access from Pleasant Grove Boulevard. The site could also be accessed through the neighboring developments. The building design, materials, and colors all met the requirements of the zone.

Council Member Andersen commented that Mountain America Credit Union was one of the best community partners, and she was excited for this branch to come to Pleasant Grove.

**ACTION:** Council Member Andersen moved that the City Council APPROVE the commercial site plan for a single-story bank with detached drive-thru located at 1953 West Pleasant Grove Boulevard in The Grove Zone – Interchange Subdistrict. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

- E) TO CONSIDER FOR APPROVAL A TWO-LOT RESIDENTIAL SUBDIVISION PLAT CALLED AECE INVESTMENT PLAT ‘A’ ON PROPERTY LOCATED AT APPROXIMATELY 1070 GROVE CREEK DRIVE IN THE R1-20 (SINGLE-FAMILY RESIDENTIAL) ZONE. (GROVE CREEK NEIGHBORHOOD) (ALLAN L. ERB, APPLICANT)**  
*Presenter: Director Cardenas.*

Director Cardenas presented the staff report regarding a two-lot residential subdivision at the address listed above and added that it would be a flag lot subdivision. Per City Code, all flag lot subdivisions must be approved by the City Council. Director Cardenas identified the 2.2-acre property on an aerial map. He noted that the Grove Creek drainage channel runs through the property so there were geographical constraints that the developer would have to work through as they created the site plan.

**ACTION:** Council Member Williams moved that the City Council APPROVE a two-lot residential subdivision plat called AECE Investment Plat ‘A’ on property located at approximately 1070 Grove Creek Drive in the R1-20 (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 A THREE-LOT FINAL RESIDENTIAL PLAT CALLED BACKMAN SUBDIVISION PLAT ‘A’ ON PROPERTY LOCATED AT APPROXIMATELY 64 NORTH 200 EAST IN THE DOWNTOWN VILLAGE ZONE – TRANSITIONAL SUBDIVISION. (OLD FORT NEIGHBORHOOD) (LAUREL BACKMAN (BIDDULPH), APPLICANT)**  
*Presenter: Director Cardenas.*

Director Cardenas presented the staff report for a three-lot residential subdivision, which would also be a flag lot subdivision. The property is located in the Transitional Subdistrict with frontage on 300 East and 200 East. The applicant was proposing two lots with frontage and one flag lot. There is an existing home on one of the lots, which would remain. He presented the plat and identified a curved property line. This line was drawn this way to preserve historic structures.

Council Member Andersen asked if the two new lots would be developed into single-family homes. Director Cardenas stated that the zoning allows for triplexes and duplexes, so they were uncertain as to how the lots would be developed.

Council Member LeMone asked the applicant about her plans for the existing home. She had heard concerns from the Historic Committee regarding the application.

The applicant, Laurel Backman, explained that she very much honors the history of the City. She intends to preserve the existing home and the other historic structures on the property. Eventually, she would sell the home, and she hoped that the future owner feels the same about preservation. Mrs. Backman said that the lot lines were curved to preserve a building that wasn’t shown on the plan. That building was the armory for the old fort. She wasn’t sure how the other two lots would be developed at this point. She intended to develop triplexes, but the subdivision was costing more than she intended because she was required to install sidewalk, curb, and gutter.



Director Cardenas noted that if it turned out that the armory was too close to the property line, the property line would have to be adjusted.

**ACTION:** Council Member Jensen moved that the City Council APPROVE a three-lot final residential plat called Backman Subdivision Plat ‘A’ on property located at approximately 64 North 200 East in The Downtown Village Zone – Transitional Subdistrict. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

**G) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-046) AUTHORIZING THE MAYOR TO SIGN A STATEWIDE UTILITY LICENSE AGREEMENT (SULA) WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) TO REGULATE PERMITS FOR ENCROACHMENTS AND CONSTRUCTION ACTIVITIES OCCURRING WITHIN UDOT RIGHTS-OF-WAY BY PLEASANT GROVE CITY, AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont***

Director Beaumont reported that the proposed resolution would approve an agreement between the City and UDOT to allow the City to work within state roads under certain circumstances. The term of the agreement was five years.

**ACTION:** Council Member Andersen moved that the City Council ADOPT Resolution 2019-046 authorizing the Mayor to sign a Statewide Utility License Agreement (SULA) with the Utah Department of Transportation (UDOT) to regulate permits for encroachments and construction activities occurring within UDOT rights-of-way by Pleasant Grove City, 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 voting “Aye”. The motion carried unanimously.

**H) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-047) AUTHORIZING THE MAYOR TO DECLARE A 2001 DODGE RAM 1500 TRUCK, 2002 FORD EXPLORER, 1997 FORD EXPEDITION, 1994 F150 PICKUP TRUCK, EXMARK LAWNMOWER – 36’, EXMARK LAWNMOWER – 48’, EXMARK LAWNMOWER – 36’, 1995 TORO 3000D LAWNMOWER, JOHN DEER RIDING LAWNMOWER 48’ 510 AS SURPLUS, AND AUTHORIZE THEM TO BE DISPOSED OF AS PER CITY POLICY; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Giles.***

Director Giles explained that the lawnmowers do not currently work, so they would be sold for parts. The vehicles would go to auction.

**ACTION:** Council Member Jensen moved that the City Council ADOPT Resolution 2019-047 authorizing the Mayor to declare a 2001 Dodge Ram 1500 truck, 2002 Ford Explorer, 1997 Ford Expedition, 1994 F150 Pickup Truck, EXMARK Lawnmower – 36’, EXMARK Lawnmower – 48’, EXMARK Lawnmower – 36’, 1995 Toro 3000D Lawnmower, John Deere Riding Lawnmower 48’ 510 as surplus, and authorize them to be disposed of as per City Policy; 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 voting “Aye”. The motion carried unanimously.

**11) ITEMS FOR DISCUSSION**

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

**12) REVIEW AND DISCUSSION ON THE OCTOBER 15, 2019 CITY COUNCIL MEETING AGENDA**

The agenda for the October 15, 2019 meeting was discussed during the work session.

**13) MAYOR AND COUNCIL BUSINESS**

Attorney Petersen reported that she had been asked by a couple of fourth-grade teachers to do a presentation for their classes regarding local laws and how they are passed. They would also be coming to a City Council Work Session next month. Attorney Petersen noted that they would need to submit a new Security Plan to the State for the recertification of our Justice Court since they are now meeting in a brand new building.

Council Member Williams knew one of the fourth-grade teachers involved. They would also be doing a recycling campaign and he had helped coordinate with Republic Services to donate a recycling can to the school.

Finance Director Roy stated that they would be adding to the Excel software to enhance their Financial Reports.

Assistant City Administrator, Kyler Ludwig stated that there will be a Vaccination Clinic in this building on October 10 from 2:00 p.m. to 4:00 p.m. They would be offering free flu shots to City employees.

Council Member Jensen invited all to attend the Ribbon Cutting for Wok the Line on Thursday, October 8 at 11:30 a.m.

**14) SIGNING OF PLATS**

Blackham Farms Plat A, Hawkes Landing Plat A and Nic’s Place Plat B were signed

**15) REVIEW CALENDAR**

**16) CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-4-205(1)(a))**

**ACTION:** Council Member Andersen moved that the City Council enter into a Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205(1)(a)), at 7:46 p.m. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

**ACTION:** Council Member Andersen moved to come out of the Closed Meeting and go back into the regular City Council meeting at 8:37 p.m. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

**17) ADJOURN**

Council Member Andersen moved to adjourn the meeting at 8:40 p.m. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of October 1, 2019, were approved by the City Council on November 12, 2019

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Kathy T. Kresser, MMC  
City Recorder

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