

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
May 4, 2021
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
Deon Giles, Parks Director
Marty Beaumont, Public Works Director
Kyler Ludwig, HR Director
Mike Roberts, Police Chief
Drew Engemann, Deputy Fire Chief
Sheri Britsch, Library Director
Daniel Cardenas, Community Development Director
Kathy Kresser, City Recorder
Tina Petersen, City Attorney
Denise Roy, Finance Director

Excused: Tyler Wilkins, Recreation 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 Guy 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 Council Member Bullock.

3) OPENING REMARKS

The opening remarks were offered by Council Member Jensen.

4) **APPROVAL OF MEETING AGENDA**

It was noted that Items 9B and 9D would be continued indefinitely.

ACTION: Council Member Williams moved to approve the meeting agenda with a continuance of agenda items 9B and 9D. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

5) **OPEN SESSION**

There were no public comments. The Open Session was closed.

6) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the April 13, 2021, Meeting.
City Council Minutes for the April 27, 2021, Special Meeting.**
- B. **To Consider Approval of Payment No. 6 o J. Lyne Roberts & Sons for the Veterans Memorial Pickleball Court Park Project.**
- C. **To Consider Approval of Payment No. 1 to J. Lyne Roberts & Sons for the Discovery Park Tennis Court Rehabilitation Project.**
- D. **To Consider Approval of Payment No. 2 to Newman Construction for the Pleasant Grove 2020 Sewer Improvements Project.**
- E. **To Consider Approval of Payment Approval Reports for April 21, 2021.**

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

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A. Public Hearing to Allow Public Input Regarding (A) the Issuance and Sale of Not More than \$7,000,000 Aggregate Principal Amount of Excise Tax Revenue Bonds, Series 2021 (The “Bonds”) and (B) Any Potential Impact that the Project Described Herein to be Financed with the Proceeds of the Bonds Issued Under the Act May Have on the Private Sector; and All Related Matters.**

Administrator Darrington reported that three weeks earlier the Council adopted a resolution involving a Notice of Intent for the City to bond to fund road maintenance projects. A public hearing is required. The resolution specifies that the City would be authorized to borrow up to \$7,000,000 for road maintenance and repairs. The revenue stream to pay the debt service payment would be through Class C funds. There is still plenty left over to complete ongoing projects, however, this would provide an opportunity to make street improvements that otherwise may have to be delayed for 10 or 15 years.

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

- B. Public Hearing to Consider for Adoption an Ordinance (2021-8) to Amend City Code Section 10-14-27-2E: Storage, by Modifying Limitations for Storage Uses Within Any Unit, Only within The Grove Zone District – Boulevard Mixed-Use Overlay. (McKay Christensen Applicant) Presenter: Director Cardenas. This item will be Continued Indefinitely.**
- C. Public Hearing to Consider for Adoption an Ordinance (2021-9) to Amend City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by Adding Use #6815, Day Nursery or Childcare Center, to the List of Permitted Uses in the CS-2 (Commercial Sales-2) Zone. (Dana Lee Applicant) Presenter: Director Cardenas.**

Community Development Director, Daniel Cardenas, presented the staff report and displayed a zoning map of the City. He explained that every zone has specific types of uses. An applicant is proposing a daycare center in the CS-2 zone. Staff recognized that the proposed use is not permitted in the zone. Staff had no problem with the use in the commercial zone. It was suggested that the use be added to all commercial zones.

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

Council Member Andersen stated that on 1600 North in Orem, there is a child care center that is also a preschool. She asked if a preschool is proposed as part of the use. Director Cardenas confirmed that it was.

ACTION: Council Member Williams moved to ADOPT Ordinance 2021-9 to amend City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by adding Use #6815, Day

Nursery or Childcare Center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

- D. **Public Hearing to Consider for Adoption an Ordinance (2021-10) to Amend City Code Section 10-6-2: Definitions; Boarding and Rooming House, to Modify the Definition of 'Boarding and Rooming House.' (CITY-WIDE)**
Presenter: Director Cardenas. This item will be Continued Indefinitely.

- E. **Public Hearing to Consider for Adoption an Ordinance (2021-11) to Amend City Code Section 10- 9A-2: Permitted, Conditional and Accessory Uses to Remove Listed Use #5440 (Candy, Nut, and Confectionary), Use #6299 (Other Personal Services, NEC (includes Wedding Chapels, Reception Centers, Babysitting Bureaus, and Reducing Salons), Use #7500 (Resorts and Group Camps), Use #7400 (Recreation Activities), and Use #1516 (Bed and Breakfast Inn) from the List of Conditional Uses in the R-R (Rural Residential) Zone. (Pleasant Grove City Applicant)**
Presenter: Director Cardenas.

Director Cardenas presented the staff report and stated that north of 1100 North is the Rural Residential (R-R) zone. Lots must be at least one-half acre in size and as with every other zone in the City, there are permitted and conditional uses. The intent of the City is to eliminate all conditional uses and make them permitted with certain provisions. When a conditional use is requested, the Planning Commission decides whether to add conditions to the use. In this zone, there are conditional uses that are commercial in nature but no specific requirements to refer to. There have been instances where conditional uses were allowed that resulted in multiple complaints from the surrounding neighbors. The City can apply an overlay zone that is commercial in nature. For those wishing to pursue that use, it can be legislative in order to apply the overlay and rezone the property. That, however, gives the neighbors the opportunity to give feedback. A conditional use is complicated for the Planning Commission and those who live nearby. It is not easy to deny a conditional use since most must be approved based on certain conditions.

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

ACTION: Council Member Bullock moved to ADOPT Ordinance 2021-11 to amend City Code Section 10-9A-2: Permitted, Conditional, and Accessory Uses, to remove listed use #5440 (Candy, Nut and Confectionary, Use #6299 (Other Personal Services), NEC (Includes Wedding Chapels, Reception Centers, Babysitting Bureaus, and Reducing Salons), Use #7500 (Resorts and Group Camps), Use #7400 (Recreation Activities), and Use #1516 (Bed and Breakfast Inn) from the list of conditional uses in the R-R (Rural Residential)Zone. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

In response to a question raised, Attorney Petersen clarified that a "Reducing Salon" is an archaic term for weight loss centers. She suggested that it be changed and updated in the Code.

F. Public Hearing to Consider for Adoption an Ordinance (2021-12) to Amend City Code Section 10- 9A-10: Building Height, to Refine the Requirements and Limitations for Building Height in the R-R (Rural Residential) Zone. (Pleasant Grove City Applicant) Presenter: Director Cardenas.

Director Cardenas described the procedure an applicant goes through before building a structure. The Code includes regulations for structures. For main dwellings in the Rural Residential Zone, there is a limit on building height of 35 feet or roughly 2½ stores above ground. The definition of building height was described as well as how it is measured. Director Cardenas explained that buildings that exceed 35 feet in height may be approved through the issuance of a Conditional Use Permit and that is subjective in nature. The proposed amended definition would require the average height to be a maximum of 35 feet. The Planning Commission supported the proposed change, which would simply require staff to verify the average height of the building. Taking this step will avoid confusion and avoid the need for conditional uses, especially those that are subjective to measure. It was noted that the Planning Commission recommended removing the 2½ story requirement and replace it with 35 feet.

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

ACTION: Council Member Andersen moved to ADOPT Ordinance 2021-12 to amend City Code Section 10-9A-10: Building Height, to refine the requirements and limitations for building height in the R-R (Rural Residential) Zone. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

G. Public Hearing to Consider for Adoption an Ordinance (2021-13) Enacting Chapter 19 of the Business License Code of the Pleasant Grove City Municipal Code, Providing for “Massage Establishments” Establishing Licensing Requirements and Providing an Effective Date. (CITY-WIDE) (Pleasant Grove City Applicant) Presenter: Attorney Petersen.

City Attorney, Tina Petersen, reported that the proposed ordinance enacts a new chapter in the Business License Code, Title 3, Chapter 19. Currently, the City does not regulate massage establishments with regard to business licenses and there are no specific requirements for their licensure. Staff has found in the recent past that some people have taken advantage of that and established massage establishments in the City and engaged in illegal activities. The purpose of the ordinance is to tighten up the requirements and dissuade or discourage people from setting up massage establishments that do not comply with health regulations and proper business practices. Staff has found that these institutions use out-of-state employees who are not licensed in the State of Utah and often have criminal histories in other states. The new requirements will specify that the owner of the establishment provide Utah identification and that anyone who is working in the establishment, including the owner, obtain a background check from Utah and any state in which they have lived within the last five years. Attorney Petersen stated that they also must provide a Utah State Massage Therapist or Apprentice license. Many will have licenses but from a different

state. The intent is to ensure that anyone who is practicing that type of business is properly licensed and authorized by the State of Utah.

Attorney Petersen explained that originally part of the Sanitation Inspection was to require a Utah County Health Department sign-off. They have since learned from the County that they do not physically inspect massage establishments. They do tattoo parlors and piercings but not massage establishments. She prepared an alternate version with references to the Utah County Health Department removed.

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

ACTION: Council Member Williams moved to ADOPT Ordinance 2021-13 to enacting Chapter 19 of the Business License Code of the Pleasant Grove City Municipal Code, providing for “Massage Establishments” establishing licensing requirements; and providing an effective date. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

Attorney Petersen clarified that the effective date is as soon as it is passed.

10) **ACTION ITEMS READY FOR VOTE**

- A. To Consider for Adoption a Resolution (2021-016) Adopting the Pleasant Grove City Tentative Budget for the Fiscal Year Beginning July 1, 2021, and Ending June 30, 2022, which Includes the Comprehensive Fee Schedule; and Providing for an Effective Date. Presenter: Director Roy.**

ACTION: Council Member Bullock moved to ADOPT Resolution 2021-16 adopting the Pleasant Grove City Tentative Budget for the fiscal year beginning July 1, 2021, and ending June 30, 2022, which includes the Comprehensive Fee Schedule; and providing for an effective date. Council Member Anderson seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

- B. To Consider for Adoption a Resolution (2021-017) Authorizing the Mayor to Declare a Surface Pro 4, 11-Ford Explore Consoles, 8-Light Bars, 1-K-9 CAGE, 1 Cummins Commercial Generator and 1-20 Gallon Fuel Tank for Generator as Surplus and Direct that they be Disposed of According to the City’s Policy for Disposing of Surplus Property and Provide an Effective Date. Presenters: Director Beaumont and Chief Roberts.**

Police Chief, Mike Roberts reported that they switched their fleet to F-150s and no longer own any Ford Explorers and have no need for the consoles. There are also eight light bars they are planning to return to the company that sets up the vehicles so that they have a credit next year. There is also a canine cage, a diesel generator, and a fuel tank for the generator to be surplussed. He noted that the generator and tank were purchased through a grant by the previous Chief for a

trailer that was to be obtained for emergency management. The trailer was never purchased so they were looking to sell the generator and use the money for something else.

ACTION: Council Member Jensen moved to ADOPT Resolution 2021-017 authorizing the Mayor to declare a Surface Pro 4, 11-Ford Explorer consoles, eight light bars, 1-K-9 cage, one Cummins commercial generator, and one 20-gallon fuel tank for the generator as surplus and direct that they be disposed of according to the City's policy for disposing of surplus property and provide an effective date. Council Member Anderson seconded the motion. The motion carried unanimously with Council Members Williams, LeMone, Jensen, Bullock, Andersen voting "Aye."

- C. To Consider for Adoption an Ordinance (2021-14) Amending the Pleasant Grove Municipal Code to Comply with Recent Changes in Public Notice Requirements of the Utah State Code; Section 1-Page 3 of 3 10-6 "Review of Salaries; Public Hearing"; Section 1-15-1 "Disposal of Parcels of Real Property – Reasonable Notice"; Section 2-4-3(S) "Appeals-Public Hearing Notice Requirements"; Section 2-2C-9(B)(2) and 9(C) "Historic Landmark Register Meeting Notification and Recording of Designation"; Section 7-3-8(C) Cemetery Regulations – Termination of Rights"; Section 10-2- 1(C)(2) Hearing; Notice and Procedure Notice to Consider General Plan Modifications"; Section 10-2-1(D) Notice of Public Meetings and Public Meetings on Adoption or Modification of Land Use Ordinance"; Section 10-2-1(F) "Notice for a Proposal to Vacate, Alter or Amend a Street"; Section 10-2-1(G) "Notice for All Other Land Use Applications Not Specified in Subsections "B" through "F" of this Section"; and Providing an Effective Date. *Presenter: Attorney Petersen.***

Attorney Petersen reported that during the 2021 Legislative Session, the Utah State Legislature passed Senate Bill 201, which made changes to the noticing requirements State-wide for municipalities with regard to a variety of public notices that the City is required to provide. Specifically, they removed the requirement that all notices be published in a newspaper of general circulation. The requirement was added that those items be published on the Utah Public Notice website instead. The City made other changes to come into conformance with new legislation, particularly with regard to Section 10-2-1 pertaining to land use ordinances. Additions were made to come into compliance with State Code with regard to vacating a public street, the City had stricter noticing requirements than required by the State. Staff was comfortable providing the additional notice but made the change since other changes were being made to the section. Rather than publishing notice for three to four weeks in the newspaper, they now are required to give only 10-days' notice.

ACTION: Council Member Jensen moved to ADOPT (2021-14) amending the Pleasant Grove Municipal Code to comply with recent changes in the Public Notice Requirements of the Utah State Code Salaries; "Public Hearing"; Section 1-15-1 "Disposal of Parcels of Real Property – Reasonable Notice"; Section 2-4-3(S) "Appeals-Public Hearing Notice Requirements"; Section 2-2C-9(B)(2) and 9(C) "Historic Landmark Register Meeting Notification and Recording of Designation"; Section 7-3-8(C) Cemetery Regulations – Termination of Rights"; Section 10-2-1(C)(2) Hearing; Notice and Procedure Notice to Consider General Plan Modifications"; Section

10-2-1(D) Notice of Public Meetings and Public Meetings on Adoption or Modification of Land Use Ordinance”; Section 10-2-1(F) “Notice for a Proposal to Vacate, Alter or Amend a Street”; Section 10-2-1(G) “Notice for All Other Land Use Applications Not Specified in Subsections “B” through “F” of this Section”; and Providing an Effective Date. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

11) ITEMS FOR DISCUSSION

A. Continued Items from the Work Session, If Needed.

There were no items for discussion.

12) REVIEW AND DISCUSSION OF THE MAY 18, 2021, CITY COUNCIL MEETING AGENDA

Administrator Darrington reported that for the Work Session the hope was to have representatives from UDOT present to review the latest Pleasant Grove Boulevard interchange plans. There will also be a Budget Amendment on the agenda to allocate funds from capital to move out of the General Fund to be in compliance with the Fund Balance requirement. In addition, there will be a public hearing regarding a section of road on 900 West and 700 South. Staff was also working on obtaining a sewer easement with Macey’s.

13) MAYOR AND COUNCIL BUSINESS.

Council Member Jensen reported that ACE Recycling is holding a Ribbon Cutting/Open House with a barbecue lunch on May 20, 2021, at 10:30 a.m. The City’s elected officials were invited to be present at 10:00 a.m. to take a tour of the facility. The Chamber of Commerce was working with the Strawberry Days Association and others to close down Main Street for a concert by Ryan Shupe on June 12. There will be food trucks, dancing, karaoke, and strawberries and cream available for purchase.

Council Member LeMone reported that Tabitha’s Way bins are located throughout the City. A few of them are in high-traffic locations and are overflowing and taking up parking spots. She suggested that they be moved to a central location such as the Jacobs Senior Center. The issue was addressed with their Coordinator and they are aware of the problem. It was noted that Tabitha’s Way has increased its staff by five people over the past few months. They are also working on an app that will allow people to inform them of issues.

Mayor Fugal reported that he and Administrator Darrington met with representatives of Tabitha’s Way and learned that they have been hit hard with Deseret Industries being closed. As a result, people have been dumping items outside of the bins. They are concerned and are working to resolve the issue. Administrator Darrington reported people are dumping items that they do not accept. The result has been an increase in the dump bill. Even with five additional employees, the dumping may still be too much to handle. A better option was thought to be consolidating the bins at the Senior Center next to the glass recycling. Council Member Andersen reported that

there is a bin at Veterans Park and Pleasant Grove pool that is visible and overflows as well and takes up parking. Director Giles expected Tabitha's Way to move that bin as well.

Council Member Andersen congratulated the Chamber of Commerce for the recent ribbon cuttings and for new business growth in the City. She also expressed appreciation to Council Member Jensen for his efforts.

Council Member Williams reported that about four years ago he announced his candidacy for a City Council seat. He did not understand what was in store at that point but stated that it has been a positive experience. He enjoys working with the Council and staff and agreed that great things have been accomplished over the past four years. He announced his intent to seek another term. Jeremy Hall encouraged Council Member Williams to run. Mr. Hall unfortunately had since passed away from cancer. Council Member Williams planned to dedicate his next four years of service to Mr. Hall. He indicated that he has also taken his place with the Honorary Colonels as well.

Council Member Andersen praised Mr. Hall and characterized him as an amazing man. She has enjoyed her time serving on the City Council and the Planning Commission. She would like to see projects completed and announced her plans to seek another four-year term.

14) SIGNING OF PLATS.

There were no plats to be signed.

15) REVIEW CALENDAR.

16) ADJOURN AS THE PLEASANT GROVE CITY COUNCIL.

MOTION: Council Member Andersen moved to ADJOURN the City Council Meeting. Council Member Bullock seconded the motion. The motion carried with the unanimous consent of the Council.

17) CONVENE AS THE PLEASANT GROVE CITY REDEVELOPMENT AGENCY.

MOTION: Council Member Williams moved to CONVENE as the Pleasant Grove Redevelopment Agency ("RDA"). Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

Director Roy reported that a one-page document was provided in Dropbox. The City is required to adopt the RDA budget separately. There is a fund balance issue they are working through with Randy Sant. She noted that a bond is coming due in December 2021. It is shown in the budget as a developer contribution and payment of the expenditure. Administrator Darrington reported that the bond should be retired in December, which will result in \$12.9 million coming off the books. He explained that it is a bond the City has carried but one they have not made payments on.

MOTION: Board Member Jensen moved to ADOPT Resolution 2021-01 RDA adopting the RDA Tentative Budget for Fiscal Year 2021/2022. Board Member Williams seconded the motion. Vote on motion: Chair Guy Fugal, Board Members Andersen, Bullock, Jensen, LeMone, and Williams voted “Aye.” The motion passed unanimously.

MOTION: Board Member Williams moved to adjourn as the Pleasant Grove Redevelopment Agency. Board Member Andersen seconded the motion. The motion carried with the unanimous consent of the Members.

MOTION: Board Member Andersen moved to reconvene the City Council Meeting.

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

MOTION: Council Member Williams moved to go into a Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual. Council Member Jensen seconded the motion. The motion passed unanimously.

The City Council was in Closed Session from 7:00 p.m. to 8:18 pm.

MOTION: At 8:18 pm Council Member Williams moved to reconvene to the open City Council Meeting. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting “Aye.”

19) ADJOURN.

MOTION: Council Member Jensen moved to adjourn the meeting at 8:19 p.m. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting “Aye.”

The City Council minutes of May 4, 2021, were approved by the City Council on June 1, 2021.


Kathy T. Kresser, MMC

City Recorder

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

