

**Pleasant Grove City
City Council Meeting Minutes
Work Session
January 3, 2023
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
Deon Giles, Parks Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Denise Roy, Finance Director
Drew Engemann, Fire Chief
Sheri Britsch, Library and Arts Director
Neal Winterton, Public Works Director
Kyler Brower, Assistant to the City Administrator
David Packard, Human Resources Manager
Keldon Brown, Police Chief

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 Work Session to order at 4:30 p.m.

a. Recognition of Leadership Academy Graduates.

City Administrator, Scott Darrington, reported that recognition of the Leadership Academy graduates would be continued to the January 17th work session meeting.

b. Discussion of Development Agreement regarding the McKay Christensen Project.

Administrator Darrington provided background information on the history of the McKay Christensen Project and parking issues. He stated that as requested by the Council, negotiations on the Development Agreement terms have gone forward between the developer and staff consisting primarily of Community Development Director, Daniel Cardenas and City Attorney,

Tina Petersen. As Director Cardenas was out of town, Attorney Petersen would present the discussion.

Attorney Petersen reported that following an impasse in discussions, Mr. Christensen asked that the matter be brought back to the Council for further discussion. She described the options presented by the developer during the discussions. Originally, the developer was to provide 25,000 square feet of retail space in exchange for being allowed to build housing units in the zone and other zoning accommodations in the development area. The developer now proposes that first, the apartment buildings, which would include a total of 5,000 square feet of retail space, be completed to Certificate of Occupancy and the 64-foot commercial parking buffer be removed. Once completed, the developer will continue to develop the remaining retail space. Attorney Petersen reported that the staff was not comfortable with the proposal as the size of the retail space being developed is much smaller than what was agreed to and considering the accommodations already provided to the developer.

During the discussions, Director Cardenas contended that 10,000 square feet of retail space needs to be built before the Parking Agreement is modified because once the apartments are built and occupied, the City has no way to ensure that the additional retail space is provided. Although, the additional retail space may eventually be built, the amount of retail space suggested is very small compared to what was originally envisioned. She noted that the developer provided two written options that morning, which he was asked to present.

Mr. Christensen reported that when the agreement and zoning changes were approved, their right to build 193 apartments vested and they will be building those units. He also acknowledged that they are obligated to provide 25,000 square feet of retail space and fully intend to do. The presence of the 64-foot commercial parking buffer, however, makes no sense in front of the apartment buildings. He proposed to put 5,000 square feet of retail space in the apartment buildings with the understanding that the parking buffer be modified to allow for residential parking stalls in front within the buffer area. The commercial parking was to be moved to elsewhere. He hoped to see the parking buffer issue resolved today. The counteroffer by the City was to provide 10,000 square feet of retail all at once, which is difficult for them to do because of financing issues. They offered to build an additional 5,000 square feet of retail once the apartments are finished and ready for occupancy. They also suggested that if the additional 5,000 square feet of retail space is not built in a timely manner, they would pay the City \$10,000 annually until it is accomplished. To him, the issue related to timing. He noted that the bridal shop backed out of the project.

Administrator Darrington agreed that the discussions had been more about timing but pointed out that the development was a tradeoff to allow housing in the area for additional retail space. He stated that the developer is entitled to build the apartments but is currently not entitled to the parking stalls. The City wants to see at least 10,000 square feet of retail space built at once but the developer wants to delay building half until the apartments are built and occupied. He suggested that the delay in building the additional retail creates vagueness and the best option for the City to obtain the retail space desired would be to tie it to the apartment buildings. He did not think the offer of paying \$10,000 yearly would cover what they could receive if the retail space was built. He invited feedback from the Council.

Council Member Williams pointed out that the project began as a commercial project four years ago. The Council is now being asked to be more flexible. He felt they had already been flexible by agreeing to allow housing. He wanted the 25,000 square feet of retail to be completed and was not excited about the monetary payment idea. Council Members Bullock, Jensen, and LeMone and the Mayor all agreed that 10,000 square feet of commercial was appropriate. There have been multiple revisions and the project was already a tradeoff.

Council Member Andersen agreed that the commercial spaces need to come at the same time as the apartments but did not object to the parking changes. Administrator Darrington stated that the development has a commercial parking buffer in front of the proposed apartment building. Attorney Petersen reminded the Council that they have been working with the developer on the Development Agreement because the City Council conditionally approved the parking change to residential as long as there was screening and landscaping to accommodate the residential. She stated that timing must be part of the agreement but the residential parking access to the buffer should not be provided until the retail space has been guaranteed.

Mr. Christensen understood the staff recommendation but stated that he could either build the apartments without the retail space or they can work out an agreement. The apartments will take a minimum of 24 months to build. Retail spaces can be built in less than half that time. He needs the Certificate of Occupancy for the apartments, which would allow him to start the additional retail, but he cannot start them both at the same time. Administrator Darrington explained that the Certificate of Occupancy would need to include 10,000 square feet of retail space in addition to the Certificate of Occupancy for the apartments. There was discussion regarding the issues of timing and lending difficulties. It was noted that the road that was previously constructed by the developer and its significance to both the City and the builder. There was also discussion of the issues pertaining to retail tenants. The developer was asked to continue discussions with staff to work out an acceptable agreement.

c. Staff Business

Administrator Darrington reviewed the Council Meeting Agenda and noted that two public hearing items were to be continued to the January 17 meeting due to the absence of Director Cardenas.

Library and Art Director, Sheri Britsch, reported that the Library received the Quality Library Award from the State in recognition of the stellar job the Library has done for the community. A letter regarding the award was read by Council Member Jensen that complimented the Library on its high standards and outstanding service to the community. It was suggested that the award be publicized. Director Britsch reported that they offered a Happy New Year celebration for young people that was well attended with approximately 200 participants. It was noted that the Library continues to offer book clubs, presentations, and other activities.

Mayor Fugal thanked Parks Director, Deon Giles, for repairs made as a result of storm damage. Director Giles stated that staff worked to keep the Christmas Tree lights burning but will be taking them down soon. He commented that there have been several burials recently at the Cemetery. Cemetery irrigation issues were also being worked on by the City's Engineering Department. Recommendations were to be presented to The Council in the near future. It was reported that

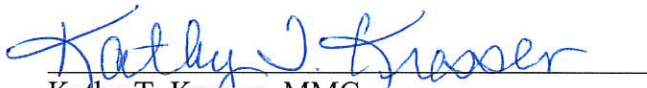
work was done on the retaining walls for the G Mountain Project, which was expected to be completed in the Fall. The hope hoped was that the “G” will be done and lit in time for Strawberry Days, depending on the weather.

Fire Chief, Drew Engemann, reported that the Fire Department has been busy after receiving approximately 170 calls this past month. Personnel training classes were underway including CPR training and Advanced Life Support. He noted that during the last storm, the fire engine responded to a call on the freeway and was struck by another vehicle. The engine was only slightly damaged and is functional. Fire personnel also responded to a flipped trailer on the freeway.

Police Chief, Keldon Brown, was introduced. He was happy to be in Pleasant Grove with is first day of work being the following day. Two new officers recently joined the force including Matt Foley from Orem who has three or four years of experience and newly officer, Shaylee Jensen. Chief Brown gave a summary of police activity and reported that Channel 4 gave a positive report on the police survey of community members. Other departments expressed an interest in the program. He has met with one-third of the department and will continue with that process. He appreciated the support his officers and department have received from the other police departments in the area.

ACTION: At 5:26 p.m., Council Member Jensen moved to ADJOURN. The motion was seconded by Council Member Bullock. The motion was unanimously passed by Council Members Andersen, Bullock, Jensen, LeMone, and Williams.

The City Council Work Session minutes of January 3, 2023, were approved by the City Council on February 7, 2023.


Kathy T. Kresser, MMC
City Recorder

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

