

**Pleasant Grove City
City Council Meeting Minutes
Work Session
February 1, 2022
4:30 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.

4:30 P.M. WORK SESSION

Mayor Guy Fugal called the meeting to order and welcomed those present.

City Recorder, Kathy Kresser, was called to swear in the new police officers, Dennis Green, Ryan Costa and Jarom Hendricks which she did. Police Officers Green and Costa were presented to the Council as new employees at a previous meeting and Police Officer Jarom Hendricks was asked to introduce himself. He reported that he grew up and went to high school in Springville, is married with one child, and has one child on the way. He was excited to join the force.

1) Discussion on Downtown Zone.

Community Development Director, Daniel Cardenas, provided a map of the downtown area and a zoning map for reference. He identified the area to be discussed and indicated that it is zoned commercial with two subdistricts. One subdistrict, identified in green on the map, is the Commercial Subdistrict, which contains mixed uses, such as a cookie factory. The second is the Transitional Subdistrict (a buffer area) that was identified by dotted lines and contains both commercial and residential uses. Recently there had been discussion regarding making this area smaller. Director Cardenas also identified an area on the map that will contain single-family dwellings.

At the last City Council Meeting, there was discussion regarding the type of usage envisioned in the Downtown Zone, specifically along Main and Center Streets. The resulting proposal by staff provides for a new third subdistrict, called Downtown Retail Subdistrict, in the Downtown Zone. On the map it is marked in blue and includes frontage on State Street with all lots facing Main Street and goes to 100 North and along Center Street.

Discussion continued regarding the new proposed subdistrict area. Director Cardenas indicated that certain uses, primarily offices that are currently permitted, will no longer be allowed. He suggested two proposals. The first was that office space could be completely banned and not permitted or permitted but only as an accessory use and not on the main floor of a building. Director Cardenas stated that the purpose of the proposed ordinance was to provide more retail usage. It was, therefore, important to understand what the term "retail use" means. He defined the term as meaning everything that produces sales tax. He noted that there are uses that are compatible with the downtown area that do not produce sales tax. Such businesses would be providing services. For example, tax preparation offices and hair salons do not generate sales taxes but do provide a lot of foot traffic.

Director Cardenas provided a list of all business uses currently permitted in the Downtown Mixed-Use Zone that served as the basis for discussion of what businesses would be appropriate in the new subdistrict. When a person comes in to apply for a Business License, the City Planner checks to make sure that the proposed business falls within the permitted uses of the applicable zone. Each use on the list contains a number identifying what type of use it is. If the land use number starts with a "5", the use is considered retail or trade. All listed businesses would be permitted in this new subdistrict. If the number starts with a "6", the business is considered a service. There is a large variety of businesses listed, but none generate sales tax. Staff reviewed this service category and marked service-type business that would not be allowed. The remaining unmarked business types, although not sales tax-generating, were thought to be allowed because of the foot traffic they will generate and because their presence would be good for downtown.

Businesses falling into the acceptable category would include banks, dry cleaners, photo services, which, in general, were identified as businesses that can be found in most downtown areas. Excluded businesses included advertising or marketing offices or collection services (found in section 6320 of the list). Examples of permitted services would include locksmiths, key shops, gunsmiths. There was general discussion regarding the status of businesses providing copying services. Director Cardenas stated that a copy service that charges for copying documents is considered retail. He identified the uses proposed as non-permitted as office businesses on the first floor.

There was discussion of the specific category of "Professional Services" (6590). Director Cardenas stated that the term "professional services" used in this category is an umbrella term consisting of office uses that do not fit in any other category. This category would not be permitted. There are services generally thought of as professional found in other categories, such as dental offices (6512), which are identified as permitted uses. Not all services were excluded.

Businesses already established and operating that would fall within the proposed definition of non-permitted uses would be allowed to continue their business as a non-conforming use. Director Cardenas stated that he could either send this list, with its' proposed exclusions to each of the Council Members or they could discuss the items individually.

Council Member Andersen liked the idea but wondered if it would be considered overly restrictive. Director Cardenas stated that what was being presented was just a proposal and they were asking for comment. She then asked what the intent or goal was for this change. Council Member LeMone stated that her perspective was that they want to see people walking on Main Street making purchases on both sides of the street and businesses thrive. If office buildings are allowed on the main floor, their vision for this area would not happen. Other areas are available in the City for office placement.

Council Member Bullock indicated that a purpose was to generate sales taxes for the City. If the area is not restricted, the number of tax generators will decline. Council Member LeMone confirmed that current businesses not falling within the proposed permitted businesses would be grandfathered in and allowed to remain. When asked what guidance is given to people who want to open a "professional services" business on the main floor, Director Cardenas responded that in general when people come in for a Business License, he questions them in detail regarding what they are seeking and determines, in that initial phase, if the business is one permitted in the area. If the business would be a non-permitted use in the zone area being discussed, he would suggest the business be on an upper floor or in a different zone.

Council Member Jensen inquired about Educational Services (6800). There was general discussion as to whether such designations even fell within retail or service businesses. Director Cardenas stated that the Code is specific with respect to educational services and identified the various levels from kindergarten to colleges, schools for the handicapped, and training programs (such as dance). These were included, despite no taxes being generated, because they would generate foot traffic.

Council Member Andersen thought some would be tax-exempt. Council Member Bullock asked why a non-generating tax-producing category would be allowed in this limited geographic area with parking issues. Director Cardenas explained that if a school approached the City for a Business License in a specific location, they would first determine how many students are involved, how many will be driving, etc. If it was determined that parking requirements could not be met, the business would not be licensed, even if its use was permitted. If the school met the parking requirements for the zone, it would be a permitted use.

Council Member Andersen stated that tax-exempt businesses in that category should be stricken. Council Member Bullock agreed. Director Cardenas stated that they would cross out the businesses in the 6800 series but noted if a particular type of business was considered permitted, that line would be added to the list. The businesses listed in the 7000 series are not applicable. Director Cardenas stated that in summary, office uses would be eliminated, as would educational services (with the exception of dance studios) and the professional services category. Mayor Fugal asked what businesses fall under professional services. Director Cardenas stated that they could include any office use that is not classified elsewhere.

Council Member LeMone asked if a business (which would be excluded under the proposed use restrictions) wanted to tear the building down or revise the space, would it be allowed to make those changes and continue to operate. City Attorney, Tina Petersen, responded that State Code has changed regarding non-conforming uses and cities are now very limited in terms of what can be restricted. If the business wants to build a new building to the same parameters, that action would be allowed. If, however, the building had been vacant for a period of time and then fell under new management, it would not be allowed to expand significantly or modified. It would be required to follow the new City ordinance.

Director Cardenas explained that the next step would be to revise the proposal, as discussed, and either return to the Council for further discussion or take the matter to the Planning Commission. Council Member Bullock suggested that the lower boundary be moved to 200 South and State Street. There was general discussion and agreement about making that change. Director Cardenas also noted that one property owner has already expressed the desire to seek a rezoning to stay out of the Downtown Zone. That issue will come before City Council. There was discussion regarding the various boundaries on the map.

Council Member Andersen was interested in hearing what the General Plan looks like in relation to redevelopment in the area. Director Cardenas reported that a field trip was scheduled for Monday with that committee, and those present spent a lot of time discussing the area. He indicated that they are working on it. Council Member Williams suggested boundary changes for the proposed area. It was noted that the revised exhibits will reflect those changes. Mayor Fugal stated that they will see what the Planning Commission does with the proposal.

2) **Staff Business.**

Library Arts Director, Sheri Britsch, reported that there is a lot going on at the Library. She said that they have received a grant from ARPA for covid supplies like masks, tests, hand sanitizer etc. She also noted that she is talking to Comcast and the State Library about putting in a lift zone which will provide a much stronger Wi-Fi signal so that people in the area can have better Wi-Fi signal. Mayor Fugal asked if residents can come to the parking lot and get Wi-Fi. Director Britsch answered in the affirmative.

Public Works Director, Marty Beaumont, noted that things are going well, they have been busy with projects, He has been working with UTOPIA to get things done. UTOPIA has been helping the city with blue staking so they can continue to work.

He reported that the 1100 North bid was done last week and they have gotten a couple of good bids. He said that they are closing on the bond tomorrow and hoping to get that project started soon. He stated that they are getting information out to the public regarding the well drilling set to occur. He also noted that a 24-foot sound wall barrier has been placed for noise mitigation. As drilling is to occur 24 hours per day, seven days a week, he expects the process to be challenging.

Police Chief, Mike Roberts, was asked to report on a crash incident at 1100 North 1300 West that involved two vehicles. Chief Roberts indicated that a local resident who was under the influence of methamphetamine while driving his Dodge pickup truck and traveling over 100 mph, ran a stop sign and t-boned into a Tesla. The truck flipped over a couple of times and the Tesla was demolished. It took over one hour to cut the driver out of the Tesla. The passenger sustained only a collarbone fracture. From the look of the vehicle, he should have died, which speaks well of Tesla. The person driving the truck was out of jail on parole and wearing an ankle bracelet. After the crash, he fled but was ultimately apprehended. Charges were pending. Chief Roberts noted that the Department remains busy with three officers on field training, which requires other officers to cover shifts with overtime, which is difficult.

Recreation Director, Tyler Wilkins, was in the process of replacing Assistant Recreational Director, Brett Waters, who was leaving for other employment the following week. That is a big loss for the Department. They will be reviewing applications submitted and conducting interviews. He reported on the spring basketball teams and the women's volleyball teams, all of which have been filled.

Fire Chief, Drew Engemann, provided follow-up information regarding dispatch issues and the work to extricate the Tesla driver in the accident described by Chief Roberts. He noted they are fully staffed. They received 205 calls this past month and the numbers continue to rise. He described using "Old Joe" in Coach Darold Henry's services, making sure their route included the high school. The Department also had a New Year's party on Saturday at doTERRA, where awards were given to Robert Friel and Zach Larsen, for being awarded Firefighters of the Year for 2021.

He also indicated that Sarah Domyan spoke with Council Member Jensen regarding doing Cardio-Pulmonary Resuscitation ("CPR") and training with automated external defibrillator ("AED") for local entities and businesses. Such participation helps increase the Fire Department's community involvement. He noted that the engine is still on track for March 21, 2022. Mayor Fugal reported that Chief Roberts and other agencies have participated and helped the City with special projects. He expressed his appreciation to all for their work in that regard.

Community Development Director, Daniel Cardenas, reported that they will be meeting with developers on Friday regarding proposed developments and building permits.

Finance Director, Denise Roy, was working on items for the Friday meeting.

Ms. Petersen reported that she had spoken with the City's retained counsel regarding the litigation involving Green Grove Apartments and the two commercial properties on Pleasant Grove Boulevard. The two commercial properties had been sold but were not able to be developed due


to long-standing issues pertaining to access. The main dispute was whether the two properties had the right to access the main drive that goes into the apartments. She stated that there was a proposed Settlement Agreement and if the case is resolved, the two parcels might be developed soon.

HR Director, Kyler Ludwig, reported that there are six full-time jobs open in the City. They are starting to staff summer jobs for pool and parks Mayor Fugal asked how many applications had been received for the Public Works Director position. Director Ludwig reported that they have received about one dozen applications.

3) **Adjournment.**

MOTION: Council Member Jensen moved to ADJOURN the Work Session at 5:26 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 Work Session 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.)

