

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
February 1, 2022
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone
Todd Williams

Staff Present: Daniel Cardenas, Community Development Director
Tyler Wilkins, Recreation Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Marty Beaumont, Public Works Director
Kyler Ludwig, HR Director
Mike Roberts, Police Chief
Denise Roy, Finance Director
Drew Engemann, Fire Chief
Sheri Britsch, Library and Arts Director

Excused: Scott Darrington, City Administrator
Deon Giles, Parks 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 at 6:00 p.m. All City Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Recreation Director, Tyler Wilkins.

3) OPENING REMARKS

The opening remarks were offered by HR Director, Kyler Ludwig.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Jensen moved to APPROVE the amended meeting agenda as published. 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.

6) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the January 4, 2022, Meeting.
City Council Minutes for the January 18, 2022, Meeting.**
- B. **To Consider Approval of Pay Request No. 2 for Skyline Electric Company for the 1800 North 100 East Traffic Signal Project.**
- C. **To Consider Approval of Payment Approval Reports for January 13 and 27, 2022.**

ACTION: Council Member Bullock moved to APPROVE the Consent Items as previously mentioned. Council Member Andersen 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**

Mayor Fugal acknowledged Council Member LeMone as being awarded Rookie of the Year by Keller Williams for the County Offices and the entire State. Council Member LeMone stated that the recognition meant a lot.

9) **PUBLIC HEARING ITEMS**

- A. **Public Hearing to Consider for Adoption an Ordinance (2022-5) to Apply the R1-10 (Single-Family Residential) Zone to Approximately 12.23 acres on Property Currently Zoned R-R (Rural Residential) Zone, located at approximately 1445 North 600 West. (North Field Neighborhood) (Artisan Construction LLC Applicant) *Presenter: Director Cardenas.***

Community Development Director, Daniel Cardenas, presented the staff report and stated that the request is for the rezoning of approximately 12 acres. Using a Property Aerial Map, he identified the location of the subject property owned by the Makin family. The current zoning in the area is

R-R (Rural Residential), which requires one-half acre lots with animal rights. The applicant seeks to rezone the property R1-10, which has a minimum square footage of 10,000 square feet. The matter was heard by the Planning Commission on March 11, 2021. It had taken time to come before City Council because the applicant worked on the proposed subdivision to show that the design allows for larger-sized lots. Using a Property Zoning Map, it was reported that the property surrounding the subject property is zoned R1-15, R1-12, and R1-10 to the North, and R1-8 to the south and east. The larger lots were proposed to better fit in with the larger neighboring lots in zones R1-12 and R1-15.

Director Cardenas also stated that the Vicinity Plan was recently changed. Parts of the property to the south will remain R-R (Rural Residential) zone per the Applicant's request as shown on the Property Aerial Map. The property has a designation of Low-Density in the General Plan, which allows R1-10, R1-12, and R1-15 as possible zones.

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

ACTION: Council Member Bullock moved to ADOPT Ordinance 2022-5 to apply the R1-10 (Single-Family Residential) Zone to approximately 12.23 acres on property currently zoned R-R (Rural Residential) Zone, located at approximately 1445 North 600 West. (North Field Neighborhood). 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-Abstained. The motion carried unanimously with one abstention.

B. Public Hearing to Consider an Ordinance (2022-6) Amendment to the Pleasant Grove City Municipal Code Section 10-12A-4 (Lot Area, Yard, Coverage and Height Requirements) by Proposing a Change on the Required Setbacks for the Front Yard on Properties Located Within the BMP (Business and Manufacturing Park) Zone. (City Wide) (Galloway and Company Inc. Applicant) Presenter: Director Cardenas.

Director Cardenas reported that the applicant is seeking an amendment to the City's Municipal Code that would change the required setbacks for front yards on properties located with the BMP (Business and Manufacturing Park) Zone. The building at issue is located within the Industrial Designation of the General Plan, in the 700 block of Sam White's Lane. There are two zones located with that designation which are the M-D (Manufacturing Distribution) Zone and the BMP (Business and Manufacturing Park) Zone, where the subject property is located. An aerial map was used to identify various locations surrounding the subject property. The Close to my Heart business is typical of the type of development in the BMP Zone with landscaping, a water feature, and large setbacks.

Director Cardenas noted that in 2016, setback requirements in the BMP Zone were amended. Originally, the required setbacks were 50 to 75 feet to meet the vision of having business manufacturing parks with water features and fully landscaped areas. The setbacks were changed from 50 feet to 20 feet but with an added staggering requirement.

The applicant submitted two site plans for two corner lots with frontage on San White's Lane and 800 West in the BMP Zone. As the proposed site plans were reviewed, staff found that the buildings were encroaching into the front setbacks and were redlined. Staff's interpretation of the Code requiring a wider setback was unacceptable to the applicant, who was given options to relieve the redlined comments by seeking a different interpretation of the Code by the Pleasant Grove Hearing Officer or through a rezone. The applicant initially chose to seek a rezone of the property from BMP to M-D to get a smaller, 25-foot setback requirement. Changing the zone to M-D, however, allows for more intense uses and the manufacturing of raw materials, which created concerns as there are nearby residential zones. The Planning Commission heard the matter and voted in favor of the project on a 4-to-3 vote. Faced with the concerns identified, the developer, decided that a better option would be to amend the Code.

Director Cardenas indicated that the amendment does not add anything to the Code but does eliminate the staggering requirement. The amendment was brought to the Planning Commission who unanimously voted in favor. He noted that most of the buildings in the area have a 25-foot setback. The building plans have not changed.

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

ACTION: Council Member Bullock moved to APPROVE Ordinance 2022-6 amendment to the Pleasant Grove City Municipal Code Section 10-12A-4 (Lot Area, Yard, Coverage and Height Requirements) by proposing a change on the required setbacks for the front yard on properties located within the BMP (Business and Manufacturing Park) Zone. (City Wide). Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

10) **ACTION ITEMS READY FOR VOTE**

- A. To Consider Final Plat Approval of 33-Lot Preliminary Subdivision Plat, called Makin Dreams Plat 'A' on Property located at approximately 1445 North 600 West the R1-10 (Single-Family Residential) Zone. (North Field Neighborhood) (Artisan Construction, LLC, Applicant) Presenter: Director Cardenas (Continued from the January 18, 2022, Meeting).**

Director Cardenas presented the staff report and identified the layout of the 33 residential single-family lots. It was noted that two of the lots contain existing homes. The zoning is R1-10, however, most of the lots exceed that requirement and are of various sizes and shapes. The hatched areas identified the building envelopes and the setbacks. The subdivision meets the requirements for frontage and square footage at this point. Director Cardenas identified the road connections going east and west and north and south. When development occurs, the road to the south will be continued. The building envelopes will be large enough to build a proper sized home. It was noted that all zoning requirements have been met.

The matter was presented to the Planning Commission in December 2021 and received unanimous approval. Mayor Fugal asked if a public hearing was held at the Planning Commission hearing. Director Cardenas stated that a public hearing was conducted with one person speaking who was discontented with the rezone that occurred in March. Council Member Williams asked why some locations have setbacks and others do not. Director Cardenas stated that the road is to continue, which will impact two lots. He used corner lots as an example of varied-sized setbacks depending on frontage locations and rights-of-way.

The developer, Jared Bishop, from Artisan Construction, stated that the homes on Lots 21 and 23 will remain. Mayor Fugal acknowledged that this project has required a great deal of work on the part of the developer. The multiple zones in the area have made it difficult to address the concerns of the surrounding neighbors. They did an excellent job of transitioning the lot sizes to meet the surrounding neighborhoods and responding to the neighborhood concerns. He thanked both the developer and the Makins.

ACTION: Council Member Bullock moved to APPROVE the 33-lot Preliminary Subdivision Plat, called Makin Dreams Plat 'A' on property located at approximately 1445 North 600 West the R1-10 (Single-Family Residential Zone. (North Field Neighborhood). Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

B. Public Hearing to Consider a One-Parcel Final Commercial Subdivision Plat, called Valley Grove Business Park Plat 'N' on property located at approximately 1905 West Grove Parkway in The Grove Zone – Interchange Subdistrict. (Sam White's Lane Neighborhood) (St. John Properties, Applicant) Presenter: Director Cardenas.

Director Cardenas presented the staff report and identified the location of the subject property on an aerial map displayed. He explained that the area is part of the Interchange Subdistrict of The Grove Zone, which requires 50% office and 50% sales tax uses. Currently, there is an existing plat on the property (Valley Grove Business Park Plat 'A'). With the approval of this plat, Lots 2 and 3 of Plat 'A' along North County Boulevard will be vacated and become a single lot to be known as Lot 4 of the Valley Grove Business Park Plat 'N' that will house a multi-tenant retail building.

Director Cardenas reported that Item 10-C is the proposed site plan, which will house a single retail building shell. The new building will be multi-tenant with a restaurant with a drive-thru. The building has adequate parking and landscaping that meets all zoning requirements. The proposed building is similar to other buildings in the area. Colors and materials are likewise comparable to other locations. The Planning Commission unanimously recommended approval of both the plat and the subdivision.

ACTION: Council Member Andersen moved to APPROVE a one-parcel final commercial subdivision plat, called Valley Grove Business Park Plat 'N' on property located at approximately 1905 West Grove Parkway in The Grove Zone – Interchange Subdistrict. (Sam White's Lane neighborhood). Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

- C. Public Hearing to Consider a Site Plan for a Single-Story, Multi-Tenant Retail Building with a Drive-Thru on property located at approximately 1905 West Grove Parkway in The Grove Zone – Interchange Subdistrict. (Sam White’s Lane Neighborhood) (St. John Properties. Applicant) Presenter: Director Cardenas.**

ACTION: Council Member Andersen moved to APPROVE a site plan for a single-story, multi-tenant retail building with a drive-thru on property located at approximately 1905 West Grove parkway in The Grove Zone – Interchange Subdistrict (Sam White’s Lane Neighborhood). Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

- D. To Consider for Adoption an Ordinance (2022-7) Amending Title 5 Chapter 1 Adopting Section 5-J1 “Beekeeping in Residential Zones” Establishing Regulations for Beekeeping in Residential Zones within the City and Providing for an Effective Date. Presenter: Director Cardenas.**

Director Cardenas presented a City map and indicated that the proposed ordinance indicated that an apiary can be maintained on property in any single-family residential zone on lots of at minimum 7,000 square feet. The beekeeping Ordinance will be found in the Animal Control Ordinance as Chapter 5. It will allow two colonies of bees to be kept for every 5,000 square feet of land. The ordinance is extensive to the point that water must be provided for the bees. If that is not done, the bees will search for water and potentially become a nuisance. There are specific property setback requirements including schools and parks and for the placement of the apiary or box. He noted that the City Attorney helped draft the ordinance.

Council Member Williams raised issues pertaining to what constitutes a colony. Attorney Petersen stated that the definition of a colony is in the ordinance. It is a single-family or society of bees consisting of a queen, workers, and drones. A hive is where the colony is kept. A nuclear hive is a temporary immature hive consisting of no more than five frames used for the purpose of proper management of an apiary, such as preventing swarming, raising a queen, and so on. The bees do not need to be counted. The required setback spells out how far from neighboring properties the bees must be kept. For an adjacent neighbor, the setback is 15 feet. For parks and schools, the setback is 100 feet. She stated that a provision was added to address whether an adjacent neighbor has a bee allergy. In those instances, the bees cannot be kept. There is a regulation for flyways, which are barriers that are at least six feet tall to be placed on the property line to prevent bees from going over the property line and deters contact with humans or domesticated animals. The barrier can be a solid wall, fence, dense vegetation, or something similar.

ACTION: Council Member Williams moved to ADOPT Ordinance 2022-7 amending Title 5 Chapter 1 adopting Section 5-J1 “Beekeeping in Residential Zones” establishing regulations for beekeeping in residential zones within the City and providing for an effective date. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

- E. To Consider Awarding the 1100 North Street and Utility Improvement Project to Cody Ekker Construction with a Total Base Bid and Additive Alternate #5 for a Total of \$1,595,758.00 and Authorize the Mayor to Sign the Notice of Award and Authorize the Mayor to Sign the Notice to Proceed and Agreement Upon Receipt and Approval of Final Contract Documents. Presenter: Director Beaumont.**

Public Works Director, Marty Beaumont, reported that a project on 1100 North was completed a few years ago. There is related reconstruction work that has been needed for some time. He identified where paving will occur. He also stated that a water line will be replaced in the roadway and the road will be reconstructed. That work is covered by the base bid. There are other projects, including a basin on 800 North needing maintenance and improvements. The bid for the work came in slightly lower. The base bid came in about 10% over the engineering costs. The work was to commence in March and end in October.

They did not award the retention basin modifications as that award came in 25% over the engineering costs, which was hard to justify. They will re-evaluate and determine what is the right plan for that basin and what is a reasonable amount of work to be done. Director Beaumont recommended awarding the bid to Cody Ekker Construction for the base bid plus added issues that typically arise with such work.

Council Member Bullock asked if the infrastructure beneath the pavement will be replaced. Director Beaumont stated that a geophysical study evaluation was conducted on the entire road. The recommendation was to not go all the way and reconstruct the entire pavement section but mill down the road, reshape it to resolve grading problems, recompact it, and pave. Council Member Andersen stated that once it is completed, a speed bump request will be made the following year.

ACTION: Council Member Andersen moved to AWARD the 1100 North Street and Utility Improvement Project to Cody Ekker Construction with a total base bid and additive alternate #5 for a total of \$1,595,758.00 and authorize the Mayor to sign the Notice of Award and authorize the Mayor to sign the Notice to Proceed and Agreement Upon Receipt and approval of final contract documents. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

11) ITEMS FOR DISCUSSION

Mayor Fugal reported that Attorney Petersen was serving as Acting City Manager in Scott Darrington's absence.

- A. Continued Items from the Work Session, if needed.**

No items were presented.

12) **REVIEW AND DISCUSSION OF THE FEBRUARY 15, 2022, CITY COUNCIL MEETING AGENDA**

Attorney Petersen reported that at the next regular City Council Meeting the Quarterly Financial Reports will be presented. Potential ordinance amendments for the cemetery were also forthcoming.

Mayor Fugal reported that Friday's Budget Session was to begin at 8:30 a.m. in the Council Chambers.

13) **MAYOR AND COUNCIL BUSINESS.**

Council Member Jensen commented that there are several postings in the City dealing with Choose Kindness Month. Kindness Week is February 14 through 19. He would appreciate any help with community outreach. He commented that Sarah Domyan did a good job highlighting CPR. He will be helping her in the business community. He suggested that all City Council Members and the Mayor take the class.

Council Member Andersen was inspired by the Celebration of life for Coach Henry. She reported that the YouTube film got 3,000 views and the meetinghouse was filled with people showing their respect. She reported that Coach Henry was loved and touched the lives of many, including her and her family.

Council Member LeMone stated that the Lions Appreciation Dinner is next week. She also reminded those present to RSVP to Milt Taylor about the dinner. She also noted that the forms had changed on the City website and the Council email addresses are no longer listed. She wondered why this has changed. She thinks that is cumbersome for the residents that they cannot send individual emails to the Council. She has checked Orem, Lindon, American Fork and Cedar Hills all of them have the council emails listed. She knows that this is a spam issue, but the other cities are handling it. HR Director Kyler Ludwig said that if you want a form that would encapsule all the Councils emails he can do that. There are a few different reasons as to why you would not have your email listed publicly. One is that spammers use it to specially target people and the second issue is that spammers use it to send millions of emails all at once to try and target the servers.

Council Member LeMone remarked that she liked having individual emails and one as a body where people could have the option. She would like someone to contact the other cities to see how they are handling this.

Council Member Jensen commented that on a technical standpoint he would like to stay with the form and create one that includes all the council members emails. He is not sure why the other cities have gone back to that option. Council Member Todd agreed. Mayor Fugal thanked Council Member LeMone for bringing up this point. He said that there is also the option of contacting Recorder Kresser to get the phone number and email address for the Council. Council Member Andersen responded that that is a good point, she is a good point of contact as well.

Next Council Member LeMone wondered if there is a possibility of getting an updated large map at the rec center, one that is there was done in 2016. She has seen people looking at the map trying to figure out where their house is, and they enjoy doing that. Mayor Fugal replied that they can look into that.

Council Member Bullock asked about the picture of the city from 1957 that was hung in at City Hall, he would like to see that hung up somewhere again. Attorney Petersen suggested that the Historic Commission be contacted to see if they can hang it out in the lobby where the other old photos are hung.

Mayor Fugal commented that in the next few weeks he would like to invite Mayor Holdaway and Coach Henry families come to a council meeting and honor these great men.

Council Member Williams invited those in attendance to the 40th birthday for Vaugh Sylva at the rec center. Vaugh is a big supporter of Pleasant Grove High School athletic teams.

14) **SIGNING OF PLATS.**

15) **REVIEW CALENDAR.**

16) **ADJOURN.**

MOTION: Council Member Williams moved to ADJOURN the meeting at 7:11 p.m. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

The City Council minutes of February 1, 2022 were approved by the City Council February 15, 2022.


Kathy T. Kresser, MMC
City Recorder

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

