

**Pleasant Grove City
City Council Meeting Minutes
Regular Sessions
October 15, 2019
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
Daniel Cardenas, Community Development Director
Deon Giles, Parks Director
Tyler Wilkins, Recreation Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Marty Beaumont, Public Works Director
Kyler Ludwig, Assistant City Administrator
Sheri Britsch, Library Director
Mike Roberts, Police Chief
Dave Thomas, Fire Chief

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

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 Garrett Robinson.

3) OPENING REMARKS

The opening remarks were given by Council Member Andersen.

4) APPROVAL OF MEETING'S AGENDA

ACTION: Council Member Williams moved to approve the agenda, with Items 10A and 10B continued to the November 12, 2019, City Council Meeting. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

5) OPEN SESSION

Garrett Robinson, a young resident, reported on his recent Eagle Scout project of maintaining the trail to the “G”. He presented a video highlighting the project. He thanked everyone for their support and specifically thanked Mayor Fugal for the safety vests.

Council Member Williams stated that he and his wife had served as Timpanogos District Advancement Chairs for 2 ½ years and during that time they never saw a project that took 483 hours. He commended Garrett for his work.

Wendy Robinson, Garrett’s mother, expressed her appreciation for the amazing support from the City.

Mayor Fugal stated that the Council would not be holding public hearings for the items on the agenda today, so if any residents had comments on them, they should make them during the Open Session.

Christy Belt, a resident, presented a map to each City Council Member for their reference. She reported that the previous Saturday, two children were walking from their home to Discovery Park utilizing a crosswalk on 100 East. Two cars stopped to let the children cross, but a third car came from behind and hit the other cars, pushing the first car into the crosswalk. Luckily, the boys were unharmed. Last year, there were 17 accidents between 800 North and 1800 North. Ms. Belt explained on 100 East in front of the park is a sign changing the speed limit to 40 MPH before the cars reach the second crosswalk. The speed limit going south is 35 MPH and the speed limit going north is 40 MPH. She had spoken to the County about this issue, and they agreed to remove the speed limit sign, but it had not been done. It was possible that the County forgot about it. She requested that the City do something to make the area safer.

Mayor Fugal stated that the road does not belong to the City, so they would not be able to remove the speed limit sign. City Administrator Scott Darrington reported that staff could follow up with the County. He also invited Ms. Belt to attend a County Commission Meeting and give them the same presentation she made to the City. He noted that it is one of the most difficult crosswalks in the City, regardless of the speed limit. They hoped that the Council would obtain funding to put in a signal at this location.

Erin Walker commented on the proposal from Deny Farnworth and the potential road connection from 200 South to 100 South. She was vehemently opposed to the road and stated that it would be better for the community if there were two cul-de-sacs than a connecting road. Her biggest concern was the high school traffic. She had lived in her home for 18 years and it was a miracle that there had not been an accident in her front yard. Teenagers drive very fast around the corner

and she had seen them drive up onto the sidewalk and her front lawn. Teenagers would mostly likely park up that street as well.

Lisa Young, a resident, echoed the comments of Mr. Walker and emphasized that it would not be safe to add that much school traffic into the neighborhood.

Joy Henry, a resident, asked why the applicant was proposing a through street rather than a cul-de-sac.

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

6) CONSENT ITEMS

(Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion.)

a. City Council Minutes:

There were no minutes.

b. To Consider Approval of Payment Approval Reports for (October 3 and 10, 2019).

ACTION: Council Member Andersen moved to APPROVE the Consent Items. Council Member Jensen 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

There were none.

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR APPROVAL A TWO-LOT FINAL SUBDIVISION PLAT CALLED DANA POINT PLAT 'C' ON PROPERTY LOCATED AT APPROXIMATELY 671 SOUTH PLEASANT GROVE BOULEVARD IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) (AARON WAGNER, APPLICANT)
*Presenter: Director Cardenas *Continued to the November 12, 2019 Meeting.*

B) TO CONSIDER FOR APPROVAL A SITE PLAN FOR TWO MULTI-TENANT RETAIL BUILDINGS ON PROPERTY LOCATED AT 633 AND 671 SOUTH PLEASANT GROVE BOULEVARD IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (AARON WAGNER, APPLICANT) *Presenter: Director Cardenas. *Continued to the November 12, 2019 Meeting.*

C) TO CONSIDER FOR APPROVAL A TWO-LOT FINAL SUBDIVISION PLAT CALLED HIDDEN SPRINGS SUBDIVISION PLAT ‘A’ ON PROPERTY LOCATED AT 1475 W STATE STREET IN THE GROVE MIXED-USE (GMU) OVERLAY ZONE. (SAM WHITE’S LANE NEIGHBORHOOD) (LARRY MYLER, APPLICANT) *Presenter: Director Cardenas.*

Community Development Director, Daniel Cardenas reported that a two-lot subdivision plat for this property was approved by the City on December 13, 2018. One lot was for residential units and the lot along State Street was intended for commercial. Since that approval, UDOT has requested extra land for the future expansion of State Street and an extra turn lane. This new plat reflects that change. He noted that any land that UDOT does not use could be purchased back by the property owner.

ACTION: Council Member Andersen moved that the City Council APPROVE a two-lot final subdivision plat called Hidden Springs Subdivision Plat ‘A’ on property located at 1475 West State Street in The Grove Mixed-Use (GMU) Overlay Zone. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

D) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-048) AUTHORIZING THE MAYOR TO EXECUTE A STREET IMPROVEMENT PARTICIPATION AND REIMBURSEMENT AGREEMENT WITH PLEASANT GROVE MIXED USE, LLC (LARRY MYLER/HIDDEN SPRINGS) DEVELOPMENT FOR THE COSTS OF CONSTRUCTING CERTAIN STREET AND RIGHT-OF-WAY IMPROVEMENTS AT 1300 WEST AND STATE STREET; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.*

Public Works Director, Marty Beaumont reported that there had been concerns with the alignment of 1300 West where it ties into State Street. They want to address that alignment as part of the Larry Myler development. They worked with the developer and came up with a reasonable alignment through the property. In the proposed agreement, the applicant agreed to dedicate the road and construct half of the right-of-way to the center line and the City agreed to construct the other half. There is also a storm drain line under the new section of road that needs to be replaced between 300 North and 190 North. The estimated cost was \$192,000.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-048 authorizing the Mayor to execute a Street Improvement Participation and Reimbursement Agreement with Pleasant Grove Mixed Use, LLC (Larry Myler) Development for the cost of

constructing certain street and right-of-way improvements at 1300 West and State Street; and providing for an effective date. Council Member Williams seconded the motion. A roll call vote was taken, with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

E) TO CONSIDER FOR APPROVAL A TWO-LOT, ONE-PARCEL COMMERCIAL FINAL SUBDIVISION PLAT CALLED ASEA OFFICE PLAT ‘A’ ON PROPERTY LOCATED AT APPROXIMATELY 1488 W PLEASANT VIEW DRIVE IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (AZY SHARP, GSBS ARCHITECTS, APPLICANT) *Presenter: Director Cardenas.*

Director Cardenas reported that the above subdivision will create two buildable lots and one unbuildable parcel. The existing ASEA building was the first phase of the development. The applicant was proposing to keep the existing building on Lot 1 and build a new office building on Lot 2. The parcel would be the remaining property. He confirmed that the construction of Mountain View Lane was required now. The Planning Commission reviewed the application and recommended approval with two conditions. The first condition required the applicant and the owner of the parcel to come up with an agreement with regard to the dedication and improvement of Mountain View Lane. The second was that the applicant enter into an agreement with the City with regard to the construction of improvements and a 48-inch pipe along Proctor Lane or 1300 West.

ACTION: Council Member Andersen moved that the City Council APPROVE a two-lot, one-parcel commercial final subdivision plat called ASEA Office Plat ‘A’ on property located at approximately 1488 West Pleasant View Drive in The Grove Zone – Commercial Sales Subdistrict; conditioned upon the applicant obtaining signatures on the plat of the owner of the parcel regarding the dedication of improvements to Mountain View Lane and the applicant enter into an agreement with the City with regard to the construction of improvements and a 48-inch pipe along Proctor Lane or 1300 West. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

F) TO CONSIDER FOR APPROVAL A SITE PLAN FOR A FOUR-STORY OFFICE BUILDING LOCATED AT APPROXIMATELY 1488 WEST PLEASANT VIEW DRIVE IN THE GROVE ZONE – COMMERCIAL SALES SUBDISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) (AZY SHARP, GSBS ARCHITECTS, APPLICANT) *Presenter: Director Cardenas.*

Director Cardenas presented the site plan for a four-story, 92,000 square foot office building at the address listed above. This building will be taller than the building in the first phase. The development would also include a two-story parking structure. The Design Review Board and Planning Commission recommended approval of the site plan.

ACTION: Council Member Jensen moved that the City Council APPROVE a site plan for a four-story office building located at approximately 1488 West Pleasant View Drive in The Grove Zone

– Commercial Sales Subdistrict. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

G) TO CONSIDER FOR APPROVAL A 17-LOT, ONE-PARCEL FINAL SUBDIVISION PLAT CALLED ARDIE'S ORCHARDS PLAT 'A', ON PROPERTY LOCATED AT APPROXIMATELY 100 SOUTH 1025 EAST IN THE R1-10 (SINGLE-FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) (DENY FARNWORTH, APPLICANT)
Presenter: Director Cardenas

Director Cardenas presented the staff report regarding the proposed residential subdivision. The property consists of eight acres near the Murdock Canal. The R1-10 rezone requires a minimum lot size of 10,000 square feet. The applicant is proposing 17 lots on the property. Director Cardenas presented the existing vicinity plan for the property and stated that the applicant is proposing something similar. The Planning Commission unanimously recommended approval of the request.

Council Member Jensen asked if they could address the resident's concerns about the roadway. Director Cardenas stated that their concerns were part of the next two items.

ACTION: Council Member Andersen moved that the City Council APPROVE a 17-lot, one-parcel final subdivision plat called Ardie's Orchard Plat 'A' on property located at approximately 100 South 1025 East in the R1-10 (Single-Family Residential) Zone. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

H) TO CONSIDER FOR APPROVAL A SIX-LOT FINAL SUBDIVISION PLAT CALLED ADAM'S ACRES SUBDIVISION PLAT 'A', ON PROPERTY LOCATED AT APPROXIMATELY 825 EAST 200 SOUTH IN THE R1-10 (SINGLE-FAMILY RESIDENTIAL) ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) (DENY FARNWORTH, APPLICANT)
Presenter: Director Cardenas.

NOTE: Items 10H and 10I were discussed simultaneously.

Director Cardenas presented an aerial map and identified the properties for Items 10H and 10I. The first item was a proposal for a six-lot subdivision on 2.09 acres. This plan included the connection from 100 South to 200 South. He presented the existing vicinity plan for the area, which contained two north-south connections. One connection was straight and the other was bent. Director Cardenas explained that the purpose of a vicinity plan is to ensure connectivity and that any development does not result in landlocked properties. The City Code requires block lengths in the area be to no longer than 1,300 feet without a intersection. This block was 1,800 feet in length and a north-south connection was required by Code.

City Attorney, Tina Petersen clarified that the plan submitted by the applicant contains one connecting road. The applicant understood the purpose of the vicinity plan and submitted a plan accordingly. Director Cardenas added that staff met with the applicant several times and informed

him that if he wanted to eliminate both connections, he could apply to amend the Code. The applicant chose to move forward with a plan that meets the Code requirements.

Council Member Williams compared the existing vicinity plan with the subdivision plat. The connecting road in the new plan was slightly off set, which should help to deter excess traffic and speeds. The road in the vicinity plan is straight, which would invite higher speeds.

Director Cardenas presented Item 10I, which is a four-lot subdivision in the same area. The applicant was proposing to eliminate the north-south connection here and end the road in a cul-de-sac. There were topographical restraints with the property that would make it difficult to build a road. The Planning Commission unanimously recommended approval of both subdivision proposals.

Council Member Williams wanted to be sure they addressed the resident's concerns from the Open Session. Ultimately, a north-south connection was required in this development and Council Member Williams believed that the plan was better than the vicinity plan because it eliminates one of the connections.

The applicant, Deny Farnworth stated that there had been a lot of heated discussions with the neighbors about the plan. He had been working with staff for nearly one year in an effort to make development work on the property. Personally, Mr. Farnworth wasn't sure this was the best solution for the community. He stated that he cares about the safety of the neighborhood.

Council Member Williams was concerned about continuing with approval if the applicant is not comfortable with the proposal.

Attorney Petersen explained that the plan was submitted by the applicant and the Council was prepared to vote on it. If the applicant does not want to pursue it, he could make a formal request to withdraw the application and propose something different.

Mr. Farnworth stated that it is a developable plan but he felt that having two cul-de-sacs would be better for the community.

There was discussion about the process that the applicant went through for the proposal. Director Cardenas stated that staff did not recommend changing the Code because it would be a City-wide change.

Council Member Andersen asked staff to address the traffic concerns. Director Beaumont explained that residents coming from the benches would now have another route alternative. He anticipated that the traffic would be split between this road and 700 East.

Council Member Williams was willing to do what the landowner wants as long as it meets the Code requirements. Mr. Farnworth stated that the proposed plan was fine.

ACTION: Council Member Andersen moved that the City Council APPROVE a six-lot final subdivision plat called Adam's Acres Subdivision Plat 'A' on property located at approximately

825 East 200 South in the R1-10 (Single-Family Residential) Zone. The motion died for lack of a second.

Council Member Williams stated that the applicant had not withdrawn his application and the plan does not meet the Code. Attorney Petersen explained that if a motion does not receive a second, the application is denied and the plat is not approved. The applicant would have to start the process over.

Director Beaumont commented that there was no reason to deny the application. It meets all Code requirements and is a viable plan for the developer. The Council could approve the plan and if the applicant chooses not to pursue development, he could stop the process before the plat is recorded.

ACTION: Council Member Williams moved that the City Council APPROVE a six-lot final subdivision plat called Adam's Acres Subdivision Plat 'A' on property located at approximately 825 East 200 South in the R1-10 (Single-Family Residential) Zone. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

I) TO CONSIDER FOR APPROVAL A FOUR-LOT FINAL SUBDIVISION PLAT CALLED ADAM'S ACRES SUBDIVISION PLAT 'B', FOR THE NEIGHBORING AREA ON PROPERTY LOCATED AT APPROXIMATELY 950 EAST 200 SOUTH IN THE R1-9 AND R1-10 (SINGLE-FAMILY RESIDENTIAL) ZONES. (SCRATCH GRAVEL NEIGHBORHOOD) (DENY FARNWORTH, APPLICANT) *Presenter: Director Cardenas.*

NOTE: Items 10H and 10I were discussed simultaneously.

ACTION: Council Member Andersen moved that the City Council APPROVE a four-lot final subdivision plat called Adam's Acres Subdivision Plat 'B' for the neighboring area of property located at approximately 950 East 200 South in the R1-9 and R1-10 (Single-Family Residential) Zones. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of the Council.

J) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-049) REQUESTING THE RECERTIFICATION OF THE PLEASANT GROVE CITY JUSTICE COURT; AFFIRMING A WILLINGNESS TO CONTINUE TO MEET ALL THE REQUIREMENTS SET FORTH BY THE JUDICIAL COUNCIL FOR CONTINUED OPERATION OF THE JUSTICE COURT; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen reported that the City's Justice Court is required to recertify with the State every four years. The proposed resolution was the first step in notifying the State that they desire to recertify the Justice Court. The resolution also set forth the City's commitment to provide the required items for a municipality to operate a Justice Court. The list of items was included in the

packet. Attorney Petersen noted that the Judge had already filled out and signed his portion of the resolution. She was still working on a security plan that would be completed before the deadline.

ACTION: Council Member Williams moved that the City Council ADOPT Resolution 2019-049 requesting the Recertification of the Pleasant Grove City Justice Court; affirming a willingness to continue to meet all the requirements set forth by the Judicial Council for continued operation of the Justice Court; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken, with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

K) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-050) AUTHORIZING THE MAYOR TO SIGN A QUIT CLAIM DEED IN FAVOR OF SMART TOWN, LLC, A UTAH LIMITED LIABILITY COMPANY, DEEDING APPROXIMATELY 500 SQUARE FEET OF REAL PROPERTY TO CORRECT A BOUNDARY LINE OVERLAP, WHICH IS LOCATED AT APPROXIMATELY 620 SOUTH OFF NORTH COUNTY BLVD IN PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.*

Director Beaumont reported that he was approached by the applicant to discuss the issue of a boundary overlap at the location listed above. He identified the location on a map. They requested that the City address the boundary overlap between property they were deeded and property they are purchasing. That overlap is about 500 square feet. There are no city structures on the property.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-050 authorizing the Mayor to sign a Quit Claim Deed in favor of Smart Town, LLC, a Utah Limited Liability Company, deeding approximately 500 square feet of real property to correct a boundary line overlap, which is located at approximately 620 South off North County Boulevard in Pleasant Grove, Utah; and providing for an effective date. Council Member Williams seconded the motion. A roll call vote was taken, with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye”. The motion carried unanimously.

L) TO CONSIDER THE CITY ENGINEER’S REQUEST FOR AN EXCEPTION TO THE POLICY MANUAL SECTION II “CODE OF CONDUCT SUBSECTION 9: PURCHASING; E: BIDS” FOR CHANGE ORDER NO. 2 FOR STAKER & PARSONS COMPANIES DBA STAKER PARSON MATERIALS & CONSTRUCTION. *Presenter: Director Beaumont.*

Director Beaumont reported that the City is currently under construction with the 100 North project, which was awarded to Staker & Parsons Company. The project was close to being paved. When they received bids for the project, staff was surprised by the cost of asphalt, which was \$60 per ton. This was much less than bids for other road projects. The City has a number of other road projects that were ready to be worked into the budget, and staff explored the option of getting those same asphalt prices through Staker & Parsons.

Director Beaumont addressed the purchasing policy and stated that the City is required to go through a public bidding process for projects over \$125,000. If they do the extra work with Staker & Parsons, the project will exceed that amount. However, the policy allows for an exception if substantial savings are realized by avoiding competitive bidding, as determined by the City Council. Director Beaumont presented cost estimates for the project and calculated that they would save 25 to 30 percent by going through Staker & Parsons Company.

Council Member Andersen asked about the timeframe if they chose to go through the competitive bidding process. Director Beaumont responded it would be a four to six-week process, which would put them into winter. If they continued with the current company, they could finish the projects before winter sets in.

ACTION: Council Member Jensen moved that the City Council GRANT the City Engineer's request for an exception to the Policy Manual Section II "Code of Conduct Subsection 9: Purchasing; E: Bids" for Change Order No. 2 for Staker & Parsons Companies dba Staker Parson Materials & Construction. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

M) TO CONSIDER FOR APPROVAL CHANGE ORDER NO. 1 FOR TOP JOB ASPHALT FOR THE 2018 TO 2020 STREET PRESERVATION – CRACK SEAL PROJECT. *Presenter: Director Beaumont.*

Director Beaumont reported that the City has a current three-year contract with Top Job Asphalt to do the crack sealing on City roads. This year, they were proposing to do roughly \$130,000 more work than last year. Council Member Jensen asked if the crack seal project was part of the road plan. Director Beaumont stated that it was part of preventative maintenance.

ACTION: Council Member Jensen moved that the City Council APPROVE Change Order Number 1 for Top Job Asphalt for the 2018 to 2020 Street Preservation – Crack Seal Project. Council Member Williams seconded the motion. The motion carried with the unanimous consent of the Council.

11) ITEMS FOR DISCUSSION

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

Director Cardenas reported that MAG was doing a regional study called North Lake, and the Council should be receiving an email invitation to their open house for the study.

Director Beaumont reported on the 1100 North, 300 East, and State Street projects. The Battle Creek Springs project would continue while the weather permits.

Attorney Petersen pointed out the new divider for the Courtroom.

Administrator Darrington reported that there will be a social gathering with executive staff and the Council in December, so he would be sending out dates for their consideration. They would also need to start discussing dates for the Annual Retreat.

Assistant City Administrator, Kyler Ludwig reported that there will be an open meeting for employees about the salary survey on October 29. They will be taking questions and getting feedback for the agency performing the analysis.

12) REVIEW AND DISCUSSION ON THE NOVEMBER 12, 2019 CITY COUNCIL MEETING AGENDA

The aforementioned meeting was briefly discussed.

13) MAYOR AND COUNCIL BUSINESS

Council Member Andersen reported that she had the opportunity to visit with a woman who sits on the Utah Lake Commission. A private company, with private funds, will be dredging the lake and creating one large island and eight smaller islands. The large island would be inhabitable.

14) SIGNING OF PLATS

15) REVIEW CALENDAR

16) ADJOURN

Council Member Williams moved to adjourn the meeting at 7:43 p.m. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of October 15, 2019 were approved by the City Council on November 12, 2019.

Kathy T. Kresser, MMC
City Recorder

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