

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
August 4, 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
Denise Roy, Finance Director

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 reported that all Council Members were present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Finance Director, Denise Roy.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Bullock.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Jensen moved to approve the agenda, as written. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

5) **OPEN SESSION**

Mayor Fugal opened the Open Session.

Donna Jolley reported that the road at 1280 East 50 North used to be the worst road in the City and has been completely redone. She thanked the Council and expressed her gratitude on behalf of the neighborhood residents for the good work that was done. She stated that a woman in the neighborhood complained that a portion of the sidewalk is higher and knocks her down when she is shoveling. Ms. Jolley asked if it was the responsibility of the City or the homeowner to fix that. Council Member Andersen stated that it is the responsibility of the homeowner. Council Member Williams stated that the City intends to fix all roads and thanked Ms. Jolley for her comments.

There were no further comments. Mayor Fugal closed the Open Session.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the July 21, 2020 meeting.**
- b. **To Consider Approval of Pay Request No. 1 to Johnston & Phillips for the
150 North Street and Waterline Project.**
- c. **To Consider Approval of Payment Approval Reports for July 30, 2020.**

ACTION: Council Member Williams moved to approve the Consent Items. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

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

- A) **TO CONSIDER THE APPOINTMENT OF TAYLOR AND EMILY
VOWLES AS BEAUTIFICATION COMMISSION MEMBERS.**

Parks Director, Deon Giles reported that Laurie Montgomery interviewed Taylor and Emily Vowles and forwarded the information onto the Mayor. It was recommended that they be appointed as Beautification Commission Members. Mayor Fugal reported that the Vowles were unable to attend tonight’s meeting.

ACTION: Council Member Andersen moved to approve the appointment of Taylor and Emily Vowles as Beautification Commission Members. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-17) TO AMEND CITY CODE SECTION 10-9A-12: PERMISSIBLE LOT COVERAGE, BY INCREASING THE 30% THRESHOLD FOR MAXIMUM TOTAL LOT COVERAGE BY BUILDINGS, ACCESSORY BUILDINGS, AND/OR STRUCTURES OF EACH LOT OR PARCEL OF LAND IN THE R-R (RURAL RESIDENTIAL) ZONE; AND PROVIDING FOR AN EFFECTIVE DATE. (SCOTT DENT (R.C. DENT CONSTRUCTION, LLC) APPLICANT).** *Presenter: Director Cardenas.*

Community Development Director, Daniel Cardenas reported that zone has a limitation on total lot coverage. He explained that the Rural Residential zone is a one-half acre size lot or more with animal rights. He pointed out that ordinances are created only for an entire city area, or zone.

Director Cardenas presented images showing a one-half acre lot in a Rural Residential Zone. He reported that the black lines represent the property lines while the dotted line represents the setbacks. Rectangles within the setbacks are known as building envelopes. They help locate the proposed structure on the lot.

Director Cardenas explained that according to City Code, only 30% of the lot can be covered by primary and accessory buildings that are detached or attached. He stated that in the City of Orem one can build structures as large as desired as long as they fit within the building envelope. Accessory structures in a backyard cannot exceed 8% of the lot. In Salt Lake City, backyard accessory structures cannot exceed 25% of the lot.

In response to a question posed by Council Member Bullock, Director Cardenas added that there are no setbacks for accessory structures in those cities. The setback for structures in Pleasant Grove is 3 feet from the property line. Director Cardenas pointed out that all structures must fit within the building envelope unless they are detached. Accessory structures do not have to fit within the building envelope. He explained that the City of Provo has the same requirements as Pleasant Grove, however, they allow building on 40% of the lot.

Director Cardenas explained that the applicant is trying to fit a dwelling in the building envelope but it exceeds the required 30%. The structure is attached. He felt that the best way to approach the matter was to keep the Code as it is. Director Cardenas reported that he had received only three cases during the four years he has worked for the City. The applicant is seeking relief from this requirement and applied for a variance citing a special exception. Director Cardenas reported that the application for a variance was denied and the applicant asked that a text amendment change it for everyone. He explained that the Planning Commission unanimously recommended increasing the requirement from 30% to 40%.

The applicant, Scott Dent reported that he had done a lot of research and found that all cities in the state have a 40% plus requirement for building structures. He explained that some cities do not have a requirement at all. Council Member Williams asked Mr. Dent what percentage of the lot his building will cover. Mr. Dent explained that the proposed building would occupy 38% of the lot. All other requirements had been met.

In response to a question raised by Council Member Andersen, Mr. Dent stated that the building is an attached single-family residence. Council Member Andersen asked if it was important to mention in the Code that the building is residential. Director Cardenas suggested that the Council take the easier approach and require 40% whether attached or detached. Staff recommended that the Code requirement be adjusted to 40% as long as rules for height and setbacks remain the same in the RR zone.

Mayor Fugal opened the public hearing.

Public Works Director, Marty Beaumont reported that increasing the maximum coverage on a lot to 40% will result in increasing the impervious surface area by an additional 10%.

Ryan Vandoran reported that the home Mr. Dent is building is his. He intended to build a home that complies with all City requirements. Allowing for 40% will determine whether his family can stay in Pleasant Grove. He felt that a small change could mean a great deal to many people as homes get larger in individual areas.

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

ACTION: Council Member Williams moved that the City Council adopt Ordinance (2020-17) amending City Code Section 10-9(a)-12: Permissible Lot Coverage, by increasing the 30% threshold to 40% for maximum total lot coverage by buildings, accessory buildings, and/or structures of each lot or parcel of land in the R-R (Rural Residential) zone; 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.

10) ACTION ITEMS READY FOR VOTE

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-046) AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (MAG) AND PLEASANT GROVE CITY FOR CONGREGATE MEALS AND SERVICES FOR INDIVIDUALS WHO ARE SIXTY (60) YEARS OF AGE AND OLDER AND PROVIDING AN EFFECTIVE DATE.** Presenter: *Director Giles*.

Parks Director, Deon Giles reported that the agreement between Mountainland Association of Governments (“MAG”) and Pleasant Grove is presented to the City Council every two years. It is aimed at allowing City staff to deliver Meals on Wheels at the Senior Center. Director Giles stated that they were providing 40 to 45 lunches every day before COVID-19, but that number has

recently increased to 100. Council Member LeMone asked what caused the increase. Director Giles explained that it may be because seniors cannot get to stores. In response to a question raised by Council Member LeMone, Director Giles stated that seniors call or sign up on the website the day before to receive meals the following day at the Senior Center.

ACTION: Council Member LeMone moved that the City Council adopt Resolution (2020-046) authorizing the Mayor to sign an agreement between MAG and Pleasant Grove City for congregate meals and services for individuals who are sixty (60) years of age and older and providing 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 (2020-047) AUTHORIZING THE MAYOR TO SIGN LICENSE AGREEMENTS WITH CARSON AND KAREN NEHRING, BRETT, NEAL, AND JASON CARLING, EDWARD AND LYNN ADAMS, AND A&B ADAMS, LLC TO ALLOW SAID PROPERTY OWNERS A LIMITED USE LICENSE AGREEMENT FOR INGRESS AND EGRESS ACROSS PROPERTY OWNED BY PLEASANT GROVE CITY AT OR NEAR 200 SOUTH AND THE BATTLE CREEK WATER TANK AND PROVIDING AN EFFECTIVE DATE. PRESENTER: DIRECTOR GILES AND DIRECTOR BEAUMONT.**

Director Beaumont cited a Memorandum of Understanding (“MOU”) that was presented to the Council regarding the property in Battle Creek that contains the City’s water tank a few years ago. The MOU also contains an agreement between the North Utah County Water Conservancy District and Rocky Mountain Power. The City needs to grant access through the property in Battle Creek to the four property owners. A gate will be installed across the access and keys provided to the property owners.

ACTION: Council Member Andersen moved that the City Council adopt Resolution (2020-047) authorizing the Mayor to sign License Agreements with Carson and Karen Nehring, Brett Neal, and Jason Carling, Edward and Lynn Adams, and A&B Adams, LLC, to allow said property owners a Limited Use License Agreement for ingress and egress across property owned by Pleasant Grove City at or near 200 South and the Battle Creek Water Tank 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.

- C) TO CONSIDER FOR APPROVAL A FINAL COMMERCIAL SUBDIVISION PLAT CALLED PG EXPRESS OIL CHANGE SUBDIVISION PLAT “A” LOCATED AT APPROXIMATELY 1400 WEST STATE STREET IN THE GROVE ZONE COMMERCIAL SALES SUBDISTRICT. (CAROL HARRIS APPLICANT) PRESENTER: DIRECTOR CARDENAS**

ACTION: Council Member Jensen moved that the City Council approve a final commercial subdivision Plat called PG Express Oil Change Subdivision Plat “A” located at approximately 1400 West State Street in the Grove Zone Commercial Sales Subdistrict. 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.

- D) TO CONSIDER FOR APPROVAL A SITE PLAN FOR A SINGLE-STORY SINGLE TENANT RETAIL TIRE CENTER AND AUTO SERVICE BUSINESS ON PROPERTY LOCATED AT APPROXIMATELY 1400 WEST STATE STREET IN THE GROVE ZONE COMMERCIAL SALES SUBDISTRICT. (CAROL HARRIS APPLICANT) PRESENTER: DIRECTOR CARDENAS**

Director Cardenas presented the staff report and stated that they created the Residential Zone and amended the Code to create the zone. That area will eventually be developed for commercial uses. Director Cardenas reported that the plat will provide access from State Street. The building will be used for commercial purposes. The proposed commercial building will be approximately 4,650 square feet in size. The building meets the setbacks, and all parking and landscaping requirements. The project received a positive recommendation from the Design Review Board (“DRB”) and the Planning Commission.

ACTION: Council Member Jensen LeMone moved that the City Council approve a site plan for a single-story single-tenant retail tire center and auto service business on property located at approximately 1400 West State Street in the Grove Zone Commercial Sales Subdistrict. 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.

- E) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-048) AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH PLEASANT GROVE MIXED USE LLC, (LARRY MYLER) REGARDING A MIXED-USE DEVELOPMENT PROJECT LOCATED AT APPROXIMATELY 1437 WEST STATE STREET, PLEASANT GROVE, UTAH, ESTABLISHING CONDITIONS FOR REMNANT PARCEL “A” AND PROVIDING AN EFFECTIVE DATE. Presenter: Director Beaumont.**

Director Beaumont reported that the undeveloped corner along 1437 West State Street is owned by the Utah Department of Transportation (“UDOT”). He presented a map showing the area being considered for the Development Agreement. Director Beaumont reported that UDOT approved construction of an access on State Street. The Development Agreement preserves access and the responsibility for maintenance and upkeep of the parcel until it is combined with the UDOT parcel and is no longer needed. Mr. Beaumont reported that if Mr. Myler and UDOT cannot reach an agreement regarding the acquisition of the property, Mr. Myler will be required to maintain the property and allow UDOT to access the road that is constructed by PG Express Oil. There will be two new Lots 1 and 2 and a non-buildable parcel.

ACTION: Council Member Andersen moved that the City Council adopt Resolution (2020-048) authoring the Mayor to sign a Development Agreement with Pleasant Grove Mixed Use LLC, (Larry Myler) regarding a mixed-use development project located at approximately 1437 West State Street, Pleasant Grove, Utah, establishing conditions for remnant Parcel “A” and providing 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.

11) ITEMS FOR DISCUSSION

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

City Administrator, Scott Darrington reported that the department heads meeting will be held to prioritize items on the funded and unfunded list per the Council’s request. The list will be presented to the Council in two weeks. He hoped to have received clarification regarding the proper use of COVID-19 funds within that timeframe. A numbered prioritized list will be presented to the Council as soon as the funds are freed up. Administrator Darrington confirmed that different vendors will be contacted to provide better and more accurate cost estimates for items on the list.

Council Member LeMone felt that a new sound system should be added to the process. Administrator Darrington suggested that they worked under the warranty and avoid any additional expenses. Council Member LeMone asked if there were costs associated with changing companies. Administrator Darrington said that the process is to invite them back to fix the system, the fix it then we get into the meeting and it doesn’t work which is very frustrating and we have to get it fixed. Council Member LeMone was in favor of dismissal in the event problems are not solved. Administrator Darrington stated that dismissal depends on the warranty in place and other related issues. He added that it is not possible to offer solutions in two weeks especially if the system is going to be changed.

HR Director, Kyler Ludwig reported that they are working with a company that is contracted with the State that recommended reprogramming the system. There are no concerns with the actual equipment. Administrator Darrington reported that this is the best solution and information will be available in two weeks.

Administrator Darrington explained that the department heads were informed that the City cannot entertain funding any new positions due to a lack of funds. Any money available will be put into the wage study. He reported that the Community Development position is already included in the base budget. He reported that the department head was asking to use the money that remained from last year’s budget and move it into the one-time money to update the General Plan.

Administrator Darrington explained that the generator in the Building Budget a \$2,000 can be absorbed into the budget. He also stated that the \$20,000 leftover from the change in Dispatch will be repurposed to fund a Code Enforcement Officer. Administrator Darrington stated that items on the focus and execute projects i.e. the deer mitigation, digital planning and zoning

permits, electronic court filings, employee newsletter, Employee Recognition Program, the Wage Study, Electronic Timekeeping System, and internal management training projects had all been completed.

Administrator Darrington reported that a group training was held on how to handle active shootings in the building. The Council was updated on ongoing projects. The Employee Photo Directory Project was also underway. Administrator Darrington reported that the Downtown Committee is stalled at the moment. Director Roy was also in the process of certifying the PAFR. In response to a question raised by Council Member Andersen, Administrator Darrington reported that the U.S. Forest Service is opposed to lights and other permanent structures that could cause problems on the “G” Mountain.

Police Chief Mike Roberts had little to discuss regarding the police. He stated that the three new police officers were being trained and the Active Shooter Training has been completed. Council Member LeMone asked if a police representative could hold a Zoom meeting and answer questions from citizens. Chief Roberts offered to look into it. He noted that the Alpine School District supports having Resource Officers in schools.

Fire Chief Dave Thomas reported that the Fire Department is experiencing a surge in the number of COVID-19 positive patients. They have to transport these patients, which was not the case previously. They have full Personal Protective Equipment (“PPE”) to limit the number of exposures. He reported that the available ambulance has a 1994 box with a 2014 chassis. The ambulance does not have filtration or an air handling system. Modern ambulances have HEPA filtering systems.

Director Beaumont reported that the Public Works projects are moving forward and the construction season is coming to a close. The 50 North Project is almost complete and the construction signs will be removed soon. All construction signage on 1300 West will be removed after a punch list is drafted. In response to a request by Mayor Fugal, Mr. Beaumont stated that the 600 West Project will be done during the week and will move down to 1100 South.

Director Beaumont explained that the Filter Project has not yet been completed. The manufacturer did not deliver a fully waterproofed filter delaying the project. A contractor will be sent to fix the filter and finish up the project. Council Member LeMone asked about water usage. Director Beaumont reported that consumption is high.

He reported that the peak turnout volumes had not yet been reached. He further reported that there were very low flows out of Battle Creek and Grow Creek. 200 acre-feet of the total 500 acre-feet of holdover water had been consumed, which will ultimately lead to water problems next year. He added that snow out of Battle Creek is under three feet.

Library Director, Sheri Britsch commended Valerie Jensen for doing a fantastic job hosting Story Time. She hoped that once the road project is completed Story Time can be held outside on the new lawn area on the east side of the Library.

Council Member LeMone asked when the Recreation Center reopened. Director Wilkins reported that it opened on May 10. He reported that soccer began at the Junior High the previous week. They acquired two soccer goals that will be stored at the northern tennis court. Council Member Andersen asked if the Soccer Camp Project was contracted out. Director Wilkins responded in the affirmative. Council Member Andersen commended Director Wilkins and his team for the good work done at the Soccer Camp. Director Wilkins reported that the diving boards for the swimming pool came in and were in use.

Parks Director, Deon Giles reported that they began a new program with the Parks Department where they choose a different project each week and have completed several projects.

Director Giles confirmed that the City will be installing a three-inch conduit in the pavilions to ensure that the power transformer is set for the Pickle Ball Courts Project. Trenching will also be done for the irrigation at the Discovery Park diamonds. Mr. Giles reported that they recently pulled a trailer out of the Manila Creek pond the previous week.

Mayor Fugal requested updates on opening the gates at Discovery Park. Director Giles reported that he had not received any calls regarding the matter and that the gates have been open since the Retreat. Director Roy indicated that she had been busy reporting on COVID-19 with the County. City Recorder, Kathy Kresser commented that she loves the new office.

City Administrator, Scott Darrington reported that there will be a City Drive-In Movie at Water Gardens Theater. The movie is expected to begin at 8:30 p.m. The City will cover all concessions and admission costs for the City employees. Administrator Darrington stated that there will be a PA system so that the Council can address employees.

Council Member LeMone asked if there was a way for the Council to be involved with the concessions. This would in turn provide a platform for the Council to interact with City employees. Administrator Darrington stated that the Council can help distribute information sheets and give direction to employees as they come in. There will be four screens showing the “*Empire Strikes Back*”. Administrator Darrington confirmed that there is a 100-car limit.

Administrator Darrington reported that the Summer-Bration will take place on Thursday, August 13. It will run from 3:00 p.m. until dusk. Ryanne Walker will set it up and arrange for food trucks. They must adhere to all County regulations regarding social distancing and provide masks.

12) **REVIEW AND DISCUSSION ON THE AUGUST 18, 2020 CITY COUNCIL MEETING AGENDA**

13) **MAYOR AND COUNCIL BUSINESS**

Council Member LeMone asked if it was possible to go paperless and reported that doing so would save on the \$36,000 expense needed for postage, newsletter, and mailing out bills since most residents are now online. Administrator Darrington stated that not everyone is online and indicated that older people prefer to receive a hard copy of the newsletter and utility bills. Council Member

LeMone suggested that postage costs be reduced. Administrator Darrington promised to break down costs and look at the related utility bill.

Council Member Jensen reported that there will be a concert on September 14 in the Downtown Park with a band provided by the Chamber and food trucks will also be present. Mayor Fugal expressed his appreciation to the Council and the staff for their efforts.

14) SIGNING OF PLATS

There were no plats to be signed.

15) REVIEW CALENDAR

16) ADJOURN

ACTION: Council Member Andersen moved to adjourn at 7:53 p.m. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of August 4, 2020, were approved by the City Council on August 18, 2020.

Kathy T. Kresser, MMC
City Recorder

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