

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
June 2, 2020
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone
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, HR Director
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.

Please Note: City Council Members and Staff member(s) may participate electronically or telephonically.

The session was broadcast live via YouTube at the following link:

<https://www.youtube.com/user/PleasantGroveCity>

Public comments were accepted during the regular business session, either by personal presence at our anchor location mentioned above or through the comment session on the YouTube website.

6:00 P.M. REGULAR CITY COUNCIL MEETING

1) CALL TO ORDER

Mayor Fugal called the meeting to order and stated that all Council Members were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Director Wilkins.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Andersen.

4) **APPROVAL OF MEETING 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. Mayor Fugal closed the Open Session.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the May 5, 2020 Meeting.
City Council Minutes for the May 19, 2020 Meeting.**
- b. **To consider approval of Change Order No. 5 and Payment Request No. 7 to Staker Parson Materials and Construction for the Pleasant Grove 1100 North Road and Storm Drain project.**
- c. **To Consider Approval of Change Order No. 2 and Payment Request No. 4 to Cody Ekker Construction for the PI Filtration and Diversion Project.**
- d. **To Consider Approval of Change Order No. 3 and Payment Request No. 8 to Cody Ekker Construction for the 300 East Street and Utility Improvement Project.**
- e. **To Consider Approval of payment approval reports for May 21, 2020.**

ACTION: Council Member Williams 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 no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION A RESOLUTION (2020-030) ADJUSTING AND AMENDING THE REVENUES AND EXPENDITURES OF THE 2019/2020 FISCAL YEAR BUDGET.** *Presenter: Director Roy.*

Finance Director, Denise Roy presented a list of items that would be adjusted or moved in the 2019-2020 Fiscal Year Budget. These items included changes to dispatch, the City Hall remodel, the American Fork Waterline project, the Risk Management Fund, and the Swimming Pool and Recreation Center.

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

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2020-030 adjusting and amending revenues and expenditures of the 2019/2020 Fiscal Year budget. Council Member Bullock seconded the motion. A roll call vote was taken, with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

- B) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-5) TO AMEND CITY CODE SECTION 10-14-24-3D: THE GROVE INTERCHANGE SUBDISTRICT, PERMITTED USES, EXPANDING THE PERMITTED USE IN ORDER TO INCLUDE USE #5194: RETAIL TRADE OF TOBACCO AND TOBACCO PRODUCTS WITHIN THE INTERCHANGE SUBDISTRICT OF THE GROVE ZONE. (DANIEL THOMAS, APPLICANT) (SAM WHITE’S LANE NEIGHBORHOOD)** *Presenter: Director Cardenas.*

Community Development Director, Daniel Cardenas briefly described The Grove Zone and the subdistricts within it. When the Interchange Subdistrict was created, it was intended to be a gateway to the City. At that time, several uses were not permitted, including tobacco sales, car washes, and storage units. The applicant was proposing to add Use #5194: Retail Trade of Tobacco and Tobacco Products as a permitted use in the Interchange Subdistrict. Director Cardenas reported that State Code defines tobacco products and paraphernalia, and outlines specific requirements for tobacco specialty stores, and appropriate buffers. The Planning Commission heard this application and unanimously recommended approval. They felt that State law was well established and the proposed conditions would be sufficient for the use. The Interchange Subdistrict includes a requirement that 50% of the uses are sales tax-generating. Tobacco sales would provide an opportunity for sales tax revenue.

Council Member Jensen asked if the use would be allowed anywhere in the zone if the amendment was approved. Director Cardenas answered in the affirmative. Council Member Williams asked where this use is allowed in the City now. Director Cardenas indicated that it is allowed along the State Street Corridor and in CS-2 properties that have street frontage.

Council Member Andersen asked if it was State or City law that limits tobacco sales to 20% of the floor space of a retail establishment. Director Cardenas explained that State Code specifies that

anything over 20% be classified as a tobacco specialty store. City Attorney, Tina Petersen added that existing retail businesses can sell tobacco products without any kind of permit or specialty store designation as long as they don't sell more than the limit.

The applicant, Daniel Thomas, had nothing to add to the presentation. Although he did not share details about the potential tenant, he stated that the business is an existing user in Park City and generates a million dollars in gross sales every year.

Council Member Andersen asked if the potential tenant is 100% tobacco sales. Mr. Thomas responded that they are not completely tobacco sales, but the next applicant could be. He understood that the proposed amendment will impact the entire zone.

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

Council Member Williams asked about staff's recommendation concerning the request. Director Cardenas stated that staff recommended denial of the amendment because the proposed use was not compatible with the surrounding uses in the zone.

Council Member Williams was hesitant to add the proposed use when there was still a significant amount of land to develop in the Interchange Subdistrict. Council Member Bullock agreed and expressed concern that there will be nothing to stop other specialty tobacco shops from coming to the area once the amendment is adopted.

Council Member Andersen asked if they could consider allowing the use in an overlay to limit where it is allowed. Attorney Petersen stated that that is not an option tonight, because it was not part of the application. The Council could deny the application before them and recommend the applicant continue to work with staff on another application. Council Member Andersen was in favor of allowing the use. She was concerned that opposition to the use stems from a moral interpretation. Council Member Williams argued that it is not a question of moral values. Having specific uses in specific areas makes the City livable and other areas allow this use. Council Member Bullock agreed that it was not a moral issue. Council Member Andersen believed the market would determine how many tobacco shops will come to the area. Businesses will not come if there is not a demand.

Council Member Jensen reported that there are two vape shops in Pleasant Grove already. When he first began serving on the City Council, they went through the uses allowed in the zone line by line. There was a reason this use was left out.

Council Member Andersen was interested in pursuing an overlay zone to limit geographical location.

Council Member LeMone was not in favor of making it a permitted use in the zone and preferred to leave the zone as is.

ACTION: Council Member Williams moved that the City Council DENY Ordinance 2020-5 amending City Code Section 10-14-24-3D: The Grove Interchange Subdistrict, Permitted Uses, based on the following findings:

1. There are many other areas in the City where the proposed use could be allowed.
2. The proposal will affect the entire zone.
3. The use is not compatible with the purpose and intent of the Zone.

Council Member Bullock seconded the motion. A roll call vote was taken, with Council Members Bullock, Jensen, LeMone, and Williams voting “Aye” and Council Member Andersen voting “Nay”. The motion passed 4-to-1.

10) ACTION ITEMS READY FOR VOTE

- A) CONTINUED ITEM: TO CONSIDER FOR ADOPTION A RESOLUTION (2020-026) AUTHORIZING THE MAYOR TO SIGN AN OPTION TO PURCHASE AGREEMENT WITH SQUIRE HOLDINGS, LLC (JENNIE JOHNSON AND STONEGATE CENTER FOR THE ARTS) FOR 0.04 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2600 NORTH AND 800 WEST; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont *Continued from the May 5, 2020 meeting.***

Public Works Director, Marty Beaumont reported that the City owns roughly 2.2 acres of property behind the Stonegate property for a storm drain detention facility. Recently, the two adjacent property owners approached the City and asked if any of the property was available for sale. Staff examined the property and determined that the most important area for the detention facility was against the east side due to the flow direction and the grade of the properties. Staff determined there was excess property that could be surplussed and sold to the adjacent owners. The proposed resolution was an Option to Purchase Agreement for the property with the next two items being sales contracts with the property owners.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2020-026 authorizing the Mayor to sign an Option to Purchase Agreement with Squire Holdings, LLC (Jennie Johnson and Stonegate Center for the Arts) for 0.04 acres of property located at approximately 2600 North and 800 West; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-31) AUTHORIZING THE MAYOR TO SIGN A SALES AGREEMENT WITH BRADLEY J. FRYER FOR 0.17 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2600 NORTH AND 800 WEST; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

This item was introduced as part of the previous item. There was no further discussion.

ACTION: Council Member LeMone moved that the City Council ADOPT Resolution 2020-031 authorizing the Mayor to sign a Sales Agreement with Bradley J. Fryer for 0.17 acres of property located at approximately 2600 North and 800 West; and providing for an effective date. Council Member Williams seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-32) DECLARING AS SURPLUS TWO PARCELS OF REAL PROPERTY (PARCEL #1 CONSISTING OF 535 SQUARE FEET AND PARCEL #2 CONSISTING OF FIVE SQUARE FEET) LOCATED AT APPROXIMATELY 3300 NORTH AND 900 WEST, PLEASANT GROVE, UTAH COUNTY, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont reported that in the 2013 Sales Agreement with the Creekside HOA, a large parcel was deeded to the HOA with the idea of providing a boundary between the park use and the homes. The agreement created a triangular piece that the City still owns. The applicant approached the City about purchasing the property and adding it to his own.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2020-032 declaring as surplus two parcels of real property (Parcel #1 consisting of 535 square feet and Parcel #2 consisting of five square feet) located at approximately 3300 North and 900 West, Pleasant Grove, Utah County, Utah; and providing for an effective date. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

- D) TO CONSIDER THE REQUEST OF JOSHUA D. REDDING FOR A 16-LOT FINAL SUBDIVISION PLAT CALLED CREEKSIDE AT ASPEN GROVE PLAT ‘C’, ON PROPERTY LOCATED AT APPROXIMATELY 462 WEST 3300 NORTH IN THE R-R PD (RURAL RESIDENTIAL) ZONE. (MANILA NEIGHBORHOOD) *Presenter: Director Beaumont.***

Director Beaumont reported that the proposed subdivision plat was previously approved by the City but never recorded. The only change to the plat was the incorporation of the surplus property into the lots, a slight boundary change along their access, and one additional lot added to the HOA. The HOA requested that language be added to the plat allowing modification or relocation of the ditch, as long as the modifications meet the standards and requirements. They requested the proposed language to help accommodate fencing if an owner wants to install it along their property line. This concern was addressed with Pleasant Grove Irrigation Company who owns the ditch.

ACTION: Council Member Jensen moved that the City Council APPROVE the request of Joshua D. Redding for a 16-Lot Final Subdivision Plat called Creekside at Aspen Grove Plat ‘C’, on property located at approximately 462 West 3300 North in the R-R PD (Rural Residential) Zone. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

- E) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-033) AUTHORIZING THE MAYOR TO ENTER INTO A STREET IMPROVEMENT AND PARTICIPATION AGREEMENT WITH PROPERTY OWNERS BRUCE AND VERA GOODWIN AND R. RAY AND JOY R. PROCTOR, FOR PROPERTY ALONG 1300 WEST FOR CONSTRUCTION; STREET FRONTAGE IMPROVEMENTS AND OTHER RELATED IMPROVEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont reported that the above item was before the Council as a result of the approval of the 1300 West Reconstruction Project. Along the roadway, there are two residences who will be impacted that the City needs to work with specifically. The Proctors and the Goodwins are both long-time Pleasant Grove residents. Regarding the Proctor property, Director Beaumont stated that a bond was posted as part of a subdivision that was developed several years ago that would help pay for the curb, gutter, and sidewalk. As part of the road reconstruction, a small portion of the Proctor property would be dedicated to the City because it was needed to complete the ADA ramp on the corner. The City also agreed to help the Proctors reconfigure their access, as it was too close to the roadway. The Goodwins would also be dedicating property for the right-of-way. Once the Larry Mylar piece is finished this summer, there would be full improvements on 1300 West from State Street to Pleasant Grove Boulevard. As part of the road project, the City would provide stubs for water and sewer to the Goodwin property and they would reimburse the City once they connect to those services.

ACTION: Council Member Williams moved that the City Council ADOPT Resolution 2020-033 authorizing the Mayor to enter into a Street Improvement and Participation Agreement with Property Owners Bruce and Vera Goodwin and R. Ray and Joy R. Proctor, for property along 1300 West for construction; street frontage improvements and other related improvements; and providing for an effective date. Council Member Bullock seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

- F) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-034) AUTHORIZING THE MAYOR TO SIGN AN EASEMENT GRANTING ROCKY MOUNTAIN POWER AN UNDERGROUND RIGHT-OF-WAY EASEMENT THAT IS 10’ WIDE AND 106’ LONG FOR UNDERGROUND ELECTRICAL POWER TRANSMISSION, DISTRIBUTION, AND CONNECTION LINES AND APPURTENANT ACCESSORY EQUIPMENT FOR THE LOCUST AVENUE PROJECT (VETERAN’S MEMORIAL PARK PICKLEBALL COURTS) LOCATED AT APPROXIMATELY 315 LOCUST AVE; AUTHORIZING THE MAYOR TO SIGN WORK AGREEMENTS WITH ROCKY MOUNTAIN POWER TO REMOVE/RELOCATE CERTAIN POWER POLES RELATED TO THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Giles.***

Parks Director, Deon Giles reported that they were in the process of obtaining easements to provide underground power to restrooms at the pickleball courts. The restrooms would go into the park during Phase 2 of the project. They would also remove some power poles along Locust Avenue.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2020-034 authorizing the Mayor to sign an easement granting Rocky Mountain Power an underground Right-of-Way Easement that is 10’ wide and 106’ long for underground electric power transmission, distribution, and connection lines and appurtenant accessory equipment for the Locust Avenue Project (Veteran’s Memorial Park Pickle Ball Courts) located at approximately 315 South Locust Ave; authorizing the Mayor to sign Work Agreements with Rocky Mountain Power to remove/relocate certain power poles related to the project and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

11) ITEMS FOR DISCUSSION

A) Staff Business.

Fire Chief, Dave Thomas reported that all was well at the Fire Department. They were excited to have the new alerting system installed and were waiting for the system to be installed in other stations.

Police Chief, Mike Roberts stated that he attended a meeting that morning with all of the Chiefs and Sheriffs to discuss the protests. They anticipated protests to take place in Utah County in the near future. He commented that it is fine to protest but they want to make sure people are safe. They were monitoring social media pages to help identify potential hot spots. In Pleasant Grove City there had been an increase in vehicle burglaries.

12) REVIEW AND DISCUSSION ON THE JUNE 23, 2020 CITY COUNCIL MEETING AGENDA

The aforementioned meeting was briefly discussed. It was noted that Mayor Fugal would be attending the June 23, 2020 meeting electronically. As a result, the meeting was to be conducted by the Mayor Pro-Tempore.

13) MAYOR AND COUNCIL BUSINESS

Council Member Williams reported that Jeremy Hall passed away a few weeks ago. A celebration of his life was to take place the following Saturday at 10:00 a.m. They were working on getting a bench along the Murdock Trail in his name.

Council Member Andersen stated that Pleasant Grove resident is collecting firewood for those suffering in the Navajo Nation. She would be driving the wood to the reservation. The resident was selling masks to help pay for her travel expenses.

14) SIGNING OF PLATS

15) REVIEW CALENDAR

16) **ADJOURN**

Council Member LeMone moved to adjourn the meeting at 7:45 p.m. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of June 2, 2020, were approved by the City Council on June 23, 2020.

Kathy T. Kresser, MMC

City Recorder

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