

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
August 3, 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
Tina Petersen, City Attorney
Denise Roy, Finance Director
Kyler Ludwig, HR Director
Deon Giles, Parks Director
Marty Beaumont, Public Works Director
Mike Roberts, Police Chief
Drew Engemann, Deputy Fire Chief
Daniel Cardenas, Community Development 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 reported that all Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Police Chief, Mike Roberts.

3) OPENING REMARKS

The opening remarks were offered by Council Member Bullock.

4) APPROVAL OF MEETING AGENDA

It was reported that agenda item 9A had been postponed indefinitely.

ACTION: Council Member Jensen moved to approve the meeting agenda with postponing item 9A indefinitely. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

5) OPEN SESSION

Kendra Norton that there have been issues with speeding and dangerous driving in her neighborhood. She asked that there be more enforcement. The Mayor asked that Ms. Norton meet with Chief Roberts to discuss her concerns.

Dewey Lundahl expressed interest in serving on committees, especially those related to planning issues. Mayor Fugal indicated that applications are available online that can be submitted.

Council Member Williams asked for clarification from Ms. Norton as to where the speeding is taking place. Ms. Norton indicated that it is in her cul-de-sac.

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

6) CONSENT ITEMS

- a. **City Council Minutes:
City Council Minutes for the July 20, 2021, Meeting.**
- b. **To Consider Approving Payment Request No. 1 to Goldenwest Specialties for the Walker Tank Exterior Coating Project.**
- c. **To Consider Approving Change Order No. 1 and Payment Request No. 1 to Miller Paving, Inc. for the 1450 North 500 South Street Improvement Project.**
- d. **To Consider Approving a Payment Request No. 8 to J. Lyne Roberts for the Veterans Memorial Park Project.**
- e. **To Consider Approving a Payment Request No. 2 to J. Lyne Roberts for the Discovery Park Project.**
- f. **To Consider Approving Payment Approval Reports for July 29, 2021.**

ACTION: Council Member Williams moved to APPROVE the Consent Items. Council Member Bullock 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

- A. **None.**

9) **PUBLIC HEARING ITEMS**

- A. **Public Hearing to Consider for Adoption an Ordinance (2021-27) Amending City Code Section 10-6-2: Definitions; Boarding and Rooming House, to Modify the Definition of 'Boarding and Rooming House' and Provide an Effective Date. (Pleasant Grove City, Applicant). Presenter: Director Cardenas. ***The above Public Hearing was Canceled at Staff's Request. *****
- B. **Public Hearing to Consider for Adoption an Ordinance (2021-28) Applying the R1-12 (Single-Family Residential) Zone to Approximately 3.4 Acres on Property Currently Zoned R1-20 (Single-Family Residential) Zone, Located at Approximately 1620 North 1300 West, and Providing an Effective Date. (NORTH FIELD NEIGHBORHOOD). (Alan Prince, Applicant). Presenter: Director Cardenas.**

Community Development Director, Daniel Cardenas, presented the staff report and stated that the proposal is for a rezone of a 3.4-acre parcel located in the R1-20 zone behind an LDS Church. The applicant is proposing to purchase and develop the property. With future development, a meeting is typically held with the Development Review Committee ("DRC") to review what is being proposed. Currently, the R1-20 zone allows for 20,000 square-foot lots. Approximately six lots can be developed on the subject parcel. The applicant is requesting 10 lots. The applicant submitted an application to rezone the property from R1-20 to R1-12, which allows for three more lots. The Planning Commission reviewed the request. Director Cardenas spoke to several area residents. It was noted that the property is surrounded by one-half acre and 20,000 square-foot lots that are zoned R1-10, R1-12, and R1-15. The proposal is for the development of single-family homes on eight 12,000 square-foot lots.

The applicant's representative, Paxton Guymon from York, Howell & Guymon, identified himself as a real estate attorney who resides in Bluffdale. He reported that the property is currently under contract to be purchased from the LDS Church. As part of the contract, the Church will only approve the contract with the current development plan, which includes 10 lots. The request is to change the zoning to allow for 10 lots rather than six. Mr. Guymon stated that in the current market, 12,000 square-foot lots are not small. Prospective buyers will be allowed to choose their builder and select their home plans. The benefit to the City is that the proposed homes will add value to the surrounding properties and provide new residents with lots that do not require significant maintenance. He asked that the Council's decision be guided by the General Plan. It is very important to consider and a lot of effort and work went into creating the General Plan. The intent is to rezone property in a manner that complies with the General Plan, which ensures consistency and that decisions are based on what the City Council approved with it was adopted. Mr. Guymon stated that the proposal is in compliance with the General Plan.

Council Member Jensen asked about specifics included in the applicant's contract with the LDS Church. Mr. Guymon stated that the contract allows them to cancel if they do not get approval for 10 lots. The contract specifies what they will allow to be done with the property, which includes the development of a 10-lot subdivision.

Council Member Williams asked about the proposed lot sizes. Mr. Guymon stated that on the 3.4-acre site, each lot will be at least 12,000 square feet in size or around .27-acre each.

Mayor Fugal opened the public hearing.

Don Finlayson identified himself as a resident and retired architect with 45 years of experience. He spoke on behalf of the neighborhood. He reported that the General Plan is very clear that the objective of the General Plan is for the area to serve as a transition between very low density and higher densities to the south. As a transition area, they should be addressing how to create a buffer from high to low density. What is proposed would be a good guiding line. In the General Plan, the City Council obligated itself to provide recreational space in the community and designated the area as underserved. Seven years ago, the subject property was identified as a target area for the recreational area. The applicant was asking to create a "donut hole" zone where he can develop 12,000 square-foot lots. Mr. Finlayson did not consider that to be appropriate. If allowed by the Council, he asked that some acreage be dedicated as recreational space.

Dennis Patten reported that he lives next to the subject property. He acknowledged that the Planning Commission recommended approval. Mr. Patten commented that the subdivision is surrounded by a church and R1-20 zoning. Current building trends include building taller homes, which will have a significant impact on the area. The developer will have to make improvements that will cost the same regardless of whether they develop two or 10 lots. The Church specified that no more than 10 lots may be developed. He asked that the Council deny the request.

Dewey Lundahl reported that the residents have voiced their concerns to the Planning Commission and met with Director Cardenas who described the General Plan to them and how things work. He was very professional and presented both sides. Most of the surrounding area is zoned RR with animal rights. As it has been developed into smaller areas, the number of horses in the area has diminished. Part of the reason his family moved to Pleasant Grove was for the rural atmosphere. In the adjacent area, there are two or three homes with large animals. He noted that recently there have been complaints from neighbors about large animals in the area.

Ernest Bramwell a 31-year resident and former North Field Neighborhood Chairman and Planning Commission Member. At the time the original General Plan was created, the overlays and zoning were applied. He attended the Planning Commission hearing in July and was surprised by the Commission's casual dismissal of the concerns raised by the residents. Without almost no discussion, the Commission voted in favor of the requested zoning. He hoped the Council would not be similarly dismissive of the interests and concerns of the residents. He identified the following six points in making a decision:

1. The General Plan in 2003 looked exactly as it does now. The area could have been zoned R1-10 but it was zoned R1-20.
2. The reasons for zoning the area R1-20 in 2003 are still valid.
3. Today there are at least 10 more surrounding properties than there were in 2003 with which the requested zoning is incompatible.
4. If the LDS Church had not reserved double the space it needed for a building, the subject property would already have been developed as R1-20.

5. Existing homes around the subject property are principally single-level structures. Judging by strong current building trends, buildings will be two stories above grade. With the requested zoning, the current residents will have almost double the number of neighbors looking down into their backyards. New neighbors will also be closer to the existing homes if the requested zoning is allowed.
6. The subject 3.4 acres is very developable and will be profitable as R1-20.

Mr. Bramwell stated that the requested zoning does not complement the area and instead seeks to profit from the area's setting. He explained that the current General Plan has not opened the door or provided any new justification for the requested zoning. He stated that there are more reasons today than there were in 2003 to apply the R1-20 zoning to the subject property.

Phil Schmidt reported that his property borders the subject property to the south. His main concern was traffic. They were also concerned that six homes can be built there and were opposed to allowing 10. With Main Street coming through the middle of the proposed development, traffic will enter 1602 North and 1520 West. There are schools and shopping nearby with motorists using this road as access. Mr. Schmidt estimated an additional 2,329 trips per year per home for a total of 9,316 trips per year. He encouraged the City to research the traffic issue further.

Serenity Jones has lived in the area for 15 years and stated that there has been no road maintenance done during that time. To add more vehicles does not make sense. She noted that where the road meets 1520 West there is no stop sign. The home across the street is also prone to flooding. One strip is plowed on the street in the wintertime. She did not support the proposed zoning in the middle of the neighborhood. She moved to the area because of the one-half-acre lots. She also stressed the need for open space for children.

Wendy Shirley asked if it was possible to strike a compromise to perhaps R1-15, which is a difference of two homes. She stated that the area to the south is zoned R1-15. The north side of 1440 West is still zoned R1-20. While she would love only six homes on the site, she would support R1-15 as a compromise. The elementary schools are already crowded and she was concerned that zoning is getting more and more dense.

Diana Lundahl commented that many of the homes in the area have basement apartments. She was concerned about the potential to further subdivide one-half acres lots and increase the density. She was concerned that there could be more far-reaching effects. Ms. Lundahl had a list of other neighbors who are opposed to the proposal.

There were no further public comments. The public hearing was closed.

Mr. Guymon responded to the question of whether they can negotiate a compromise and stated that they cannot. He noted that the Planning Commission forwarded a positive recommendation. He noted that the General Plan specifically designates the area as low-density residential which is defined as two to four units per acre.

Council Member Williams asked Mr. Bramwell about his time serving on the Planning Commission and creating the General Plan. Mr. Bramwell reported that he served on the Planning

Commission from 1998 to 2002. During that time, the first General Plan for the City was drafted. Prior to 2003, the overall density designations and applicable zones were assigned. He noted that there is nothing to the north with more dense zoning than R1. The density designations and applicable zones were the same when the area was R1-20. The surrounding zoning was described.

Mayor Fugal commented that the City Council zoned the area R1-20 at the request of the developer. Council Member Williams stated that the entire area is zoned R1-15 or R1-20. He asked for clarification on the slope of the property and those who live on 1440 North with respect to flooding in the area. Public Works Director, Marty Beaumont reported that the property slopes from north to south, and there are currently water facilities that the property can connect to. They will ensure that the developer addresses the 100-year storm event on the site. Council Member Williams referred to an email dated July 8, 2021, from 30 residents. Those living on 1440 North were concerned about homes towering over their backyards, well over the 30-foot height limit, the City has in place. Director Beaumont stated that the current maximum is 35 feet. Director Cardenas stated that with regard to building heights, there is a lot coverage requirement. The larger the lot, the greater the coverage requirement.

A potential park location in the area was discussed. Council Member Williams stated that approximately 40 residents are opposed to the project. They are asking the City Council to look at the request more closely and not just grant a blanket approval. He felt there were problems with the General Plan and wanted to see a park in the area.

Council Member Andersen stated that she would like to legally approve R1-15 zoning but did not see a way to do that. She respected the comments made and stated that a park is needed and justified by the request.

Council Member LeMone reported that she has served on the City Council for 10 years and the discussions do not get any easier. The first consideration is whether the request is compliant with the General Plan. She stated that open property behind her was developed previously and the residents have been good neighbors. Private property owners have a right to sell their property and accessory apartments in homes are legal. Because the City does not own the property, they cannot require a park to be developed unless the City purchases the property. Her understanding was that the developer is proposing to develop two to four units per acre. As a Council Member, she has to approve the request as she does not have a legal reason not to. She hoped to reach a compromise, however, if the development goes through she hoped the neighbors will welcome the new residents.

Council Member Jensen thanked those present representing the neighborhood. He stressed the importance of continuing to improve the General Plan. It was his opinion that the Planning Commission did what they were supposed to. They are a recommending body and their actions are based on the law. He stated that a request either complies with the ordinance and City laws or it does not. The Planning Commission is the City's land use authority and the City Council has denied some recommendations they have put forward. The City Council directed staff to review the City's zones and the Land Use Map. Ultimately, the City must be able to defend itself whenever a decision is made.

Council Member Williams explained that when the Council stops listening to the residents they cease to become a Council. Council Member Jensen commented that the General Plan is evolving. Council Member Williams disagreed and stated that the claim that they listen to their citizens is wrong. He loves his neighborhood when development took place that he was not happy about, he got involved and tried to provide solutions.

Council Member Bullock was proud to have been born and raised in Pleasant Grove. When he moved to his current home he was surrounded by open fields. Over time, he has seen the open land disappear. He had similar concerns to those expressed. He lives on 100 East where 2,000 cars per hour pass by. He recognized that change is difficult but was certain that the residents will learn to live with it. His opinion was that the applicant has made a case for the Council to approve the request.

Council Member Jensen asked that the Council study the General Plan, which can affect many residents. Home prices are rising and at some point, children may ask their parents to subdivide their property to allow them to build a home.

ACTION: Council Member Bullock moved to APPROVE Ordinance 2021-28 applying the R1-12 (Single-Family Residential) Zone to approximately 3.4 acres of property currently zoned R1-20 (Single-Family Residential) Zone, located at approximately 1620 North 1300 West, and providing an effective date. Council Member Andersen seconded the motion. Vote on motion: Council Member Andersen-Aye, Council Member Bullock-Aye, Council Member Jensen-Nay, Council Member LeMone-Aye, Council Member Williams-Nay. The motion passed 3-to 2.

10) **ACTION ITEMS READY FOR VOTE**

- A. **A Proclamation Designating October 9 as Viking Day and Invite All Our Citizens to Join in Celebrating the Spirit of Exploration and Adventure Exhibited by the Scandinavian People Who Helped Our Nation and the City of Pleasant Grove. *Presenter: Attorney Petersen.***

City Attorney, Tina Petersen, reported that previously an individual presented a proposition regarding celebrating Leif Erikson Day and designating it as Viking Day in Pleasant Grove. The proclamation was read, which designates October 9 as the day they celebrate Leif Erikson, a Viking explorer who was thought to have led the first Europeans to North America.

Casey Jackson, a City resident, addressed Swiss Days where they celebrate their Swiss Heritage. He wanted to do something similar in Pleasant Grove and have a Viking celebration. Activities could include a strongman contest with food trucks. He suggested that a committee be formed to get input from various residents. They could have a fun celebration and raise money for the high school. Other events could include stone lifting and wrestling.

ACTION: Council Member LeMone moved to APPROVE a Proclamation designating October 9 as Viking Day and invite all citizens to join in celebrating the spirit of exploration and adventure exhibited by the Scandinavian people who helped our nation and the City of Pleasant Grove.

Council Member Bullock 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 (2021-037) Authorizing the Mayor to Sign an Interlocal Cooperative Agreement with Utah County and Pleasant Grove City for the 1800 North 100 East Intersection Improvements which Outlines the Respective Rights and Responsibilities of the Parties for the Project and Providing an Effective Date. *Presenter: Director Beaumont.*

Director Beaumont reported that the above resolution involves an Interlocal Agreement with Utah County. The City applied for MAG funding for several projects including a new traffic signal at the intersection of 1800 North and 100 East. The project was approved and the City was awarded \$304,000 from the County. Work was scheduled to begin in the next month and be completed before winter.

Mayor Fugal noted that conduit was placed beneath 100 East and 1800 North to avoid the need to cut 100 East.

ACTION: Council Member Bullock moved to APPROVE Resolution 2021-037 authorizing the Mayor to sign an Interlocal Cooperative Agreement with Utah County and Pleasant Grove City for the 1800 North 100 East intersection improvements which outlines the respective rights and responsibilities of the parties for the project and providing an effective date. Council Member Jensen seconded the motion. Vote on motion: Council Member Andersen-Aye, Council Member Bullock-Aye, Council Member Jensen-Aye, Council Member LeMone-Aye, Council Member Williams-Aye. The motion carried unanimously.

C. To Consider for Adoption a Resolution (2021-038) Authorizing the Mayor to Sign an Interlocal Cooperative Agreement with Utah County and Pleasant Grove City for the 1300 West Roadway Realignment Project which Outlines the Respective Rights and Responsibilities of the Parties for the Project and Providing an Effective Date. *Presenter: Director Beaumont.*

Director Beaumont reported that the project was discussed a few weeks earlier because of a Development Agreement that exists on the property. The City agreed to vacate a portion of the 1300 West right-of-way to locate the new right-of-way to realign 1300 West. The agreement allows them to move forward with design and construction. Construction was to begin in the spring. What is proposed will be a great improvement at a cost of \$625,000.

ACTION: Council Member Jensen moved to ADOPT Resolution 2021-038, authorizing the Mayor to sign an Interlocal Cooperative Agreement with Utah County and Pleasant Grove City for the 1300 West Roadway Realignment Project, which outlines the respective rights and responsibilities of the parties for the project and providing an effective date. Council Member Bullock seconded the motion. Vote on motion: Council Member Andersen-Aye, Council Member Bullock-Aye, Council Member Jensen-Aye, Council Member LeMone-Aye, Council Member Williams-Aye. The motion carried unanimously.

- D. To Consider for Adoption a Resolution (2021-039) Authorizing the Mayor to Sign Five Easement Agreements with the Utah Infrastructure Agency (UIA) for Installation and Maintenance of Fiber Optic Cables and Equipment in the Following Locations: 567 West 3300 North, 683 North 100 East, 576 East 300 South, 485 West 220 South, and 1032 West 650 North in Pleasant Grove City, Utah County, and Providing an Effective Date. Presenter: Director Beaumont.**

Director Beaumont reported that the above agreement is to locate UTOPIA huts. Easements are needed for each of the hut locations, which will allow fiber optic facilities and conduit locations. The facilities consist of 12' x 20' concrete pads. A power box that will go to the corner of the easement. With regard to the appearance of the huts, Director Beaumont stated that staff was able to choose from various options. There is a generator next to the building on a concrete pad. Director Beaumont stated that UTOPIA has been very responsive to the City's desires and has removed trees. They have also been willing to negotiate with respect to elevations and have done a very good job for the City.

ACTION: Council Member LeMone moved to ADOPT Resolution 2021-039 authorizing the Mayor to sign five easement agreements with the Utah Infrastructure Agency (UIA) for installation and maintenance of fiber optic cables and equipment in the following locations: 567 West 3300 North, 6834 North 100 East, 576 East 300 South, 485 West 220 South, and 1032 West 650 North in Pleasant Grove City, Utah County, and providing an effective date. Council Member Andersen seconded the motion. Vote on motion: Council Member Andersen-Aye, Council Member Bullock-Aye, Council Member Jensen-Aye, Council Member LeMone-Aye, Council Member Williams-Aye. The motion carried unanimously.

11) ITEMS FOR DISCUSSION

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

There were no items to be discussed.

12) REVIEW AND DISCUSSION OF THE AUGUST 17, 2021, CITY COUNCIL MEETING AGENDA

City Administrator, Scott Darrington, reported that at the next meeting they will be introducing new employees and having a discussion on Airbnbs in the community. Director Cardenas had been working on an ordinance to address short-term rentals. Over the past few weeks, he has received about 50 calls. He realized that Airbnbs are similar to accessory apartments and they exist. It is up to the City to provide enforcement. He wanted to present and discuss whether there is an appetite to address Airbnbs, which are currently not allowed. He stated that they could be addressed in the same way as accessory apartments and allowed with restrictions.

Administrator Darrington stated that a subdivision plat has been submitted for 900 West 1100 North for consideration. The Utah Department of Transportation ("UDOT") is also providing assistance in paying for some of the cost and the City has entered into an agreement with them. There is also a Community that Cares Grant that was recently updated by the County.

Director Beaumont reported that 220 West is on the 2024 plan for roads.

13) MAYOR AND COUNCIL BUSINESS.

Council Member Jensen reported on an upcoming ribbon cutting for a taco restaurant.

Council Member Williams reported that he sent a text apologizing to his neighbors. He recommended that staff begin to rewrite the General Plan. He reported that the City has \$65,000 that can be used to hire a consultant.

Mayor Fugal received a letter in June from Dora and David Faux who served as the Strawberry Days Grand Marshalls thanking him and the Council.

14) SIGNING OF PLATS.

Mayor Fugal signed The Void Plat G.

15) REVIEW CALENDAR.

16) ADJOURN.

MOTION: Council Member Williams moved to ADJOURN the meeting at 7:45 p.m. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen LeMone, and Williams voting “Aye”.

The City Council minutes of August 3, 2021, were approved by the City Council on August 17, 2021.



Kathy T. Kresser, MMC
City Recorder

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

