

**Pleasant Grove City  
City Council Meeting Minutes  
Regular Session  
January 17, 2023  
6:00 p.m.**

Council Members:           Cyd LeMone, Mayor Pro Tempore  
                                  Dianna Andersen  
                                  Brent Bullock  
                                  Eric Jensen  
                                  Todd Williams

Staff Present:               Scott Darrington, City Administrator  
                                  Deon Giles, Parks Director  
                                  Tina Petersen, City Attorney  
                                  Kathy Kresser, City Recorder  
                                  Denise Roy, Finance Director  
                                  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

Excused:                     Mayor Guy L. Fugal  
                                  Drew Engemann, Fire Chief

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

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**6:00 P.M. REGULAR CITY COUNCIL MEETING**

**1)     CALL TO ORDER**

In the absence of Mayor Guy Fugal, Mayor Pro Tempore, Cyd LeMone, called the meeting to order at 6:00 p.m. All City Council Members were present. Mayor Pro Tem LeMone reported that the Local Building Authority (“LBA”) Meeting was continued to a later date.

**2)     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Jensen.

**3)     OPENING REMARKS**

The opening remarks were offered by Public Works Director, Neal Winterton.

4) **APPROVAL OF MEETING AGENDA**

Other than the continuation of the LBA meeting, there were no additional changes to the Agenda as printed.

**ACTION:** Council Member Jensen moved to APPROVE the meeting agenda as modified. Council Member Bullock seconded the motion Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

5) **OPEN SESSION**

There were no public comments.

6) **CONSENT ITEMS**

- A. **City Council Minutes:**
- B. **To Consider Approval of Payment Reports for January 6, and 12, 2023.**

**ACTION:** Council Member Jensen moved to APPROVE the Consent Items. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

7) **BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS**

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A. **Continued Public Hearing to Consider for Adoption of an Ordinance (2023-2) Regarding the Proposed General Plan Amendment to Update the Moderate-Income Housing Element. The Proposed Amendments Outline the City's Intent to Promote Moderate-Income Housing in the Community and Providing an Effective Date. (CITYWIDE) Presenter: Director Cardenas. Continued from the December 6, 2022, and January 3, 2023, Meetings.**

Community Development Director, Daniel Cardenas, presented the staff report and stated that the State now requires every municipality to include a Moderate-Income Housing Element in the General Plan to identify specific strategies cities will use to incentivize moderate-income housing. The plans are to be realistic and not aspirational. The State identified approximately 25 strategies and instructed the cities to select at least three to use along with an implementation plan.

Director Cardenas reported that 34% of the actual dwellings in Pleasant Grove are considered multi-family housing, which are defined as triplexes or greater. Utah County's percentage of multi-family housing is 25%. Pleasant Grove's proposed element first identifies strategies that have already been adopted or implemented within the past five years and set forth the implementation, which is to evaluate the effect of the modified strategy. A determination should be made as to whether the strategy produced more affordable housing. For example, the City already provides ancillary units such as mother-in-law units, which is one of the strategies offered by the State. The implementations, for the most part, will involve determining whether the strategy produced more affordable housing.

Director Cardenas identified the following five strategies to be addressed in the Moderate-Income Housing Element:

- Strategy #1: Rezone for density;
- Strategy #2: Ordinance for Accessory Dwelling Units ("ADU");
- Strategy #3: Zone or rezone to higher densities in Mixed-Use Developments;
- Strategy #4: Reduce the number of parking requirements for residential units; and
- Strategy #5: Reduce regulations for multi-family units (walkable zones/mixed housing).

Director Cardenas identified the actions taken by the City that met a particular strategy. For Strategy #1, the City increased the density through rezoning for housing behind Granny B's Cookies and housing on the Boulevard (McKay Christensen Project). Those locations will be monitored and evaluated for the result. For Strategy #2, the City previously implemented an ordinance regarding ADUs. The planned implementation will focus on marketing to enhance the concept using newsletters and pamphlets. For Strategy #3, rezoning to higher density in mixed-use developments occurred five years ago when the City required three housing units for every 1,000 square feet of retail in the downtown area. For Strategy #4, the parking requirements were reduced for senior housing as the ratio is now 1.25 spaces per residence. Implementation will be directed to determining if prices dropped. Staff was in the process of evaluating changes in the downtown area to determine if any apply to Strategy #5. There are areas downtown that can qualify for this strategy. Staff continued to work on this concept. Director Cardenas commented that by identifying strategies already applied, the implementation will include evaluation and provide actual data on the outcomes of the various strategies. He reported that the State has reviewed its plan and review dates need to be added.

The definition of moderate-income housing was requested. Director Cardenas explained that the definition can be found in State Code Section 10-9-A-103. It is housing that is occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the County in which the city is located. There was discussion regarding the variables to consider in the measurements. Difficulties in the concept were acknowledged. For example, the median household income was said to be \$60,000 for the County but that number did not account for the number of people living in the home. In addition, the median income for Pleasant Grove residents is higher than the County median. Therefore, someone who earns \$60,000 per year moving to this area would not qualify for affordable housing. Administrator Darrington stated that the State's position is generally that

cities are not doing enough to create affordable housing. The solution was to require the Moderate-Income Housing Element. If cities do not comply, the State will withhold transportation funds.

Council Member Jensen expressed frustration as it appears that the State wants to take authority away from the cities and the requirements appear to be geared toward the preferences of developers. He stated that what is required equates to “busy work” and the City is being held hostage. The elected officials know their cities better than the State. He planned to share his concerns at the meeting he would be attending the following day. City Attorney, Tina Petersen, commented that the requirement has the potential for cities to show the State that the mandates are not working. The State is telling cities to require less parking so developers can build more units or telling cities not to charge much by way of Building Permit fees and only charge the minimum. None of these steps guarantee affordable housing. She appreciated that the City’s proposed plan will evaluate whether the suggested changes/strategies resulted in any change, other issues surfacing and whether the developers simply took additional profit. Statistics could be used to show the Legislature that what cities are being forced to do has not been effective. There was discussion regarding the restrictions being imposed on cities. Director Cardenas stated that their approach is both proactive and realistic. It shows what Pleasant Grove has already done. Reports were to be provided in the Spring, Summer, and Winter on the results.

Mayor Pro Tempore LeMone opened the public hearing.

*Denise Trickler* thanked Director Cardenas and the Council for their work and commented that the restrictions being imposed on the City are ridiculous. She stated that her children cannot afford to buy a home. The apartments and condominiums that are being built are so expensive that there will need to be six people living there to afford them, which will result in inadequate parking.

Council Member Williams stated that problems arise when policies are driven from elsewhere. He commented that it is difficult to determine what people can and cannot afford.

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

**ACTION:** Council Member Williams moved to ADOPT Ordinance 2023-2 regarding the Proposed General Plan Amendment to update the Moderate-Income Housing Element. The proposed amendments outline the City’s intent to promote moderate-income housing in the community and provide an effective date. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

**B. Continued Public Hearing to Consider for Adoption of an Ordinance (2023-3) to Amend City Code Section 10-18-2-B: “Parking Design Standards”, by Modifying the Depth Requirement for Parking Stalls within The Grove Commercial Sales Subdistrict and Providing an Effective Date. (CITYWIDE) (St. John Properties Applicant) Presenter: Director Cardenas Continued from the January 3, 2023, meeting.**

Director Cardenas presented the staff report and stated that it is a request to reduce the depth of the head-to-head parking stall dimensions within The Grove Commercial Sales Subdistrict by two feet. Currently, head-to-head parking stalls are required to be 9' x 20' City-wide. Using aerial photographs of various parking spaces, Director Cardenas stated that where parking stalls head into a curb or sidewalk the requirement is 9' x 18'. He reported that several years ago, St. John Properties (“SJP”), which owns most of the property in The Grove Interchange Subdistrict, asked for a reduction in the depth of parking stalls to 18 feet, including head-to-head stalls. The request was granted. SJP also owns property in The Grove Commercial Sales Subdistrict and wants all of the parking depth requirements to be reduced there as well. The request was heard by the Planning Commission and denied because parking spaces need to be available for larger vehicles; most of the development is complete in the area; and parking requirements in the area have been met using the greater depth.

The applicant, Marty Beaumont from SJP, stated that in his 18 years of experience developers usually ask for parking stall dimensions of 9' x 18' as that is what is required in most other locations. He stated that Pleasant Grove has always had a stricter policy of requiring 9' x 20' for head-to-head stalls. He commented that a very small percentage of cities in Utah require larger parking stalls and wondered why Pleasant Grove would not change. He stated that SJP has four parcels to be developed in The Grove Commercial Sales Subdistrict and by requiring the larger parking dimensions there a lot of space is wasted because small vehicles park there. In addition, SJP would lose five parking stalls for the two parcels on tonight’s agenda by reducing the parking spaces from 124 to 119 although they would still be providing more spaces than the required 91 or 92 spaces. His position was that they will lose parking spaces, which is not good for the customer. There would also be a reduction in landscaping, which will make the area less open. He stated that they are only asking for this one zoning area and to them, the change would result in only a small amount of inconvenience.

It was noted that inconvenience comes with backing out and having tighter parking. Director Cardenas stated that the drive aisle space requirement is 24 feet, which is to be maintained for safety and Fire Department purposes. It only requires one vehicle to stick out into the drive aisle to interfere with safety. He commented that other cities also have a 20-foot depth requirement. Staff recommended denial of the request.

Mayor Pro Tempore LeMone opened the public hearing. There were no public comments. The public hearing was closed.

Council Member Andersen stated that she drives a 15-passenger van and always finds available parking on the perimeter. She did not object to the 18-foot depth. Council Member Williams noted that the parking requirements allow for stalls with a depth of 18 feet in addition to the 20-

foot depth. If both staff and the Planning Commission recommended keeping the 20-foot depth for the head-to-head parking stalls, there was likely a good reason. Council Member Bullock stated that he drives a truck and has no problem parking in smaller stalls. Mayor Pro Tem LeMone stated that in relooking at the parking visuals there appears to be a safety issue. She preferred to err on the side of safety and convenience and pointed out that the Code allows for the mixture already so she didn't see a need for a change.

**ACTION:** Council Member Williams moved to DENY Adoption of Ordinance 2023-3 to amend City Code Section 10-18-2-B: "Parking Design Standards", by modifying the depth requirement for parking stalls within The Grove Commercial Sales Subdistrict and providing an effective date. Council Member Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, No; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed 4-to-1.

#### 10) **ACTION ITEMS READY FOR VOTE**

- A. To Consider for Adoption a Resolution (2023-04) Authorizing the Issuance and Sale of Not More than \$5,500,000 Aggregate Principal Amount of Water Revenue Bonds Series 2023 for Purchase and Installation of Secondary Water Meters; Providing for the Publication of a Notice of Public Hearing Date and the Running of a Contest Period and Setting of a Public Hearing Date and Related Matters; and Providing an Effective Date. Presenter: Administrator Darrington.**

Administrator Darrington presented the proposed Parameters Resolution and stated that the bond authorization arises from the State requirement that secondary water systems be metered by 2030. To accomplish this, State grant funds were offered. If the project is completed this year, Pleasant Grove will receive nearly 70% of the project costs in grant money as they have been awarded \$10 million. The City will be required to pay \$700,000 out-of-pocket with the remainder to be borrowed at 1% interest from the State. The project cost was estimated at \$15 million.

The State requires the City to send an insert to all residents in the utility bill regarding the City's intent to borrow the money. The notice was to be sent in about two weeks. Prior to the letter going out, a one-page information sheet would be provided to residents regarding the project including that the metering is a state requirement and that \$10 million of the cost will be covered by a State grant. The Council will be included in previewing the information to be sent. Residents will be able to make comments on the insert.

Financial Advisor, Jonathan Ward, stated that all State agencies require a similar type of letter to be sent out. The public hearing on the matter will take place on February 21, 2023, conditioned on approval of the Resolution tonight. This hearing also triggers the 30-day contest period. He reported that the proposed Resolution asks for not more than \$5.5 million and is broader than the State authorization of \$4,250,000 at 1% interest to allow flexibility in the event extra money is needed to cover the project. He noted that the amount authorized by the State has already created a shortage of \$700,000, which is to be paid directly by the City. If they had to supplement the State money, interest rates would be higher and the State's interest rate of 1% is very beneficial.

**ACTION:** Council Member Andersen moved to ADOPT Resolution 2023-04 Authorizing the issuance and sale of not more than \$5,500,000 aggregate principal amount of Water Revenue Bonds Series 2023 for the purchase and installation of secondary water meters; providing for the publication of a Notice of Public Hearing Date and the running of a Contest Period and setting of a public hearing date and related matters; and providing an effective date. Council Member Jensen seconded the motion Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

- B. To Consider for Approval of a Commercial Site Plan for a Retail Commercial Building, located at approximately 812 South Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict. (SAM WHITE’S LANE NEIGHBORHOOD) (St. John Properties, Applicant) Presenter: Director Cardenas.**
- C. To Consider for Approval of a Commercial Site Plan for a Retail Commercial Building, located at approximately 834 South Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict. (SAM WHITE’S LANE NEIGHBORHOOD) (St. John Properties, Applicant) Presenter: Director Cardenas.**

Items 10B and 10C were considered together but voted on separately.

Director Cardenas presented the above two agenda items using an aerial view of the Commercial Sales Subdistrict. Approval was sought for commercial site plans for retail commercial buildings with one located at 812 South Pleasant View Drive and the other at 834 South Pleasant View Drive in the Commercial Sales Subdistrict. On an aerial map displayed, he reported that each commercial building will be a 9,000-square-foot shell. Both site plans meet the requirements of open space and landscaping. Parking requirements for one site plan meet Code. The second site plan will be revised to meet Code. He noted that the buildings can be used for commercial, retail, or service uses. Staff recommended approval of both projects, which have also been approved by the Planning Commission and the Design Review Board.

**ACTION:** Council Member Jensen moved to ADOPT a Commercial Site Plan for a Retail Commercial Building, located at approximately 812 South Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict. Council Member Bullock seconded the motion Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

**ACTION:** Council Member Andersen moved to ADOPT a Commercial Site Plan for a Retail Commercial Building, located at approximately 834 South Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

- D. To Consider for Adoption a Resolution (2023-05) Authorizing the Mayor to Sign Property Acquisition and Easement Agreements with Property Owners Along 2600 North and 1300 East in Pleasant Grove, Utah for Construction of Roadway and Utility Improvements; and Providing an Effective Date. Presenter: Director Winterton.**

Director Winterton presented the above Resolution, which contains a package of agreements pertaining to projects at 2600 North and 1300 East. Both resolve ownership issues regarding small slivers of land frontages to allow for the placement of a straight sidewalk. 1300 East is currently being worked on and 2600 North may be completed in the winter due to funding issues. Work on 2600 North was originally to be completed in two phases but was being worked on as one phase.

**ACTION:** Council Member Jensen moved to ADOPT Resolution 2023-05 Authorizing the Mayor to sign Property Acquisition and Easement Agreements with property owners along 2600 North and 1300 East in Pleasant Grove, Utah for construction of roadway and utility improvements; and providing an effective date. Council Member Williams seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

- E. To Consider Awarding Great Western Landscape the Old Cemetery Irrigation Project Bid in the Amount of \$939,700 and Authorize the Mayor to Sign the Notice of Award, Change Order No. 1, Notice to Proceed, and the Agreement. Presenter: Director Giles.**

Director Winterton presented the staff report and stated that months earlier the project was thought to cost approximately \$660,000, which resulted in a bid response of \$939,700. Since then, work by Great Western Landscaping and the Parks Department was done to refine the Scope of Work and reduce costs, if possible. Through adjustments and concessions made, they were able to decrease the cost by \$183,000. Staff recommended approval of the project for the full bid amount as further work and change orders were anticipated to complete the project.

**ACTION:** Council Member Bullock moved to AWARD Great Western Landscape the Old Cemetery Irrigation Project Bid in the Amount of \$939,700 and authorize the Mayor to sign the Notice of Award, Change Order No. 1, Notice to Proceed, and the Agreement. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.



- F. **To Consider for Adoption of Resolution (2023-06) Authorizing the Mayor to Declare 28 Lenovo M715 Desktop Computers, 1 HP PD 400 Desktop Computer, 2 Microsoft Surface Laptop Computers, 17 Lenovo A475s, and a 485S Laptop Computers and 16-XTS2500 Motorola Portable Radios as Surplus and Direct that they be Disposed of According to the City's Policy for Disposing of Surplus Property; and Providing an Effective Date.**  
*Presenter: Administrator Darrington.*

Administrator Darrington stated that the City switches out approximately one-third of its computers yearly, which can then either be purchased by the employee at market rate, sold, or disposed of according to policy. The portable radios were being updated to a different radio system and will be sold back to the State for credit.

**ACTION:** Council Member Jensen moved to ADOPT Resolution 2023-06 Authorizing the Mayor to declare 28 Lenovo M715 Desktop Computers, 1 HP PD 400 Desktop Computer, 2 Microsoft Surface Laptop Computers, 17 Lenovo A475s, and a 485S Laptop Computers and 16-XTS2500 Motorola Portable Radios as surplus and direct that they be disposed of according to the city's policy for Disposing of Surplus Property; and providing an effective date. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

**11) ITEMS FOR DISCUSSION**

Parks Director, Deon Giles, reported that snow is causing a lot of tree damage and staff is working to resolve problems. They will continue to take the Christmas lights down and complete other outside projects once the weather improves.

Finance Director, Denise Roy, stated that staff is working on the budget.

**12) REVIEW AND DISCUSSION OF THE FEBRUARY 7, 2023, CITY COUNCIL MEETING AGENDA**

Administrator Darrington reported that the February 7, 2023, meeting may include an update on the St. John Properties Project that will provide additional information requested by the City Council. There will be budget amendments as well. The Budget Meeting and Planning Session Retreat will take place on February 3, 2023, from 8:30 a.m. until 3:00 p.m. The Retreat will be held in the Training Room at the Fire Station. The agenda was to be circulated the following week.

**13) MAYOR AND COUNCIL BUSINESS.**

Council Member Andersen reported that many employees are working long hours as a result of winter weather, which was greatly appreciated.

Council Member Jensen reported that the Annual Chamber Gala will be held at The Grove Station at 6:00 p.m. on February 9, 2023. He noted that some Council Members will be presenting the awards.

14) **SIGNING OF PLATS.**

15) **REVIEW CALENDAR.**

16) **ADJOURN**

**ACTION:** At 7:22 p.m. Council Member Williams moved to ADJOURN. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

The City Council minutes of January 17, 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.)*

