

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
December 11, 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
Denise Roy, Finance Director
Deon Giles, Parks and Recreation Director
Dave Thomas, Fire Chief
Mike Roberts, Police Chief
Kathy Kresser, City Recorder
Daniel Cardenas, Community Development Director
Marty Beaumont, Public Works Director
Tina Petersen, City Attorney
Sheri Britsch, Library and Arts Director
Kyler Ludwig, Assistant City Administrator

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 Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Goodman.

3) OPENING REMARKS

The opening remarks were given by Council Member Dianna Andersen.

4) APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Jensen moved to approve the agenda, as written. Council Member LeMone seconded the motion. The motion carried with unanimous consent of the Council.

5) **OPEN SESSION**

Debbie Chavez commented on the 350 North crossing of the Murdock Canal. She was deeply concerned about what was happening there. Mrs. Chavez and Norm Chavez were present on behalf of the West family who owns property to the south. It was noted that this access is their private drive. She first asked who was responsible for the enforcement of property rights. Attorney Petersen replied that this would depend on the violation. The first step would be to contact the police, or the owner would seek private legal counsel and pursue the issue civilly.

Mrs. Chavez stated that they have spoken to the County about the situation, because they owned the land around the canal and they were reviewing the issue. The access was never meant to be a thoroughfare, and it should be closed off because of the subdivision development.

Norm Chavez reported that Mrs. West tried to voice her concerns at a City Planning Meeting and they assured her that her drive would not be accessed for construction or by the residents. He had photographic proof that this was not the case. He also reported that the West's fence had been torn down without their consent, construction vehicles were using their actual driveway, and there had been damage to her property. Mrs. West had expressed that she felt she had no voice in this. They were concerned that this problem would only get worse. He asked what they needed to do to get this problem resolved.

Public Works Director, Marty Beaumont, commented that he understood the situation and was at the planning meetings where this was discussed. He had spoken to the contractor multiple times about not accessing that drive. The concern was that blocking off the private drive would be difficult because two homes still need to use it to access their property.

Mrs. Chavez stated that they had figured out a way to block off the access and the Wests were very interested in doing so. Director Beaumont agreed to meet with them to discuss it.

Denise Trickler asked if there were plans to hold an Open House for the New Fire Station. Fire Chief, Dave Thomas, stated that they were looking to hold an event during the second week of January. They would dedicate the Fire Station in the morning and host an open house in the evening. Mayor Fugal said that they would do something similar for the Police Station in April.

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

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the November 20, 2018 Special Meeting.**
- b. **To Consider Approval of Payment Approval Reports for (December 6, 2018).**

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

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

A) **TO CONSIDER FOR APPROVAL THE APPOINTMENT OF:**

- **Todd Fugal and Tim Clyde as Planning Commission Members;**
- **Hillary Stirling, Denise Trickler, Emily Varney and Shane Van Cott to the Historic Preservation Commission; and**
- **Kevin Haub to the Design Review Board.**

Mayor Fugal stated that Todd Fugal and Tim Clyde are being recommended to be appointed as New Planning Commission Members. Both men briefly introduced themselves to the Council. Mayor Fugal noted that their term would be from January 15, 2019 to January 15, 2023.

ACTION: Council Member Jensen moved that the City Council APPOINT Todd Fugal and Tim Clyde as Planning Commission members from January 15, 2019 to January 15, 2023. Council Member LeMone seconded the motion. The motion carried with unanimous consent of the Council.

Mayor Fugal reported that Hillary Stirling, Denise Trickler, Emily Varney, and Shane Van Cott are being recommended to be appointed to the Historic Preservation Commission. He invited each to briefly introduce themselves to the Council.

ACTION: Council Member Williams moved that the City Council APPOINT Hillary Stirling, Denise Trickler, Emily Varney, and Shane Van Cott to the Historic Preservation Commission for a four-year term. Council Member Andersen seconded the motion. The motion carried with unanimous consent of the Council.

Mayor Fugal reported that Kevin Haub was not present but he is being considered to be appointed to the Design Review Board.

ACTION: Council Member LeMone moved that the City Council APPOINT Kevin Haub to the Design Review Board. Council Member Jensen seconded the motion. The motion carried with unanimous consent of the Council.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-34) AMENDING CITY CODE SECTION 10-12B: MANUFACTURING DISTRIBUTION (MD) ZONE. THE AMENDMENT PROPOSES TO ALTER THE REQUIREMENTS FOR SETBACKS ND**

CREATE A SECTION WITH SPECIFIC LANDSCAPING REQUIREMENTS IN THE MANUFACTURING DISTRIBUTION (MD) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD) (PAUL WASHBURN, APPLICANT) Presenter: Director Cardenas.

Director Cardenas presented the staff report regarding a Code Amendment to adjust the setback requirements of the MD zone. He gave a brief history of the MD zone in Pleasant Grove, its unique location in the City, and the inability to expand the zone. The applicant approached staff about reducing the side yard setback requirements to accommodate development on narrow lots in the zone. Staff then looked at the possibility of eliminating the side and rear yard setback requirements completely, allowing developments to build all the way to the property line. He reported that many other cities allow zero setbacks in their manufacturing districts, and the purpose was to avoid creating long, narrow alleyways between buildings. Those areas often end up being used for outdoor storage. Having no setbacks would allow larger buildings, and hopefully all storage would be moved inside. Along with the elimination of setbacks, staff was proposing more specific landscaping requirements for the front area. The Planning Commission gave a unanimous recommendation of approval.

Mayor Fugal opened the public hearing.

Tim Clyde asked if there were any concerns with having emergency fire access. Director Cardenas stated that the Fire Department would review each application and ensure that they can access the entire building.

There were no further public comments. Mayor Fugal closed the public hearing.

ACTION: Council Member Jensen moved that the Planning Commission ADOPT Ordinance 2018-34 amending City Code Section 10-12B: Manufacturing Distribution (MD) Zone. Council Member Williams seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting "Aye". The motion carried unanimously.

- B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2018-35) ADDING THREE NEW USES (#2182, 2183, AND 2184) TO THE MANUFACTURING DISTRIBUTION (MD) ZONE TO ALLOW MANUFACTURING AND RETAIL SALES OF A VARIETY OF LIQUOR PRODUCTS. THE PROPOSED AMENDMENT ALSO INCLUDES A PROVISION TO ALLOW TASTING ROOMS. (SAM WHITE'S LANE NEIGHBORHOOD) (MATTHEW EAU CLAIRE, APPLICANT) Presenter: Director Cardenas.**

Director Cardenas presented the staff report regarding a proposal to add three alcohol production uses as permitted uses in the MD zone. Staff recommended allowing manufacturing with qualifying provisions, but they did not recommend the storefront or tasting room. After consideration, the Planning Commission recommended allowing the proposed uses, retail sales, and a tasting room, but not a storefront.

Council Member LeMone asked for the reasoning behind not allowing the storefront. Director Cardenas explained that there were concerns with the other uses in the MD zone that they felt were incompatible with a storefront selling alcohol. Attorney Petersen added that the reason the State allows municipalities to have some discretion with buffering was to allow the City to consider their community and uses. This use would be in the MD zone, not a commercial zone. That was the primary reason staff did not recommend the storefront.

The applicant, Matthew Eau Claire, stated that the tasting room was more important to him than a store front. He noted that bottles would be on display for sale, but not in a store front. That would likely take place in the separate tasting room. They would have other items for sale, such as logoed clothing and glassware. He was excited for the project and to be part of Pleasant Grove. It was noted that this would be the first distillery in Utah County.

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

Council Member LeMone was comfortable allowing a storefront. Council Member Williams did not object to the storefront until staff made the comment about not being in a commercial zone. He felt that the proposed amendment would meet the applicant's needs without the storefront.

ACTION: Council Member Williams moved that the City Council ADOPT Ordinance 2018-35 adding three new uses (#2182, 2183, and 2184) to the Manufacturing Distribution (MD) Zone to allow manufacturing and retail sales of a variety of liquor products without store front sales. Council Member LeMone seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting "Aye". The motion carried unanimously.

10) **ACTION ITEMS READY FOR VOTE**

- A) **TO CONSIDER FOR ADOPTION A RESOLUTION (2018-060) ADOPTING THE AUDIT REPORT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2018; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Roy.*

Director Roy stated that Aaron Hickson had spoken to the Council during the Work Session about the audit. She thanked Mayor Fugal and the Council for their support. She commented that it takes a lot of effort to get the audit done and things went very smoothly. She noted that the CAFR will be available on the City and State websites.

Council Member Andersen asked if they could mail out a small version of the CAFR to the citizens. Administrator Darrington stated that they post a condensed version, called a PAFR on the City's website. It costs several thousand dollars to mail out to residents. Council Member Andersen suggested creating something that could go in the newsletter.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2018-060 adopting the Audit Report and Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2018; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-061) AUTHORIZING THE MAYOR TO SIGN A RIGHT-OF-WAY EASEMENT IN FAVOR OF PACIFICORP, D/B/A ROCKY MOUNTAIN POWER, FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, ENLARGEMENT, OR REMOVAL OF ELECTRIC POWER DISTRIBUTION UNDER PROPERTY OWNED BY PLEASANT GROVE CITY LOCATED AT APPROXIMATELY 525 WEST CENTER STREET; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that they were approached by the owner who intended to construct a new building near the Grove Crest Villas site. They would need to connect power on the other side of the right-of-way to bring power to the site, so Rocky Mountain Power was requesting an easement for the power line.

ACTION: Council Member LeMone moved that the City Council ADOPT Resolution 2018-061 authorizing the Mayor to sign a right-of-way easement in favor of PacifiCorp, d/b/a Rocky Mountain Power, for the construction, reconstruction, operation, maintenance, repair replacement, enlargement, or removal of electric power distribution under property owned by Pleasant Grove City located at approximately 525 West Center Street; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-062) AUTHORIZING THE MAYOR TO DECLARE 2018 CATERPILLER LOADER AS SURPLUS AND DIRECTS THAT IT BE DISPOSED OF ACCORDING TO THE CITY’S POLICY FOR DISPOSING OF SURPLUS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that the City received an offer to sell back the 2018 Caterpillar Loader, and it made sense for them to sell at this time. They would replace the equipment next year with a guaranteed buy back from John Deere Company.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2018-062 authorizing the Mayor to declare a 2018 Caterpillar Loader as surplus and direct that it be disposed of according to the City’s policy for disposing of surplus property; and providing for an effective date. Council Member Williams seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

11) **ITEMS FOR DISCUSSION**

A) **Continued Items from the Work Session, if needed.**

12) **REVIEW AND DISCUSSION ON THE JANUARY 8, 2019 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting agenda was briefly discussed.

13) **MAYOR AND COUNCIL BUSINESS**

Director Beaumont reported on the ongoing road projects and there was brief discussion regarding how plowing will affect the new pavement.

14) **SIGNING OF PLATS**

The Council signed the Wood Gate Subdivision Plat.

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member Walker moved to adjourn the meeting at 7:00 p.m. Council Member Jensen seconded the motion. The motion carried with unanimous consent of the Council.

The City Council Minutes of December 11, 2018 were approved by the City Council on January 8, 2019.

Kathy T. Kresser, City Recorder, MMC

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