

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
January 15, 2019
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen (arrived at 6:25 p.m.)
Cyd LeMone (excused at 7:20 p.m.)
Lynn Walker
Todd Williams

Staff Present: Scott Darrington, City Administrator
Denise Roy, Finance Director
Deon Giles, Parks and Recreation Director
Mike Roberts, Police Chief
Dave Thomas, Fire Chief
Kathy Kresser, City Recorder
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 Council Member Jensen would be arriving soon.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Fire Chief Dave Thomas.

3) OPENING REMARKS

The opening remarks were given by Council Member Cyd LeMone.

4) APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Williams moved to approve the agenda. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

5) **OPEN SESSION**

There were no comments.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
No Minutes at this time.**
- b. **To Consider Approval of Payment Approval Reports for (January 3 and 9, 2019).**

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

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

There were none.

8) **PRESENTATIONS**

There were none.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-01) TO AMEND THE VICINITY PLAN FOR THE FUTURE TERMINATION OF A ROAD CALLED 1400 NORTH, AFFECTING PROPERTIES ALONG 1400 NORTH THAT LIE EAST OF A STREET CALLED 500 EAST, IN THE R1-20 (SINGLE-FAMILY RESIDENTIAL) ZONE. (BIG SPRINGS NEIGHBORHOOD) (CHRISTINE GONZALEZ, APPLICANT) *Presenter: Director Cardenas***

Community Development Director, Daniel Cardenas, explained that the City adopted a Vicinity Plan in 2014. Its purpose was to give an idea of how land could be developed in the future while ensuring connectivity of the roads and that no one was landlocked. The Vicinity Plan also ensured that all lots could be serviced adequately by City utilities. Because there are different constraints on certain properties, the City allows developers to propose amendments to the vicinity plan. In this case, the applicant's property somehow was not included. She was proposing a cul-de-sac to terminate 1400 North. Some of the geological constraints on the property were the Murdock Canal, three aqueduct easements, and the grade of the property. He presented the proposed Vicinity Plan amendment. As part of development, the applicant would be required to install half of the asphalt for the road in front of the lot, and street improvements along the north side of the street. The Planning Commission unanimously recommended approval.

Council Member Andersen asked if the property owner on the south side was in favor of the proposed Vicinity Plan, as the cul-de-sac would take up part of her property. Staff noted that the property owner was present to speak on that.

Mayor Fugal opened the public hearing.

Connie Birch identified herself as the daughter of Joy Birch, who owns the property to the south. The photographs presented of the property did not show the improvements made to the property, including the pasture and fencing. When a cul-de-sac was proposed previously, she worked to ensure that the developer put in the cul-de-sac rather than Mrs. Birch.

Director Cardenas explained that the applicant would only be required to install half of the asphalt and improvements. If a subsequent developer wanted to develop Mrs. Birch's property, they would be required to complete the cul-de-sac. The Vicinity Plan does not require Mrs. Birch to do anything at this point.

Naomi Nelson, a neighborhood resident, stated that her main concern was providing a proper turnaround for utility and emergency vehicles, and this issue was addressed by the Planning Commission. The applicant would need to put in a temporary turnaround on their property, without an expiration date for completion. The turnaround was identified on the map.

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

City Attorney, Tina Petersen, stated that if the Council approved the request, we would need to amend the Vicinity Plan, and a resolution would be adopted at a later date.

ACTION: Council Member Williams moved that the City Council AMEND the Vicinity Plan for the future termination of a road called 1400 North, affecting properties along 1400 North that lie east of a street called 500 East, in the R1-20 (Single-Family Residential) Zone. Council Member LeMone seconded the motion. A public hearing was held. A roll call vote was taken with Council Members Andersen, LeMone, Walker and Williams voting "Aye". The motion carried unanimously.

- B) PUBLIC HEARING FOR ADOPTION OF AN ORDINANCE (2019-02) TO AMEND THE VICINITY PLAN FOR THE FUTURE LOCAL ROAD LAYOUT AFFECTING PROPERTIES ON THE EAST SIDE OF 600 WEST FROM 2124 NORTH TO 1800 NORTH IN THE R-R (RURAL RESIDENTIAL) ZONE. (NORTH FIELD NEIGHBORHOOD) (LANCE MILLER, APPLICANT) Presenter: Director Cardenas.**

NOTE: Council Member Jensen joined the meeting at 6:25 p.m.

Director Cardenas stated that the above item was also a request to amend a Vicinity Plan. He noted that staff was bound by the ordinances already established. The Code for cul-de-sacs states that they shall be used only where unusual drainage or landowner configurations exist that make other designs undesirable or impossible, and where street plans for the area do not require thru

circulation. He presented the current Vicinity Plan and the proposed Vicinity Plan for 3.7 acres of land. The property was zoned R-R, but the surrounding properties were all zoned R1-20. Staff and the Planning Commission recommended denial of the proposed amendment because the situation does not warrant a cul-de-sac.

Council Member Williams asked for the reason for the negative recommendation. Director Cardenas stated that there were no unusual circumstances with drainage or ownership issues. Staff also preferred thru connections whenever possible.

In response to a question from Mayor Fugal, Director Cardenas said that the cul-de-sac design was not a bad design, but staff and the Planning Commission were bound to follow the Code.

Director Beaumont stated that the cul-de-sac plan would work, and there are hundreds of cul-de-sacs just like it in the City. The Code, however, indicates that the City wants to use cul-de-sacs only when necessary. Staff believed that a thru street could work in this location. It may not be the best plan for the developer, but it would be the best plan for the area.

The applicant, Lance Miller, stated that the current vicinity plan was created using the R1-12 lot size and shows nine possible lots. They intend to maintain the R-R zoning, which did not work with the current vicinity plan. He argued that land ownership configurations do exist in this case. Mr. Blackham would explain more during the public hearing. The property may be the only property to develop for quite some time, so there would be two dead ends for an unknown amount of time. Dead ends often attract things like parked campers and trailers. He also stated that with the proposed vicinity plan, they would be able to face more homes away from the main road, which would be beneficial to the City if that road becomes busier in the future.

Mayor Fugal opened the public hearing.

Max Blackham described the land ownership of the surrounding properties and commented that the Vicinity Plans as proposed by the City do not connect properly. If they were to continue with the current Vicinity Plan, they would destroy one owner's well, and cut off 50 feet of another owner's property. The existing Vicinity Plan was not good for any of the properties in the area.

Jeff Lindstrom was present representing his mother, Helen Lindstrom. Under the current vicinity plan, Mrs. Lindstrom would lose a significant amount of property, which would make her lot non-conforming. The Vicinity Plan looks good on paper, but there are issues with the ownership and properties that were not taken into account. They were in favor of the cul-de-sac design.

Paul Ray was present representing the Vallejo family and asked how the other roads will connect to the main road if the cul-de-sac design is approved. Director Beaumont identified the route on the map.

Alex Carter stated that his property is located where the road will come out. He preferred a cul-de-sac because it would mean less traffic in front of his home.

Mike Sandberg was also in favor of the cul-de-sac.

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

Council Member Williams was confused about the lot sizes included on the existing Vicinity Plan. Director Beaumont stated that when the Vicinity Plan was laid out, they were not thinking about property lines. The zoning may be off because the previous staff members assumed it would be rezoned to R1-12. The Vicinity Plan was about the roads and connectivity, not the lots themselves.

Council Member Andersen commented that she was on the Council when the Vicinity Plan was adopted and it was meant to be abstract. The lines were not meant to be binding. When they created the Vicinity Plan, they were trying to see how many people could be in the City and they could plan how to get water to each of the lots.

Each of the Council Members stated that they were not opposed to the cul-de-sac design.

ACTION: Council Member Williams moved that the City Council AMEND the Vicinity Plan for the future local road layout affecting properties on the east side of 600 West from 2124 North to 1800 North in the R-R (Rural Residential) Zone. Council Member Walker 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 THE REQUEST OF JAMES HANCOCK TO EXTEND FINAL PLAT APPROVAL FOR SAVAGE VIEW PLAT A TO MAY 1, 2019 TO COMPLETE THE CONSTRUCTION OF THE INFRASTRUCTURE. PROPERTY LOCATED AT APPROXIMATELY 2150 NORTH 100 EAST. (BIG SPRINGS NEIGHBORHOOD) *Presenter: Director Beaumont.***

Director Beaumont explained that subdivision plat approval was granted for the project but the time had lapsed, and the developer was coming before the Council to request an extension. He noted that the property changed ownership and the new owner had a punch list for what needed to be done to complete the project and they were ready to move forward.

Council Member Andersen asked the applicant if the May 1, 2019 date was acceptable. The applicant, James Hancock, stated that the date would not be an issue.

ACTION: Council Member Williams moved that the City Council EXTEND final plat approval for Savage View Plat A to May 1, 2019 to complete the construction of the infrastructure, on property located at approximately 2150 North 100 East. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

ACTION: Council Member Walker moved that the City Council take two-minute break at 7:18 p.m. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

NOTE: Council Member LeMone left the meeting at 7:20 p.m.

- B) TO CONSIDER AWARDING THE FY 2018-19 SEWER REHAB PROJECT WITH BASE BID A, BASE BID B, AND ALTERNATIVES #1 AND #2 TO C&L WATER SOLUTIONS INC. IN THE AMOUNT OF \$235,158.00 AND AUTHORIZE THE MAYOR TO SIGN THE NOTICE TO PROCEED AND TO SIGN THE AGREEMENT UPON RECEIPT AND APPROVAL OF FINAL CONTRACT DOCUMENTS. *Presenter: Director Beaumont.***

Director Beaumont explained that the above item was for the yearly sewer lining project, and the bid came in under budget.

ACTION: Council Member Andersen moved that the City Council AWARD the FY 2018-19 Sewer Rehab Project with Base Bid A, Base Bid B, and Alternatives #1 and #2 to C&L Water Solutions, Inc. in the amount of \$235,158.00 and authorize the Mayor to sign the Notice to Proceed and sign the Agreement Upon Receipt and approval of final contract documents. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-03) AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT WITH JOHN P. HARR SR., PG PROPERTIES I, LLC FOR A 2,726 SQ. FT. PARCEL OF REAL PROPERTY; SERIAL #140560175; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that the road in question will eventually be a thru street that connects to 100 South. In negotiations with the contractor installing the signals, they felt that the contractor should be paid for the property that the City needs for the signal. Normally, the property would be dedicated whenever the signal goes in, but since they were doing the infrastructure before the signal, they thought it should be done upfront. This was the purchase agreement for the property.

ACTION: Council Member Williams moved that the City Council ADOPT Resolution 2019-03 authorizing the Mayor to sign a Purchase Agreement with John P. Harr, Sr., PG Properties I, LLC for a 2,726 square foot parcel of real property; Serial #140560175; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, Walker, and Williams voting “Aye”. The motion carried unanimously.

ACTION: Council Member Williams moved to CONTINUE Items 10D, 10E and 10F, and STRIKE Item 10G. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

- D) TO CONSIDER AUTHORIZING THE MAYOR TO SIGN A LOCAL CONSENT FOR A CLASS “A” FULL SERVICE RESTARUANT LIQUOR LICENSE FOR EVERMORE PARK LOCATED AT 382 E. EVERMORE LANE, PLEASANT GROVE, UTAH. *Presenter: Attorney Petersen.***

The above item was continued to the February 5, 2019 City Council Meeting.

- E) TO CONSIDER AUTHORIZING THE MAYOR TO SIGN A LOCAL CONSENT FOR A CLASS “A” OFF-PREMISE BEER RETAIL LICENSE FOR HYATT HOUSE PROVO/PLEASANT GROVE HOTEL LOCATED AT 544 S PLEASANT GROVE BOULEVARD, PLEASANT GROVE, UTAH. (PG HOTEL PARTNERS, LLC, APPLICANT) Presenter: Attorney Petersen.**

The above item was continued to the February 5, 2019 City Council Meeting.

- F) TO CONSIDER A RESOLUTION (2019-04) AUTHORIZING THE MAYOR TO SIGN AN AMENDED INTERLOCAL AGREEMENT WITH UTAH COUNTY FOR THE MAJOR CRIMES TASK FORCE. Presenter: Attorney Petersen.**

The above item was continued to the February 5, 2019 City Council Meeting.

- G) TO CONSIDER FOR APPROVAL A FREESTANDING SIGN, 26 FEET 10 INCHES TALL, ASSOCIATED WITH THE URBAN GROVE DEVELOPMENT IN THE COMMERCIAL SALES SUBDISTRICT OF THE GROVE ZONE. PROPERTY LOCATED AT 1554 W PLEASANT GROVE BOULEVARD. (THE GARDNER COMPANY, APPLICANT) Presenter: Director Cardenas.**

The above item was stricken.

- H) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-05) AUTHORIZING THE MAYOR TO SIGN A PUBLIC ENTITY RESOLUTION NAMING INDIVIDUALS TO ACT ON BEHALF OF THE CITY TO MAKE NECESSARY CHANGES TO BANK ACCOUNTS TIED TO PTIF ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Director Roy.**

Director Roy explained that the proposed resolution was required by the Utah State Treasurer’s Office, and it would name the Finance Director and City Treasurer as individuals authorized to act on behalf of the City.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2019-05 authorizing the Mayor to sign a Public Entity Resolution naming individuals to act on behalf of the City to make necessary changes to bank accounts tied to the PTIF accounts; and providing for an effective date. Council member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, 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 FEBRUARY 5, 2019 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting agenda was briefly discussed.

13) **MAYOR AND COUNCIL BUSINESS**

14) **SIGNING OF PLATS**

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member Walker moved to adjourn the meeting at 7:33 p.m. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council Minutes of January 15, 2019 were approved by the City Council on February 5, 2019.

Kathy T. Kresser, City Recorder, MMC

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