

**Pleasant Grove City
City Council Meeting Minutes
Work Session
August 17, 2021
4:30 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
Marty Beaumont, Public Works Director
Mike Roberts, Police Chief
Drew Engemann, Fire Chief
Daniel Cardenas, Community Development Director
Kathy Kresser, City Recorder
Denise Roy, Finance Director
Tyler Wilkins, Recreation Director
Deon Giles, Parks Director

The City Council and staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah.

4:30 P.M. WORK SESSION

1) Introduction of New Employees.

Library Director, Sheri Britsch, introduced Assistant Librarian, Jennifer Flake, one of eight new employees hired over the past six months. Ms. Flake has an MS degree and will be helping with the Harry Potter event that will provide an opportunity to interact with the community.

Tyler Wilkin, Recreation Director, introduced Joe Dorius, who has been a well-known, long-time employee in the City. Mr. Dorius is taking over Doreen McDade's position as Recreation Coordinator. Ms. McDade recently retired.

Public Works Director, Marty Beaumont, introduced Caden Taylor, who is replacing Engineer Matt Redmon. Engineer Taylor graduated from Utah State University and has five years of engineering experience with the Central Utah Water Conservancy District. All were welcomed.

2) **Discussion on Airbnb.**

City Administrator, Scott Darrington, reported that the official term for Airbnbs is “short-term rental”. This type of rental is usually found online when someone wishes to rent a room in a residence for a few days. The concept is being discussed at the State legislative level as to how such rentals can be regulated. Pleasant Grove City currently does not allow short-term rentals per the current Code, which was written years ago before short-term rentals became an issue.

Administrator Darrington indicated that inquiries have been received from residents regarding the legality of such rentals. The calls are either based on complaints that short-term rentals are taking place in their neighborhood or an inquiry by someone wanting to rent their own property on a short-term basis. The legality of has never been discussed, so the request tonight was to provide guidance from the City Council on whether such practice is allowed in the City; whether the ordinance should be amended to allow for short-term rentals, including any parameters; and what regulatory guidelines, if any, should be provided (i.e., zoning restrictions, parking, etc.).

The Utah League of Cities and Towns’ (“ULCT”) Legislative Policy Committee met the previous day and will be raising the issue again. It was thought that some State action is anticipated but not until next winter. The preference expressed by the Committee appeared to be toward unrestricted use, however, there was interest in better understanding how cities view the matter and their thoughts on required regulations if any.

Community Development Director, Daniel Cardenas, reported that short-term rentals have been a popular point of discussion particularly with regard to the best approach. In researching the issue, he found that cities vary in their approach. In Pleasant Grove, the practice is not allowed per Code. Orem City does not allow the practice. Provo City has allowed short-term rentals but only in commercial zones where hotels and motels are located. American Fork City allows short-term rentals using an ordinance that addresses regulations such as noise, snow management, and garbage issues. Lindon City is currently working on an ordinance at the research level. Director Cardenas stated that at his past place of employment, there was an ordinance regulating such things as swimming pools, noise, and zoning.

Director Cardenas proposed that the first thing to be determined is whether the City wants such rentals. If they are allowed, the City should next determine what approach to take. He recommended that a draft ordinance be presented to the City Council that considers the impact of such practice on and for the benefit of neighboring residents. He also stated that they are waiting to see what action the Legislative Policy Committee takes. The time to complete such a task will take two to three months for full research. Additional approaches could be explored such as permitting, business licensure, etc. Feedback on the approach would be helpful.

Council Member Williams asked if there is a specific ordinance that prohibits short-term rentals or if the prohibition is based on a lack of language. City Attorney, Tina Petersen, recalled an ordinance that specified that rentals cannot be for a period of less than 30 days but she and Director Cardenas couldn’t find such language in Title 10. She commented that general land use law states if the use is not a listed permitted use, it is not permitted. In this case, short-term rental is not a listed use. Council Member Williams commented that such prohibition appeared to be based on a

lack of language. Administrator Darrington reported that there had never been a discussion to state that short-term rentals are not desired, so this would be the first discussion. Council Member Williams stated that this situation is different as this discussion began with the premise that such rentals are not allowed, which he felt might not necessarily be true.

Council Member Andersen asked if such rentals were permitted if they would include room taxes and if so, how would such be collected and/or reported. Attorney Petersen responded that research would need to be collected. Council Member Williams described the difference between an Airbnb and VRBO (a popular vacation rental platform). He explained that an Airbnb involves the rental of a room in a residence, such as a B&B (Bed and Breakfast), while VRBO involves the rental of an entire home or residence. Attorney Petersen indicated that the City has a Code provision regarding renters and boarders but nothing for home rentals. She agreed to provide a copy of the ordinance to the Council Members. Council Member Williams remarked that it sounded like the ordinance addresses excessive lengths of rentals and not short-term rentals. Council Member Andersen stated that they would need to define the terms "short-term rentals" and "long-term rentals." Attorney Petersen stated that such definitions would be part of the ordinance.

Council Member Williams believed the City should not be in the business of limiting the property rights of individuals. If a portion of a person's residence is rented, he did not believe it was the City's business to control. Council Member Bullock stated that it will become the City's business if there is a problem as a result of the rental, such as police activity. Council Member Williams pointed out that issues, such as noise, will be a Code violation that will be addressed as such. He did not consider an ordinance that limits the property rights of individuals to be appropriate.

Council Member Jensen considered this discussion similar to previous ones regarding accessory apartments. The purpose for that legislation was explored and ultimately rested on issues of health, safety, and welfare of citizens, which helped address the issues raised. He noted that if the State Legislature is looking into possible regulation, any work by the City may be moot as the City would need to comply with State law. Administrator Darrington explained that the work currently being done by the Legislative Policy Committee involves gathering feedback from the various cities so that when State legislation is considered, they have an idea of where the cities stand. Attorney Petersen commented that from the discussion from the previous day, the Legislative Policy Committee will address enforcement techniques, which are a statewide problem particularly in resort towns. Pleasant Grove does not have the same problems as other cities. She did not think the Committee would come up with language requiring such rentals to be permitted unconditionally.

Council Member Williams asked what triggered the need to look at this problem now. Administrator Darrington stated that the matter is a current issue in other cities but not yet in Pleasant Grove. It would, however, be beneficial to get a head start before it became an issue here. Council Member Andersen pointed out that locally, a lot of rooms are being advertised as available. Her preference would be to inform residents that the practice is allowed with parameters.

Administrator Darrington asked about the calls on this issue received by Council Members. It was concluded that more calls were related to inquiries as to whether such rentals could be done versus neighbor complaints. Administrator Darrington recounted an incident in his neighborhood where the entire home had been rented out and resulted in complaints by some neighbors. The HOA ultimately banned the practice.

Discussion continued as to whether not allowing rentals was proper, why it was being raised at this point and property rights issues. It was noted that it would be helpful to identify the reason for raising the issue now, the differences in approaches, and the basis for the variances presented.

Administrator Darrington stated that the issue was raised now because people are being told they cannot do short-term rentals. Attorney Petersen again noted that the City's current position is that short-term rentals are not allowed because of the general land use provision in the Code that specifies that when a use is not listed as a permitted use, it is prohibited.

As a difference of opinion existed as to whether this should be the proper response, it was agreed research appeared warranted. Administrator Darrington directed Director Cardenas to prepare a draft ordinance, so they could have a more specific discussion. Director Cardenas said staff will address the different versions and specifics about this issue so that the Council can create its own decision.

3) **Discussion on Placement of Monument Sign.**

Mayor Fugal announced that the City recently received a letter from the Mayor of Cedar City thanking them for their assistance in sending sandbags to them during a recent flood. The Mayor also reported that the City received special recognition from Senator Mike Lee for the 100-year celebration of Strawberry Days. It was noted that this celebration is the longest continuous celebration in Utah. Last, Mayor Fugal invited anyone interested in participating in the Voter Rise event to contact him.

Administrator Darrington reported that the City Council previously allocated funds for a monument sign to replace the library marquee, which was ultimately going to be for the City's use. The monument sign has been ordered and will be delivered in September. He displayed a rendering showing what the monument sign will look like. It has a two-sided 4' x 4' x 8' LED screen with a 2' x 8' base of colonial red brick and a decorative cabinet that is 2' x 8'. The committee consisting of City staff, Council Members LeMone and Jensen, and the Mayor decided on the parameters of the sign at a cost of \$42,000.

There was discussion regarding the best location to place the monument sign. Various potential locations were discussed along with what would be involved with placement. The Committee stated that their preference was to place the sign on the corner where the Beck House used to be for best visibility and multi-use purposes. Director Britsch was also leaning toward locating it on a corner. She stated that the Library Board was in favor of the corner location. Council Member LeMone asked if the monument sign could be moved to a different location in the future in the event the use of the property changes. There was discussion regarding alternate sign locations. Administrator Darrington explained that placement and logistics in other areas had been

considered but because the purpose of the new sign was originally to replace the current Library marque, a location near the library was thought to be best. Conduit had been placed where the new sign will go.

The monument sign will be set to a height that is visible and within Code limitations. There will be landscaping to enhance the appearance of the sign. It was agreed that the sign will be placed on the corner facing north/south and installed in September.

4) **Staff Business.**

Director Britsch reported that the library will again be offering YouTube stories for Halloween. Volunteers were needed to read from Halloween picture books. The program was scheduled to begin on September 1, 2021. The Harry Potter event was scheduled for the third week in September.

Fire Chief, Drew Engemann, reported that Life Flight was used twice over the past week. One incident involved an automobile accident that required victim extraction on West Center Street. The other incident involved a person who fell off the falls at Grove Creek. Chief Engemann noted that when there are rescue calls in the Canyon area, they always call Search and Rescue. He stated that another incident involved the drowning of a two-year-old child in a swimming pool. Chief Engemann stated that Fire Department call volume has steadily increased since 2019. Firetruck repair/maintenance issues were described.

Public Works Director, Marty Beaumont, gave a water update in the secondary irrigation system and reported that water usage starting July 1, 2021, was down by 8% but remains 149% above the State recommendations. This amount, however, was less than last year. The cut-off date was projected as October 9, 2021, which is closer to the October 15 goal. The usage shows that residents are conserving but the level of conservation is still less than desired. Monitoring efforts would continue. Council Member Andersen asked what else could be done to get the message out to the residents. She also asked about the legislation regarding the metering of secondary water and whether metering is effective in reducing consumption.

Council Member Williams asked about the presence of City water meters what was being done with them. Director Beaumont reported that the City previously did some meter monitoring but not within the past few years. A comprehensive meter monitoring study was conducted three years ago with varied results. In Pleasant Grove, they found that water usage was 10 to 15 percent greater than if it was not metered. They expected 30% greater usage. It was clear that where meters are used, those paying for water are more likely to conserve.

Director Beaumont stated that the Legislature may have loans allocated for metering and matching-fund grant programs are available. The competition is stiff for the matching fund grants as many cities are applying. He had heard that meters will be required in 20 years. Currently, meters are now required by the State for new construction. Director Beaumont stated that a single meter and readout costs \$250 to \$300 for a one-inch line. That cost increases from \$900 to \$1,000 for a two-inch line. His last cost estimate for meters was \$7.5 to \$8 million. Council Member Williams suggested looking at water usage again in two weeks.

Director Beaumont stated that the seal-coating project continues. Residents were notified of the work on the website and neighborhood postings. The request continues that there be no use of the sealed areas for 24 hours after sealing is applied.

Council Member LeMone asked about the 100 East Project. Director Beaumont reported that they have received 100% of the design plans, which will go out to bid shortly. He would keep the Council informed. The 2021 date remained the anticipated date.

Council Member Andersen asked about the sewer project on 200 South. Director Beaumont reported that the project at 100 West from Center Street to 200 South involves a pipe upsized. It was estimated that the disruption would last one month or more.

5) **Adjournment.**

MOTION: Council Member Williams moved to ADJOURN the Work Session at 5:36 p.m. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

The Work Session adjourned at 5:36 p.m.

The City Council minutes of August 17, 2021, were approved by the City Council on September 7, 2021.



Kathy T. Kresser, MMC
City Recorder

(Exhibits are in the City Council Minutes binders in the

