

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
August 21, 2018
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Lynn Walker
Todd Williams

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks and Recreation Director
Kathy Kresser, City Recorder
Daniel Cardenas, Community Development Director
Dave Thomas, Fire Chief
Tina Petersen, City Attorney
Sheri Britsch, Library Director
Marty Beaumont, Public Works Director
Kyler Ludwig, Assistant to the City Administrator
Mike Roberts, Police Department

The City Council and staff met in the Library, Main Level, at 30 East Center Street.

6:00 P.M. REGULAR CITY COUNCIL MEETING

1) CALL TO ORDER

Mayor Fugal called the meeting to order and noted that all City Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Jensen.

3) OPENING REMARKS

The opening remarks were given by Kyler Ludwig.

4) APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda, moving Item 7 before the Open Session, with Items 9A and 10B being continued indefinitely, and including a Closed Meeting at

the end of the meeting. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

5) **OPEN SESSION**

Michael Gordon, who resides at 380 East 1100 North, expressed concerns with the water main in his neighborhood. They had experienced continual breaks this summer and there were currently three open sections in the road. He believed it would be wiser to replace the pipe rather than patch it again.

Administrator Darrington stated that he had received Mr. Gordon's letter as passed on from the Council. He and Director Beaumont discussed the issue and decided to pull money from another project and consider this issue to be the highest priority. They hoped to complete the project by the end of the year or next spring.

Carol Rasmussen, a neighborhood resident, stated that the road had been open since July. Director Beaumont responded that sometimes the road needs to remain open to let things settle before closing it up, but it should not have been open for that long. He agreed to look into it.

Donna Jolley sympathized with the neighbors who were experiencing the water main issue. She commented that she had had the same problem on her street. Ms. Jolley provided documents to the Council and expressed her concern about the City continually raising taxes and imposing fees. She and many other residents of the City were retired and living on fixed incomes and are greatly impacted each time their taxes are raised. She was also deeply concerned about the debt the City had incurred.

There were no further public comments. Mayor Fugal closed the Open Session.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the August 7, 2018 Meeting.**
- b. **To Consider Approval of Payment Approval Reports for (August 9 and 16, 2018).**

ACTION: Council Member LeMone moved to APPROVE the Consent Items. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

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

- A) **TO CONSIDER THE APPOINTMENT OF MIKE ROBERTS AS INTERIM CHIEF OF POLICE.**

Mayor Fugal reported that former Police Chief, Mike Smith, had been sworn in as the Utah County Sheriff that afternoon and he asked Sheriff Smith to say a few words. Sheriff Smith reported that

he grew up in Pleasant Grove and had served in the City's Police Department for 24 years. He was ready for his new adventure.

ACTION: Council Member Jensen moved that the City Council APPOINT Mike Roberts as Interim Chief of Police. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

Mike Roberts was sworn in. He commented that he had great respect for the position of Chief of Police and felt a lot of support from his family and the community.

Council Member Andersen expressed her support for the Police Department and thanked them for their work.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-20) AMENDING CITY CODE SECTION 10-14: "THE GROVE ZONING DISTRICT" BY ALTERING SECTION 10-14-26-3: "DENSITY OF ALLOWED USES" OF THE NEWLY CREATED OVERLAY ZONE FOUND IN CITY CODE SECTION 10-14-26: "THE GROVE MIXED-USE OVERLAY (GMU)". THE AMENDMENT WOULD ALTER THE MANDATORY RATIO OF RESIDENTIAL AND COMMERCIAL USES THAT IS CURRENTLY REQUIRED BY THE OVERLAY. (SAM WHITE'S LANE NEIGHBORHOOD) (LARRY MYLER, APPLICANT) Presenter: Daniel Cardenas *Continued indefinitely.**

10) **ACTION ITEMS READY FOR VOTE**

- A) **TO CONSIDER AUTHORIZING THE MAYOR TO SIGN PG HOTEL PARTNERS, LLC REQUEST FOR TWO (2) LOCAL CONSENT FORMS FOR A FULL-SERVICE RESTAURANT LIQUOR LICENSE AND AN ON-PREMISE BANQUET LIQUOR LICENSE FOR THE HYATT HOUSE PROVO/PLEASANT GROVE HOTEL. Presenter: Attorney Petersen.**

Attorney Petersen reported that the above item was required by the State Department of Alcohol Beverage Control in order for the Hyatt Place Hotel to establish and obtain proper licensing to serve alcohol on their premises. The Local Consent Form simply declares support from the Mayor and City Council to the State and will allow the business to apply for their State liquor license. Attorney Petersen commented that The Hyatt Place will still need to get a City alcohol license and a City business license before actually opening for business.

ACTION: Council Member Jensen moved that the City Council AUTHORIZE the Mayor to sign PG Hotel Partners, LLC’s request for two (2) Local Consent Forms for a Full-Service Restaurant Liquor License and an On-Premise Banquet Liquor License for the Hyatt House Provo/Pleasant Grove Hotel. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-047) AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH LARRY MYLER FOR PROPERTY LOCATED AT APPROXIMATELY 1300 WEST STATE STREET IN THE GROVE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington *Continued indefinitely.***

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-048) AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH JARED AND HEATHER OSMOND FOR PROPERTY LOCATED AT APPROXIMATELY 633-671 SOUTH PLEASANT GROVE BOULEVARD IN THE GROVE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

Administrator Darrington explained that the applicants had been approached by Mountain America Credit Union to develop a facility on their property. As staff negotiated with them, they indicated that the Credit Union would like to have the median out of the road, but they must guarantee that the rest of their property is developed with retail uses. The City was asking for at least 10,000 square feet of retail. Administrator Darrington noted that the concept plan before them was not an official site plan and he was still unsure whether they could provide 10,000 square feet of retail while still meeting zoning regulations. He believed that approval from the Development Review Committee (DRC) would provide enough evidence that the 10,000 square feet was possible. Staff recommended approval of the development agreement, pending the approval of the DRC.

The applicant, Heather Osmond, reported that they intended to develop the entire property with retail uses, but retailers had major concerns with the existing median. She felt that this would be a good compromise. Mrs. Osmond reported that they have three Letters of Intent (LOI) for restaurants to come into the area, which they were excited about.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2018-048 authorizing the Mayor to enter into a Development Agreement with Jared and Heather Osmond for property located at approximately 633-671 South Pleasant Grove Boulevard in The Grove District, and providing for an effective date, pending DRC approval. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Jensen, LeMone, Andersen, Williams, and Walker voting “Aye”. The motion carried unanimously.

- D) TO CONSIDER FOR APPROVAL A 21-LOT FINAL SUBDIVISION PLAT CALLED HALL HAVEN PLAT “A” ON PROPERTY LOCATED AT APPROXIMATELY 1400 WEST 1800 NORTH IN THE R-R (RURAL**

RESIDENTIAL) ZONE. (NORTH FIELD NEIGHBORHOOD) (RYAN BYBEE, APPLICANT) Presenter: Director Cardenas.

Director Cardenas reported that the final subdivision plat before the Council was called Hall Haven Plat A and will consist of 21 lots. The entire property was just over 12 acres in size. He reported that the applicants had chosen to keep the existing zoning of R-R and create a subdivision of one-half acre lots. To be consistent with the City's vicinity plan, the applicants utilized lot size averaging. There were five existing homes in the subdivision and all would remain. Director Cardenas briefly addressed the temporary dead-end street, which would connect to the neighboring properties once they are developed. The Planning Commission unanimously recommended approval of the request.

ACTION: Council Member Williams moved that the City Council APPROVE a 21-lot final subdivision plat called Hall Haven Plat "A" on property located at approximately 1400 West 1800 North in the R-R (Rural Residential) Zone. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

11) ITEMS FOR DISCUSSION

There were none.

12) REVIEW AND DISCUSSION ON THE SEPTEMBER 4, 2018 CITY COUNCIL MEETING AGENDA

The aforementioned meeting was briefly reviewed and discussed during the Work Session.

13) MAYOR AND COUNCIL BUSINESS

Library Director, Sheri Britsch, reported that they would be hosting a Harry Potter activity on September 22 from 5:30 to 8:30 p.m. Heritage Day will take place on September 10 at 5:00 p.m. and there was a meal option that could be purchased in advance.

Interim Police Chief, Mike Roberts, reported that the Department began their walk-through program at the start of the school year and added the Library to the rotation this year.

Fire Chief, Dave Thomas, stated that the crew made it safely home from California and were able to attend the funeral of the fallen fireman from Draper in Salt Lake.

Director Beaumont updated the Council on the status of the various road projects. He also reported that the City received a grant to do the environmental assessment for the Mill Ditch pipeline, and another grant for the design.

Council Member Andersen asked for an update on the water situation. Director Beaumont stated that they had issues with both flows out of Grove Creek and Battle Creek. They had been pumping constantly for most of the summer. He indicated that the City would be alright for the rest of the year, but they would be in serious trouble if they have another dry winter.

Council Member Jensen thanked the Police and Fire Departments for responding to the incident in his neighborhood and for their professionalism.

City Recorder, Kathy Kresser, reminded the Council that the Utah League of Cities and Towns will be having their event September 12-14. She asked that any interested parties let her know and she would register them.

14) SIGNING OF PLATS

There were no plats signed.

15) REVIEW CALENDAR

There were no additional calendar items.

16) CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AND CLOSED MEETING TO DISCUSS A LEGAL CONCERN. (UCA 52-4-2051(c))

PRESENT:

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Lynn Walker
Todd Williams

Staff Present: Scott Darrington, City Administrator
Tina Petersen, City Attorney
Kathy Kresser, City Recorder

ACTION: Council Member Jensen moved that the City Council enter into Closed Session. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

The Council entered the Closed Session at 6:52 p.m.

ACTION: At 7:30 pm Council Member LeMone moved to come out of the Closed Meeting and go back into the regular City Council meeting.

ACTION: Council Member Jensen moved to hire outside Legal Counsel for pending litigation. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

17) **ADJOURN**

ACTION: Council Member Williams moved to adjourn. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

The meeting adjourned at 7:31 p.m.

The City Council Minutes of August 21, 2018 were approved by the City Council on September 4, 2018.

Kathy T. Kresser, City Recorder, MMC

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