

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Tuesday, July 9, 2024
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Steve Rogers
Todd Williams

Staff Present: Scott Darrington, City Administrator
Tina Petersen, City Attorney
Keldon Brown, Police Chief
Wendy Thorpe, City Recorder
Chase Gustman, Deputy Fire Chief
Kyler Brower, Assistant to the City Administrator
Sheri Britsch, Library and Arts Director
Daniel Cardenas, Community Development Director
Neal Winterton, Public Works Director
Lauren Langston, Intern
Megan Zollinger, Recreation Director
Deon Giles, Parks Director

Excused: Denise Roy, Finance Director
David Packard, HR Director

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

THE 4:30 P.M. WORK MEETING WAS CANCELLED

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. and welcomed those present.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Williams.

3) **OPENING REMARKS**

The Opening Remarks were offered by Council Member Rogers.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Williams moved to APPROVE the Agenda. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting “Yes”.

5) **PRESENTATIONS**

There were no presentations.

6) **OPEN SESSION**

Mayor Fugal opened the Open Session.

There were no comments. The Open Session was closed.

7) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the June 6, 2024, Special Meeting.**
- B. **To Consider for Approval Payment No. 1 to A Wolf Construction, LLC for the 200 West; 400 North to Center Street Waterline and Reconstruction Project.**
- C. **To Consider Approval of Payment Reports for June 27, 2024.**

Council Member LeMone indicated that she will recuse herself from the vote as she is related to the applicant with A Wolf Construction.

ACTION: Council Member Jensen moved to APPROVE the Consent Items. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Williams, and Rogers voting “Yes”. Council Member LeMone did not participate in the vote.

8) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

None scheduled.

9) **PRESENTATIONS**

There were no presentations.

10) PUBLIC HEARING ITEMS

A. **Public Hearing to Consider for Adoption an Ordinance (2024-015) Amending City Code Section 10-12A-3: Design Controls in the Business Manufacturing Park to Permit Outdoor Storage for Retail Uses in the Business Manufacturing Park Zone (Will Clark, Applicant) *Presenter: Director Cardenas.***

Community Development Director, Daniel Cardenas, presented the Staff Report and stated that the request is for a Code Text Amendment that will impact the Business Manufacturing Park (“BMP”) Zone. The subject zone was identified in green on a zoning map displayed. The City’s manufacturing area consists of two zones including the Manufacturing (“M-P”) Zone, which involves more intense manufacturing, and the BMP Zone, which has less intense manufacturing. An aerial view showed the differences in building types for the two zones. Storage requirements vary between the two zones. Outside storage is allowed anywhere in the M-P zone. The BMP Zone, however, has more conditions for outside storage. For example, an applicant is selling one of his parcels to a fencing company that will have difficulty meeting the current outdoor storage requirements. This led staff to review the conditions to determine if the requested changes were needed for the entire zone.

The current Code allows only 25% of the building size to be used for outside storage. The applicant requested that the outside storage space be 25% of the lot size. After evaluating the proposed amendment, staff determined that the change would create a negative visual impact. Staff and the applicant worked together to identify design standards to reduce any adverse visual impact and ultimately agreed to link the storage area to lot size with the following conditions:

- The 25% storage area is to be for retail uses only (provides sales tax);
- There must be a 10-foot-tall masonry wall with an opaque gate;
- The storage area must be next to the building either at the side or in the back;
- There must be a 10-foot buffer from the property lines which contains landscape trees; and
- The storage flooring must be concrete or asphalt.

This request was submitted to the Planning Commission which did not provide unanimous approval. One Commissioner thought the amendment was overly restrictive as it was believed that storage should also be allowed in the front of the building. There were no other objections.

Council Member Rogers stated that language in Paragraph 6 including “to the extent feasible” or “to the extent there is sufficient room to plant” was too open-ended and made litigation more likely. Director Cardenas explained that language was included to allow latitude when the fencing covers long areas due to planting issues and different types of trees. A question was raised regarding who decides on these types of issues. Director Cardenas suggested adding a length qualifier, stating trees to be placed every 25 feet, and deleting the portions that specify the extent feasible, which would resolve the issue. City Attorney, Tina Petersen, stated that the language could be amended in the motion. Edits were noted to the proposal and Director Cardenas stated that landscaping issues would also be addressed at the time of Site Plan review.

Mayor Fugal opened the public hearing.

Will Clark was present representing the applicant and stated that they are under contract to sell a lot to Vinyl Industries who would like to do business in Pleasant Grove. The company is a fencing distributor and contractor that is required to store materials outside the primary building area. Mr. Clark understood the City's sensitivity about this particular lot as it is close to The Grove Zone. They have been working with staff to develop strict Design Standards that are acceptable to the City and be functional for the owner. The Amendment covers the entire BMP Zone and is not isolated to this specific situation. The impact of the zone change is limited as the zone itself is small and there are only two available lots in the BMP Zone. They are near the M-P Zone, which has no restrictions on storage locations. He stated that Vinyl Industries is a unique owner/operator within the industry. The City is generally limited with regard to collecting property taxes on owners/operators of industrial and flex space material sales due to lack of sales. Vinyl Industries, however, will likely generate \$20 million in revenue at this location once it is established in addition to adding to the property tax base. He thanked the City Council for their consideration. Mr. Clark had no objection to the proposed edits and stated that none of the changes interfered with the proposed Site or Landscaping Plans.

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

Mayor Fugal reported that there is a maximum fence height. Director Cardenas explained that depending on the amount of storage, the fence can be at least one foot taller than the items being stored.

Council Member Andersen stated that this lot is one of the most visual lots from the Boulevard and will be in a high-traffic area because of traffic from the overpass. Director Cardenas commented that it is important to keep the storage in the back and side areas and ensure that they are surrounded by a wall and not placed in the front of buildings.

ACTION: Council Member Jensen moved to ADOPT Ordinance 2024-015 Amending City Code Section 10-12A-3 as amended by Director Cardenas to change the wording in paragraph six to remove the phrase 'to the extent feasible' and update it to state that trees should be placed every 25 feet: Design Controls in the Business Manufacturing Park Zone to permit outdoor storage for retail uses in the Business Manufacturing Park Zone. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

B. Public Hearing to Consider for Adoption an Ordinance (2024-016) Amending City Code Section 10-9B-9: Building Height in the R-1 (Single-Family Residential) Zone to Permit Graduated Setbacks for Single-Family Residential Structures (Jory Walker, Applicant) Presenter: Director Cardenas.

Director Cardenas presented the Staff Report and stated that the request is to amend the City Code Section limiting single-family residential building heights to 35 feet. The proposed ordinance amending this section of the Code was triggered when the City received an application for a single-family dwelling unit with a planned height that is higher than allowed by Code. Height measurements are taken from finished grade to the peak of the building. As administrative approval for such an exception is not allowed, the proposed amendment seeks an increase in the height limitation to 45 feet.

After evaluating the proposed amendment, staff identified basic factors to be considered when contemplating a higher height limit including the actual design of the structure to protect the character of the neighborhood, and the structure's impact on neighboring structures affecting privacy or adversely impacting the neighbors' views, air, and/or light. Staff also reviewed the zoning requirements for various neighboring cities regarding height requirements and found that exceptions to the standard height limitations are allowed with conditions. The details of those findings were set forth in the Staff Report. Staff then explored possible solutions that could be put in place.

The major condition was to increase the size of the setback. On an exhibit, he reviewed the process of determining the size of the setback needed to ensure that the height of a residential dwelling will not adversely impact the neighbors' access to view, light, air, or privacy. He explained that a height of 35 feet, viewed from a distance of 50 feet away, provides sight line factors of 0.7 to 1.75. The setback requirements were identified for front, side, and rear property lines that would be appropriate for a 35-foot building. For buildings taller than 35 feet, the setbacks would need to be increased.

To allow a residential building to be taller than the current maximum, staff determined that the following are needed to protect the neighbors' enjoyment of their property:

- The height restriction can only be exceeded in the main residential building located in a legally subdivided lot on property no less than 2.5 acres;
- The building height cannot exceed 45 feet;
- For each foot of increased height beyond the 35-foot limit, the following increases in setbacks are to be added to what is now required by Code:
 - The rear setback is increased by five feet;
 - Each side setback is increased by 3 feet; and
 - The front setback is increased by 5 feet.

Director Cardenas stated that the proposed modifications provide the needed protection for all to enjoy their property and will provide buildings that are compatible with the neighborhood.

It was reported that one Planning Commissioner voted against the motion and asked that the concern be identified. Director Cardenas stated that the dissenting vote had to do with the size of the lots as few 2.5 acre lots are available, which makes the requirement restrictive. He added that other cities do allow taller buildings other than by way of setbacks.

Mayor Fugal opened the public hearing.

Drew Armstrong, a Pleasant Grove resident, stated that this is a great solution and takes the concerns of neighbors into account.

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

ACTION: Council Member Andersen moved to ADOPT Ordinance 2024-016 Amending City Code Section 10-9B-9: Building Height in the R-1 (Single-Family Residential) Zone to permit graduated setbacks for single-family residential structures. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

C. Public Hearing to Consider for Adoption an Ordinance (2024-017) for a Vicinity Plan Amendment, located at approximately 184 West 200 North in the Downtown Village Zone-Transitional Subdistrict. (Little Denmark Neighborhood) (Mustang Design Applicant) *Presenter: Director Cardenas.*

Director Cardenas presented the Staff Report and stated that the request pertains to a proposed Vicinity Plan Amendment. He identified the location being discussed and stated that the City has a Master Plan for roads on undeveloped lands. For each area, there is a Vicinity Plan that recommends where roads should be placed to ensure connectivity. As development occurs, adjustments may be needed. Using a Site Plan, Director Cardenas described the adjustments that the applicant, Mustang Design seeks to modify the Vicinity Plan. He reported that if the Vicinity Plan were not modified for this development, the roads would be offset and a structure would need to be removed. As the changes suggested by the applicant will not alter the connectivity of the area, staff recommended approval.

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

ACTION: Council Member Williams moved to Ordinance 2024-017 for a Vicinity Plan Amendment located at approximately 184 West 200 North in the Downtown Village Zone-Transitional Subdistrict. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting “Yes”.

11) ACTION ITEMS READY FOR VOTE

There were no action items.

12) ITEMS FOR DISCUSSION

Police Chief, Keldon Brown, reported on the following:

- He will be presenting some staffing changes with retirements and new hire prospects expected in the next few weeks.
- On July 4 there was a mid-day robbery that involved a small market that does check-cashing. The two robbers were in disguise and apparently knew that this was a day the market normally gets money for the check-cashing business. Fortunately, the deposit had not yet been made and the robbers got away with less than planned. He hoped this would not become a pattern, which has been the case in neighboring cities.

Library and Arts Director, Sheri Britsch, reported on the following:

- In 2008, Pleasant Grove, American Fork, Lehi, Highland, and Eagle Mountain formed a Library Cooperative that allows any resident of the cooperating cities with a Library Card to check out books from any location. The system provides additional reading options. The desire is for the Cooperative to increase use by using a courier service where a book would be put on hold and then transported to the requested Library. Charlotte volunteered to do the technical work to establish a courier system. They will need to be on the same system to

provide the ability to view a combined catalog. American Fork and Highland have agreed to join with Pleasant Grove and a State grant of \$60,000 was requested and awarded to cover transition costs. They will now be taking steps to put the system in place, work out any legal issues, and put a courier system in place. It was expected to take a few months to complete. Eventually, the intent is for all of the cities to be involved.

Parks Director, Deon Giles, reported on the following:

- There was a good celebration helping with the fireworks and the Follow the Flag event. The flag was expected to be taken down by the following Monday.
- The Parks Department is hosting All State Baseball next week at Discovery Park.

Deputy Fire Chief, Chase Gutsman, reported on the following:

- There was a structure fire on the 4th of July at 1400 North and 5th East. The fire started burning early in the evening but was not discovered and not called in until 1:00 a.m. The building houses three people upstairs and two in the basement. None of the residents noticed the fire until the garage doors fell in. When the Fire Department arrived, the garage doors were already gone and the Department was able to conduct an aggressive search of the living spaces. No one was injured. They tried to protect the surrounding homes and ground. Following the initial fire, they checked the area the following day as embers caused additional small fires. It was tragic as the entire structure was lost.
- There were a couple of brush fires the previous night in Lehi that they helped with as well as a canyon fire as part of their mutual aid. They were assigned to protect homes in that area. No homes were damaged or lost. He credited the success to a Wildland Fire Program, which is currently deployed to California where they have been assigned to three different fires. They have been successful in protecting open spaces in Southern California and have been asked to remain for two more weeks. During that time they will rotate the crew members. That group will be in Utah later in the season to help fight open-land wildfires.
- They are moving forward with filling a lieutenant position and testing toward the end of the month.

Recreation Director, Megan Zollinger, reported on the following:

- The department is preparing for fall sports registration.
- The following week there will be a foam party. It was done last year and was a success.
- Work on the pool is moving forward. Council Member Jensen asked if they need input from the City Council on the feature options. City Administrator, Scott Darrington, stated that Option 3 was selected. Director Zollinger stated that they had to go back to review the water design for Option 3 to make sure the appropriate plans are in place. They will post photos of the progress and are still on target to open next spring.

Public Works Director, Neal Winterton, reported on the following;

- There have been questions about the striping plan on 600 West. Using a series of photographs, he identified the traffic configuration being considered near the entrance of the park and other

key areas surrounding the park. He identified areas where he would recommend that there be no parking to maintain visual sight. The plan has not yet been finalized and is under consideration.

- When asked about crosswalks in the area, Director Winterton stated that there are no plans for flashing lights. Details pertaining to pedestrian traffic, including crosswalks, are under consideration based on what is taking place in the area. There is a church parking lot entrance across the west park entrance area and a school crossing. The issue of whether there should be a four-way stop or signal at the intersection at 800 North was raised.
- Three major projects are ongoing. One major intersection is closed and they have had several waterline leaks, which occur with hot or cold temperatures. The water leak at 1300 West closed the entire road, which had been serving as the detour for the 1100 North 600 West Project. They will have to put out cones for traffic control to fix the problem. Another water leak on Industrial Drive was called in at 7:30 p.m. and required crews to work all night to repair it.
- The secondary water meters have been disrupted. The system does not have many shutoff valves so when problems occur there are disruptions. The work on secondary water starts between 8:00 a.m. and 9:00 a.m. when the water is shut off. Water is turned back on between 5:00 p.m. and 6:00 p.m. but the system takes time to fill. They are nearing the completion of installations and have learned that their communication needs to improve regarding how customers will be affected. They also need to educate customers about steps they can take to make their systems perform better. Citizen complaints regarding the watering system were discussed as well as steps that can be taken to assist in the process. Director Winterton referenced a public information page that is dedicated to City projects. Staff will double-check the flyers to determine what additional information should be included.

Community Development Director, Daniel Cardenas, reported on the following:

- Staff is working on the three items pertaining to the Moderate-Income Housing Report to update activities that have been addressed.
- There was discussion regarding new restaurant openings.
- Work was ongoing on the Rap Sheet.

13) **REVIEW AND DISCUSSION OF THE JULY 23, 2024, CITY COUNCIL MEETING AGENDA.**

Director Winterton provided a brief update on the Park. He reported that the park design is 99% complete with decisions to be made on details. The storm drain design is very robust. The box structures, which have been slow in arriving, need to be put in first. Most have arrived and pipework can get underway. The foundation and pipework for the splash pad are installed. The playground equipment is on site and the vertical wall storage building is going up. Council Member LeMone asked about making sure the progress information and timeline are disseminated to the public. It was reported that this was to be done by Assistant to the City Administrator, Kyler Brower.

14) MAYOR AND COUNCIL BUSINESS.

Council Member Jensen reported that there will be an event at the Milkshake Factory at 11:00 a.m. this Saturday, with a Ribbon Cutting at 11:15 a.m. The Concert in the Park is scheduled for Monday at 7:30 p.m.

Council Member Rogers thanked Director Cardenas for the Notice of Code Enforcement activity involving Evermore.

Council Member Andersen reported on the Follow the Flag Celebration and thanked those who participated. She noted that Public Safety Officers were up all night helping people. She expressed her appreciation.

Mayor Fugal thanked staff for all they do.

Council Member LeMone asked about the status of the website. Mr. Brower reported that they are waiting for the “.gov” domain and the decision about hosting Strawberry Days.

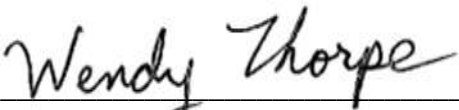
15) SIGNING OF PLATS

16) REVIEW CALENDAR

17) ADJOURN

ACTION: At 7:36 p.m. Council Member Williams moved to ADJOURN. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Williams, and Rogers voting “Yes”.

The City Council minutes of July 9, 2024, were approved by the City Council on August 6, 2024.



Wendy Thorpe, CMC
City Recorder

(Exhibits are in the Recorder's office.)