

**Pleasant Grove City  
City Council Regular Meeting Minutes  
June 21, 2016  
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen  
Eric Jensen  
Cyd LeMone  
Ben Stanley  
Lynn Walker

Staff Present: Denise Roy, Finance Director  
Mike Smith, Police Chief  
Kathy Kresser, City Recorder  
Ken Young, Community Development Director  
Marty Beaumont, Public Works Director  
Sheri Britsch, Library and Arts Director  
Tina Petersen, City Attorney  
Dave Thomas, Fire Chief  
David Larson, Assistant to the City Administrator  
Deon Giles, Parks and Recreation Director

Excused: City Administrator Scott Darrington

The City Council and Staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah.

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1) **CALL TO ORDER**

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

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Daniel Passey.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Walker.

A video presentation was shown depicting the events of this year's Strawberry Days.

4) **APPROVAL OF MEETING'S AGENDA**

Staff noted that the May 31, 2016 meeting minutes were not ready for approval and needed to be moved to another date.

**ACTION:** Council Member Jensen moved to approve the agenda with the aforementioned change. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

5) **OPEN SESSION**

Mayor Daniels opened the open session. There were no comments, so the open session was closed.

6) **CONSENT ITEMS**

- a) **City Council Meeting Minutes:  
City Council Minutes for the May 17, 2016 Meeting  
City Council Minutes for the May 31, 2016 Meeting**
- b) **To consider approval of Change Order No. 2 and Final Payment for Cody Ekker Construction for the FY 2015-14 Culinary Water Improvements Project.**
- c) **To consider approval of payment vouchers for (June 10, 2016 and June 14, 2016).**

**ACTION:** Council Member LeMone moved to approve the consent items. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

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

*There were no appointments.*

8) **PRESENTATIONS**

**A) CITIZENS ACADEMY GRADUATES. *Presenter: Chief Smith.***

Police Chief, Mike Smith, stated that this was the fifth Citizens Academy. He explained that the National Citizens Academy took place in Heber City this year. The Pleasant Grove Police Department sent a couple to attend. They walked away with some good ideas on how to improve the City's Citizens Academy. One change was the addition of a mock trial, which City Attorney, Tina Petersen, helped put together. The students responded very well to the mock trial, in addition to the other training activities that were provided. The graduates were recognized as: Niels Fugal, Tina Fugal, Shelly Harper, Val Jensen, Eric Jensen, Val Draper, Christian Draper, Molly Andrew, Jessica Larson, Cyd LeMone, Matt Nydegger, Lynn Walker, Trent Snyder, Tyler Packer, Jason and Sarah Hunter, Gavin and Tina Phillips, Lee Edwards, Kara Kresser.

Chief Smith noted that he has asked a couple of graduates to report on the Academy.

Val Draper said that she enjoyed the class and felt a great sense of comradery with the other students. She explained that interacting with the City's public defenders was a very eye opening experience for her. Moving forward, she hoped to be a voice for the Pleasant Grove Police Department.

Matt Nydegger thanked those who put together the training. He stated that the experience exceeded his expectations and was a great experience. He agreed that a sense of community was built among those who attended. The experience shed light on how much the Pleasant Grove Police Department cares for the community.

Chief Smith thanked the Council for allowing them to do the program. He hoped that students can learn more about the Pleasant Grove Police Department; i.e., what they do and the decisions they are required to make in a split second. He also wanted citizens to realize that they are just regular people and that they have friends in the Pleasant Grove Police Department. Last, he expressed that they could not be successful without the support of the community.

**B) PRESIDENT OF UTAH GIRLS LOVE YOU. *Presenter: Jazmine Edwards.***

Jazmine Edwards thanked the Mayor and Council for their time. She relayed experiences regarding her upbringing in poverty and being exposed to domestic abuse. She explained that despite a difficult childhood and struggles in young adulthood, she has two children who are first generation college students. She explained that negative cycles can be broken with the right tools and stated that when a woman is saved a positive change is made on future generations. The mission of Utah Girls Love You focuses on women who truly want to make a change in their lives. Some of the resources they offer include quality clothing, life skills, job training, and mentors. She explained how their mission has changed over the last few years and how they strive to meet their organization's growing needs. They are currently accepting donations and getting a new store ready, where single mothers will be able to shop for free. The hours will be Monday through Friday from 10:00 a.m. to 4:00 p.m. Saturday hours were TBA. The store will be run by volunteers.

Ms. Edwards turned the time over to the organization's Marketing Director, who shared additional information regarding donations. It was noted that the organization has a Facebook page, as well as a website: [www.utahgirlsloveyou.org](http://www.utahgirlsloveyou.org). Currently Utah Girls Love You is organizing a pennies and shoes drive. The Grand Opening of the new store will be July 28<sup>th</sup> and 29<sup>th</sup>. On the 29<sup>th</sup> they will also be doing a Tea with Princess Jasmine activity. It was noted that Security Financial has partnered with the organization in teaching budgeting classes. Last, they announced that they will host a job fair in October.

**9) PUBLIC HEARING ITEMS**

**A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-12) TO AMEND CITY CODE SECTION 10-13D, RURAL COMMERCIAL OVERLAY, EXPANDING THE PERMITTED USES AND APPLICABLE ZONES. (Applicant Page Westover) *Presenter: Director Young.***

Community Development Director, Ken Young, presented the staff report and explained that Snuck Farms is located on the property at approximately 590 West 1100 North and consists of 3.40 acres of land. Although the location of the lot is in the middle of a Single-Family Residential Zone, there is an Overlay Zone (Residential Agricultural Overlay Zone) that contributes and encourages the preservation of agricultural uses within the City.

The applicants are proposing to apply the RCO (Rural Commercial Overlay) Zone in order to participate in the allowed uses in the zone. The Planning Commission reviewed the proposal on June 9, 2016 and recommended approval of the rezone.

The purpose of the RCO Zone is to promote the redevelopment, beautification, and community-oriented commercial use of properties within the City, while maintaining the very low density character of the area. According to the statement, the proposed overlay zone is cohesive with the intended use. The RAO (Residential Agricultural Overlay) Zone was approved and applied to the parcel on May 9, 2013. Nonetheless, the agricultural use of the land has been a constant even before the creation of the RAO Zone. The surrounding neighborhood has had time to understand and assimilate the nature of the ongoing and potential impacts of the agricultural and commercial uses performed by the business. The proposed application of the RCO (Rural Commercial Overlay Zone) meets the provisions of the General Plan, which designates the area as Low Density Residential. With the applicability of the overlay zone and with the conjunction of the existing overlay zone to this property, all of the uses taking place in this parcel will be permitted.

The Community Development Office received comments from neighbors regarding the proposal. Neighbors called to express their support and get answers to concerns about the hours of operation, the brightness of the proposed lights, and the noise from the generator. During the Planning Commission public hearing, the applicant had the opportunity to appease those concerns. Director Young read through the proposed ordinance amendments as well as the types of uses that would be allowed with the new overlay zone. He clarified that it would still be Rural Residential Zone, and that commercial uses would not be allowed.

Mayor Daniels opened the public hearing.

Pete Blake, who resides at 29 South 2000 West, asked if the overlay will allow for a farmer's market. Director Young stated that they would be only be allowed to a certain extent. Any events that take place on the property will be subject to the availability of parking. While they have some parking in the rear of their barn for small events, they would not be able to do large events that require significant amounts of parking. The exception would be if they applied for a special events permit and were able to show that they would bus people onto the property from another parking location.

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

In response to a question from Council Member Andersen, Director Young explained that a line needs to be drawn that defines that the overlay will not be a retail consumption area. Council

Member LeMone asked about a pop up restaurant. Director Young explained that the same requirements would apply. For larger events they will need to obtain a special events permit.

**ACTION:** Council Member Stanley moved to adopt an Ordinance (2016-12) to amend City Code Section 10-13D, Rural Commercial Overlay, expanding the permitted uses and applicable zones. Council Member Andersen seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion passed unanimously.

**B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2016-13) TO APPLY THE RCO (RURAL COMMERCIAL OVERLAY) ZONE TO APPROXIMATELY 3.5 ACRES LOCATED AT 504 WEST 1100 NORTH. (NORTH FIELD NEIGHBORHOOD) (Applicant Page Westover) Presenter: Director Young.**

Director Young explained that the above item relates to the approval of the previous item. He displayed an aerial map of the subject property and noted that there will be two overlays (Rural Commercial and Rural Agricultural) that will be layered on the R1-8 zone. He presented pictures of the facilities with views of the front and rear areas of the barn, as well as the available onsite parking.

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

In response to a question from Council Member Stanley, Director Young noted that the only other place where the Rural Commercial Overlay applies is Stone Gate Center for the Arts. There are three other properties in the City that have the Rural Agricultural Overlay.

**ACTION:** Council Member Jensen moved to adopt an Ordinance (2016-13) to apply the RCO (Rural Commercial Overlay) Zone to approximately 3.5 acres located at 504 West 1100 North. Council Member Stanley seconded the motion. A public hearing was held. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion passed unanimously.

**10) ACTION ITEMS READY FOR VOTE**

**A) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-024) DECLARING 1,243 SQUARE FEET (0.029 ACRES) OF REAL PROPERTY LOCATED AT APPROXIMATELY 1740 WEST 700 SOUTH AS SURPLUS AND DIRECT THAT THE PROPERTY BE DISPOSED OF ACCORDING TO THE CITY’S POLICY FOR DISPOSING OF SURPLUS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.**

Attorney Petersen explained that the City acquired the subject property in 2012 for the purpose of installing sewer improvements in the area. The City attempted to obtain an easement from the prime property owner, but the request was denied. Instead, he offered to let the City purchase the

property in question for \$10,565. The Void development needs the property to make their plat work in terms of access. The City determined that they do not need the subject parcel any longer for sewer infrastructure and instead will maintain an easement, thus fulfilling the City's purposes. Furthermore, they can recoup what they paid for the property.

**ACTION:** Council Member LeMone moved to adopt a Resolution (2016-024) declaring 1,243 square feet (0.029 acres) of real property located at approximately 1740 West 700 South as surplus and direct that the property be disposed of according to the City's policy for disposing of surplus property; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**B) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-025) AUTHORIZING THE MAYOR TO SIGN A SALES AGREEMENT WITH KPB EQUITIES FOR A 1,243 SQUARE FEET (0.029 ACRES) PIECE OF REAL PROPERTY LOCATED AT APPROXIMATELY 1740 WEST 700 SOUTH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

Attorney Petersen explained that The Void will be purchasing the subject property for the same amount that the City purchased it from original property owner, which is \$10,565. The sales agreement reserves the necessary easement for accommodating the sewer infrastructure.

**ACTION:** Council Member Andersen moved to adopt a Resolution (2016-025) authorizing the Mayor to sign a Sales Agreement with KPB Equities for a 1,243 square feet (0.029 acres) piece of real property located at approximately 1740 West 700 South; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**C) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-026) APPROVING A SIGN A NON EXCLUSIVE EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS AND THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND REPAIR OF UTILITY LINES, STREET IMPROVEMENTS IN THE AREA OF 700 SOUTH AND NORTH COUNTY BLVD AND PROVIDING AN EFFECTIVE DATE. *Presenter: Attorney Petersen.***

**ACTION:** Council Member Jensen moved to adopt a Resolution (2016-026) approving a nonexclusive easement for the purpose of ingress and egress and the construction, reconstruction, maintenance and repair of utility lines, street improvements in the area of 700 South and North County Blvd. and providing for an effective date. Council Member Stanley seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley, and Walker voting "Aye". The motion passed unanimously.

**D) CONTINUED ITEM: TO CONSIDER FOR APPROVAL A COMMERCIAL SUBDIVISION CALLED THE VOID LOCATED AT APPROXIMATELY 1740 WEST 700 SOUTH IN THE GROVE ZONE, COMMERCIAL SALES SUB DISTRICT. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young*  
*\*Continued from the May 31, 2016 Meeting.***

Director Young explained that staff has been working on this item with the applicant for a long time. He presented an aerial photo of the subject property and described the surrounding location. The property was formerly proposed to be the Evermore Theme Park and is now being proposed as The Void.

Director Young explained that the applicant is requesting approval of a two-lot commercial plat called The Void Plat "A" on property located at approximately 1740 West 700 South in the Grove Zone – Commercial Sales Sub district, with a General Plan designation of The Grove.

The applicant is also requesting approval of the proposed site plan. The site plan consists of a well-lit parking lot and landscaped areas surrounding a building with a footprint of approximately 80,000 square feet. The building is multi-use, and even though its main use is in the form of a virtual reality entertainment center, it also contains areas for food services, retail, and storage. The site plan is Phase 1 of a larger future planned development.

The Design Review Board reviewed the site plan on May 25th and recommended approval of the plan with a waiver granted by the City Council for the current design requirements in the Garden District of the Grove Zone. They determined that the site has been planned to achieve the objectives of the General Plan and zoning requirements for The Grove Zone Commercial Sub district.

The Planning Commission reviewed the plan and plat on May 26th, approving the preliminary plat and recommending approval of the site plan. Their recommendation also included a waiver for the current design requirements.

The Proposed Void Plat "A" commercial subdivision is the first project of a multiple phase future development of approximately 40 acres. Lot 1 is located in the southeast corner and is limited on the west side by a new proposed dedicated road named Void Way (1840 West), in the South by Sam White lane (700 South). The east is adjacent to an existing development (Dana Point) and the north boundaries are limited by 550 South and by a proposed roundabout that will facilitate the traffic flow to the future developments within the area. Lot 1 encloses the aforementioned proposed site plan. Lot 2 is where the future developments will occur.

The perimeter of the plat is occupied by a 10-foot public utility easement and a sidewalk to promote walkability and connectivity in the area. The design, layout, and size of the proposed lot in this plat conform to the guidelines established in the General Plan for The Grove land use and compatible with the neighborhood.

With regard to the proposed site plan, the main part of the lot is occupied by a two-story building which design and exterior architectural features are harmonious with its surroundings. The off-street parking requirements were calculated as follows:

Parking Stall Calculations

*Use – Square Footage – Required Parking*

Retail – 913 – 5

Food Services – 12,051 – 102  
Storage – 10,511 – 2  
Entertainment Areas – 37,865 – 74

A total of eight handicap stalls were provided as well as 12 bicycle stalls. The landscape requirements were met as 30% of the site plan area is landscaped, which is a total of 80,649 square feet. Staff has prepared a draft for new design standards for the Grove Zone, which will replace the current architectural design standards for the various design theme districts in the zone. This proposal will be reviewed by the Planning Commission on June 23rd and by the City Council in July. Until then, it is recommended that development approval be granted with a waiver from the existing design requirements, which are much more specific in architectural design.

One concern that was raised by the Planning Commission was whether the City is in favor of naming the road that provides access to not only the Void building, but other developments as well, as “Void Way”. It is a concern as to whether streets should be named after businesses, especially if the building is occupied by a different business in the future. Staff recommends that another name or number be used instead. Staff suggested that it be called “Grove Parkway”, which is the name of the road aligned on the opposite side of the intersection, or “Gateway Drive”, reflecting the original name of the Grove Zone.

Mayor Daniels asked if the street name is part this decision. Director Young explained that once the plat is approved, that will be the name of the road. Council Member Stanley asked if it would be possible to make a change later, and if so, how it would be done. Director Young stated that there would be a plat amendment that will be reviewed by the Council. Mayor Daniels pointed out that this is not the first time a business has come forward requesting to change the name of a street. Council Member LeMone was satisfied with the proposal but thinks it is unique to the business. Director Young noted that there will be other businesses built in the area later that will have access onto the same road.

Mike Batt identified himself as the developer assisting in process. Currently, they are planning to put The Void Corporate Center across the street. All of the technical design and business facilities will be housed in the corporate center, which will be about 100,000 square feet in size. Additionally, there is a 14-acre plat that will be developed as the Thrive Botanical Garden.

**ACTION:** Council Member Stanley moved to approve a commercial subdivision called The Void located at approximately 1740 West 700 South in the Grove Zone, Commercial Sales Sub District, with the street name of “Void Way”. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**E) CONTINUED ITEM: TO CONSIDER SITE PLAN APPROVAL OF THE VOID ENTERTAINMENT CENTER LOCATED AT APPROXIMATELY 1740 WEST 700 SOUTH IN THE GROVE ZONE, COMMERCIAL SALES SUB DISTRICT. (SAM WHITE’S LANE NEIGHBORHOOD) *Presenter: Director Young \*Continued from the May 31, 2016 Meeting.***



Director Young presented the site plan and explained that as part of the site plan, they will complete the construction of Void Way, as well as the roundabout and connection to 450 South, tying into where Holiday Oil is located. The front of the building will face north. There will also be a minor connection that will not be publicized as a major access. Parking will be in the rear, side, and front of the building. In the front, there is an entry way that includes a restaurant on one side, an events room, gift shop, and office facilities upstairs. The rear warehouse areas contain eight large pods for the technology/entertainment areas. In the middle of the facility there are smaller pods/stations for entertainment uses as well. There will be landscaping all around the sides of the buildings and in the parking areas. Director Young explained that since this is a new use in Pleasant Grove, staff looked at the parking needs of other entertainment facilities to determine the needs for the project. He noted that there will also be opportunities for shared parking on future developments to the north.

Mayor Daniels asked about the width of the road and whether parking will be allowed. Public Works Director, Marty Beaumont, noted that this is the new no-parking, local cross section for the street. Director Young provided an overview of the other properties in the area.

Mayor Daniels asked if they intend to incorporate Grove Phase 1 Lot 1 and the removal of the road into this development phase of the project. Director Young explained that the area in question is owned by the City. The development phase will include the old roadway to which Mayor Daniels was referring and the area will serve as a detention basin for the entire region.

Director Young presented architectural drawings of the project and stated that they went before the Design Review Board prior to going to the Planning Commission. Both bodies agreed that it is a wonderful design plan; however, they also agreed that it does not meet current architectural design standards for the area. There is a proposal to amend the architectural design standards in the Grove Zone, which is on the next Planning Commission agenda. Therefore, The Void is seeking a waiver on the design standards because their design is intended to stand out from other businesses. Staff noted that all landscaping and parking requirements have been met and have received positive recommendations from the Planning Commission and Design Review Board.

Council Member Stanley asked about the LDS church that was approved in the area and issues with road connectivity. Director Young stated that when the Council reviews the site plan for the Thrive location, it will show a road that will connect into a future connection up north and on the west side of the LDS church.

**ACTION:** Council Member Stanley moved to approve a site plan for The Void Entertainment Center located at approximately 1740 West 700 South in The Grove Zone, Commercial Sales Sub District, subject to all findings of the Engineering and Fire Departments, and approving a waiver for the architectural design standards. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**F) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-027) APPROVING AND ADOPTING THE PLEASANT GROVE CITY'S FISCAL YEAR 2016/2017 BUDGET WHICH INCLUDES A COMPREHENSIVE FEE SCHEDULE AND**

**ADOPTING THE 2016/2017 CERTIFIED TAX RATE OF .001775; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Roy.***

Mayor Daniels clarified that the above item has nothing to do with the road fee and stated that there will be further discussions in the future on the Road Fee. Finance Director, Denise Roy, stated that a slight change was made in relation to the Class C Road funds. Calculation with the gas tax will need to be changed and will be done either during the July or January legislative session. For now, staff predicted that the City will receive approximately \$115,000 less than what was originally anticipated. The budget was adjusted accordingly to show a more accurate representation. Director Roy stated that this is the only change from what has been reviewed in past discussions. Mayor Daniels stated that while the City will still be receiving more Class C Road funds in 2017 than they have in past, it will be significantly less than what was anticipated.

Mayor Daniels asked if everyone understood why they go through the certified tax rate. Director Roy explained how property tax is calculated and how those calculations reflect in the City’s revenue. Mayor Daniels explained that the rate remains consistent so that property owners pay the same amount each year based on the current value of their home. If the City approves an additional amount they have to go through a Truth and Taxation hearing to change the rate.

Council Member Stanley asked about the trend line for the last few years. Director Roy stated that last year the rate was .001885% and noted that the rate is going down. If the City doesn’t do a Truth and Taxation hearing, the levy will keep going down but the revenue will remain flat.

Council Member Jensen asked about the City’s fees in comparison to other cities. Parks and Recreation Director, Deon Giles, presented the following chart comparing Pleasant Grove to neighboring cities:

Pleasant Grove Pass Prices for a Family Pass

| City  | Day Pass | Rec Center and Pool |              | Rec. Center Only |              | Outdoor Pool Only |              |
|-------|----------|---------------------|--------------|------------------|--------------|-------------------|--------------|
|       |          | Resident            | Non-Resident | Resident         | Non-Resident | Resident          | Non-Resident |
| PG    | \$3.25   | \$510.00            | \$675.00     | \$335.00         | \$415.00     | \$175.00          | \$260.00     |
| Orem  | \$4.25   | \$395.00            | \$480.00     | Do not Offer     |              |                   |              |
| AF    | \$4.50   | \$435.00            | \$495.00     | Do not Offer     |              |                   |              |
| Lehi  | \$5.00   | \$450.00            | \$495.00     | Do not Offer     |              |                   |              |
| Provo | \$5.00   | \$493.00            | \$618.00     | Do not Offer     |              |                   |              |

Pleasant Grove Subsidy\*

Recreation

Center: \$90,146.00  
 Outdoor Pool \$172,552.00

Overall Subsidy \$262,698.00

*\*Do not have subsidy info for other cities.*

Projected Increases with proposed changes

Pool \$11,928.91  
 Rec Center \$27,420.71  
 Overall  
 Total \$39,349.62

Council Member Stanley stated he was comfortable with the fee changes and thought they were going in the right direction in reducing City subsidies, in general. He stated that the user fees need to be revisited regularly so that they can continue to incentivize businesses and families to live in Pleasant Grove. He explained that there are specific transactions within the overall budget that he objected to. However, while this is not a perfect budget, it shows a tremendous amount of progress in a lot of areas and he appreciated the scrutinizing work on the part of staff to find additional road funding. He felt they have shown an effort in meeting the public in the middle. He stated that they should set specific goals with the budget. There was continued discussion specifically on the Pool and Recreation fees.

Council Member Stanley stated that one area of improvement moving forward relates to 18% of the Enterprise Funds going to administration each year. Mayor Daniels asked staff to elaborate on where the 18% fee is derived and why it was set at this percentage. Director Roy was not sure because it was set before she joined the City. When she allocated the funds for 2017, she took an expense approach and calculated the percentage of use from which each of the entities is benefitting. This allocation ends up being around 18%. Council Member Stanley explained that in the private sector, the goal is to reduce this percentage. Director Roy explained that if they base the calculation on shared expenses, some things are starting to cost more, such as insurance. Unless these items are reduced, it will be difficult to reduce the Administration Fee. There was further deliberation on the matter and Mayor Daniels suggested that they review the administration fee at the next Budget Retreat.

**ACTION:** Council Member Andersen moved to adopt a Resolution (2016-027) approving and adopting the Pleasant Grove City's Fiscal Year 2016/2017 Budget, which includes a Comprehensive Fee Schedule and adopting the 2016/2017 Certified Tax Rate of .001775; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken, with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting "Aye". The motion passed unanimously.

**G) TO CONSIDER A PROCLAMATION DECLARING JULY 1-7, 2016 AS LOCAL FIRST UTAH'S INDEPENDENTS WEEK. *Presenter: Attorney Petersen.***

Mayor Daniels read the Proclamation in its entirety.

**ACTION:** Council Member Jensen moved to approve a Proclamation declaring July 1-7, 2016 as Local First Utah's Independents Week. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

**H) TO CONSIDER FOR APPROVAL AN EXTENSION FOR A 21-LOT FINAL PLAT OF PLEASANT HEIGHTS PLAT B LOCATED AT APPROXIMATELY 200 SOUTH AND LOCUST AVENUE, IN THE R1-9 ZONE. (SCRATCH GRAVEL NEIGHBORHOOD) *Presenter: Director Beaumont.***

Director Beaumont presented the Pleasant Heights Plat B subdivision, and stated that the project was approved last year. The pre-construction meeting for the project was held on June 17, 2015.

According to the City's current practice, there is a 12-month period to complete a project from the time of approval. They are beyond that period and the developer is requesting an extension.

The developer, Matt Robinson, stated that the project has not gone well. It has needed to be reengineered five times in the past 12 months and inclement weather also slowed down the process. Furthermore, there have been a lot of delays with the contractor and building inspectors. He stated that they did a project in Lehi and they were in and out in less than 100 days, which is typical for their projects. Mr. Robinson took the blame for not stepping in sooner and stated that working with Director Beaumont has helped move the process along significantly. Mr. Robinson explained that as of now, all the curb and gutter is in and the sidewalks will be constructed the following Friday. Once the sidewalks go in, many other things can move forward. The next big hurdle is to remove a pole in the middle of Loader Avenue. They have been working with CenturyLink, who indicated that they will have the pole removed in three weeks.

Mayor Daniels commented that it seemed that they are actively working on the project. Council Member LeMone disagreed and stated that she drives the road every day and there have not been workers there for weeks. Mr. Robinson stated that there have been several starts and stops throughout the course of the project and explained that it is costly to have delays. Therefore, no one is more motivated than him to finish the project. Council Member LeMone asked why it has taken them longer to complete a project in Pleasant Grove than in other cities. Mr. Robinson stated that there is blame everywhere; however, normally once final plat approval is granted, a developer is able to move forward quickly. With this project, they have had to do a lot of project reengineering along the way and the City has shut them down several times. He noted that he mostly worked with former City Engineer, Degen Lewis. Furthermore, while the Soils Report initially stated that they would be able to use all of the dirt onsite, the City came back later and indicated that they couldn't use it and that they needed to bring in fill. There has been a lot of clay, which has made grading especially difficult in bad weather. Mr. Robinson provided an overview of the rest of the project timeline and stated that they want to be done with the improvements within the next 60 to 90 days

Mayor Daniels asked when Mr. Robinson acquired this project. Mr. Robinson responded that they acquired it a few weeks before the pre-construction meeting that took place last June.

Council Member LeMone questioned Mr. Robinson about being in and out within 60 – 90 days what does that mean, will the houses be built. Mr. Robinson replied that he is talking about all the improvements. All of the underground improvements are more or less done, the big things that need to be completed are the sidewalks, move the CenturyLink pole and asphalt, then we can clean up the roads. Mayor Daniels remarked that Mr. Robinson is asking for an extension and he would like to know what the extension would include. Attorney Petersen noted that the extension would only be for development improvements; i.e., streets, sewer, water, curb, gutter, and sidewalk. It would not include out-of-ground homes. It was noted that there is a deadline on getting the improvements in but there isn't a deadline on the sale of the homes. Furthermore, it was noted that the lots have not been sold yet and while some homes will be built by Mr. Robinson's company, others may be sold and built by individual developers. There was discussion about what improvements need to be done now so that the start of school for Pleasant Grove High School and Valley View Elementary is unaffected.

Council Member LeMone expressed concern with the safety of the raised manhole and equipment. She stated that the manhole needs to be covered and the equipment moved off of the road to the extent possible. The project site is a mess with signs strewn out and into neighbors' yards. The workers have not been cleaning up after themselves and there was a metal pole sticking out of the road.

Director Beaumont explained that as they have begun construction, some of the road barricades have been pushed into the road. This is pushing some of the northbound traffic into the southbound traffic lane. Director Beaumont noted that they will likely need to shut down the road at some point in order to put in all of the base improvements. He suggested that the Council give them 60 days to make sure that all of the improvements on Loader Avenue and 200 South are completed and 90 days for final completion. Director Beaumont stated that he would be meeting with the contractor in the morning as well.

Mayor Daniels stated that Council Member LeMone has brought up good points regarding safety. Council Member LeMone expressed frustration on the part of the residents who live in the area. It has been unsafe for the children walking home from school and there is no end in sight. On the other hand, if they don't grant an extension, the City has to figure out a way to get it finished. Mr. Robinson agreed to do his part in completing the project.

**ACTION:** Council Member LeMone moved to approve an extension for a 21-lot final plat of Pleasant Heights Plat B located at approximately 200 South and Locust Avenue, in the R1-9 Zone. The project infrastructure on Loader Avenue and 200 South must be completed by 60 days from today's date and the remainder of the infrastructure on the interior of the property needs to be completed 90 days from today's date. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**D) TO CONSIDER AWARDING SINGLETRACK TRAILS, THE BID FOR THE VALLEY VISTA TRAIL LOOP "A" MULTI-USE TRAIL PROJECT. *Presenter: Director Giles.***

Director Giles explained that this is the second go-around on this project. A few months ago, staff went out to bid on the project and approved an award for Sagebrush Trails. Due to personnel emergencies on their part, they had to give up the bid. Since then they have gone out to bid again, and Singletrack Trails, who is based in Colorado, was the single bidder on the project. Their bid came in at \$61,100, and the budget for the project is \$50,000. Director Giles stated that the City can hold off and rebid in late winter or early spring to see if they can get a better bid, or they can request additional funds from the impact fees and see this project through to completion this year. Director Giles explained that this portion of the trail is the most technical for users and will be the most technical to build as well. He was not comfortable trying to do the project without a professional. He responded to a question from Mayor Daniels by explaining that this is a new bid, and Singletrack Trails did not submit a bid in the first round. Sagebrush was in state and he could mobilize his crews more easily than Singletrack. Singletrack's bid came in at \$4.25/foot, which is in line with what is normal for a trail project.

Director Giles stated that if the project is bid early next spring, staff believes it will still come in higher than what they are anticipating for the project, especially if there is an out-of-state contractor. Council Member Stanley asked staff what the likelihood is of an in-state bidder submitting a bid in the spring. Director Giles did not have an answer. Mayor Daniels asked if the original contractor backed out permanently. Director Giles answered in the affirmative. It was noted that the City never signed the contract with Sagebrush; the contractor backed out just days after the award was approved by the City Council.

Mayor Daniels asked the Council if this was a time sensitive project, or if they could wait until spring to rebid the project. Director Giles explained that with the way the trail is designed, they will be starting at the bottom and working their way up. If the project isn't approved, there won't be any connectivity from the bottom of the Bonneville Shoreline Trail. It may change current plans for trail system to get some kind of connectivity until this gap can be completed.

Council Member Andersen asked Director Giles how the increased budget will affect the Park Impact Fees Fund. Director Giles explained that because impact fees are so heavily regulated, there aren't very many other uses for the funds. This is the only project that has been approved. Director Roy stated that approving the bid would not put the City below \$150,000 in the Parks Impact Fee Fund. She noted that while there is no requirement to maintain a certain amount in Park Impact Fees, they do need to spend the money within a six-year time frame.

Council Member Stanley was concerned that the perception of the project is that they are getting less for more money, which is the problem with how government operates. He noted that the project went from 17 miles of trail to 6.5 miles of trail. He suggested waiting and trying to get a bid that is closer to their target budget.

Council Member LeMone stated that what they are spending on this project is a lot different than what they are spending in comparison to other projects in the City. New issues come up on projects all the time and waiting an entire year in the hope that they get a lower bid when there is already an enthusiastic response from the public did not seem reasonable. She was in favor of making the amendment because they have the Park Impact Fees to pay for it. She stated that another problem with government is that of not making any progress. They are three years out on a trail project that other cities have done in less than one year.

Mayor Daniels asked Council Member Walker to share his experience in rebids; what was successful, what wasn't, and why. Council Member Walker stated that the best bid prices always come in the spring because contractors want to beat their competition early. He stated that there is a good chance the City would get a better deal in the spring; however, they are still taking a chance because it is a specialized project. Also, if they delay spending the Park Impact Fees for too long they risk losing the money altogether.

Director Giles stated that he sent out 14 invites to State and National companies for the project. There were two responses the first time and only one response the second time. Everyone is extremely busy, and Singletrack was the only one that could fit it in. The timeline they gave the City was 16 days, whereas Sagebrush had a longer timeline for completion. Furthermore, Singletrack would bring a full crew, whereas Sagebrush was only going to bring one person.

Both companies indicated that they would have the project completed by September. Council Member LeMone asked if the City has tried negotiating a lower bid with Singletrack. Director Giles answered in the negative, noting that it is not typical to try and negotiate on a sealed bid. However, he could go back and see what Singletrack could accomplish with \$50,000. Director Giles explained Sagebrush was going to complete the project by hand whereas Singletrack would bring in specialized machinery. Mayor Daniels asked when the trail would be usable, if the extra funds are authorized. It was noted that the entire trail would be ready by August and the current project being built will be ready the following week. Director Giles reiterated that the biggest concern is that of connectivity. If they do not connect the trails this year, more repair work will be needed next year.

**ACTION:** Council Member Jensen moved to direct staff to attempt a renegotiation on the bid with Singletrack in order to bring the project costs more within the range of the original budget amount. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

It was noted that the item would be placed on next week's agenda.

#### 11) **ITEMS FOR DISCUSSION**

- a) **DISCUSSION ON ESTABLISHING A TRANSPORTATION UTILITY FUND AND ENACTING A TRANSPORTATION FEE TO FUND TRANSPORTATION COSTS. *Presenter: Attorney Petersen.***

Mayor Daniels stated that he sent out an email to the Council with questions from the public, regarding whether the proposed Road Fee was a tax or fee. He explained that whatever direction they take on the matter, everything needs to be in line with that decision. Attorney Petersen explained that Andrew Jackson at MAG made a presentation on the issue and it looked like Pleasant Grove is on the right track to utilizing it as a fee and not a tax. He planned to provide Attorney Petersen with more information and research. If it is implemented as a fee, it needs to be attached to a user rate. Also, the City needs to make sure they are not exceeding the revenue needed to fund the activity for which money is set aside. Currently, the City is in line with these criteria. However, these details still need to be worked out in terms of coming up with definitive numbers that are determined on a rational basis.

Attorney Petersen stated that the second issue brought up from the public related to residential and commercial tiers. The Council wanted staff to look at breaking out this information, particularly for commercial. Attorney Petersen stated that Director Roy put a document in Dropbox that presents scenarios of possible fee levels for different types of businesses, as well as residences. A trip study would be conducted on different types of businesses and residential dwellings to determine an appropriate fee based on usage.

Attorney Petersen stated that the third issue related to possible exempt organizations. Provo has one model they have chosen to implement and Vineyard implemented a similar model. Some other cities around the State are also contemplating a fee and they have other models they are reviewing. Staff needs to spend time determining whether certain organizations will be exempt.

Staff also wants to spend more time educating entities and discussing the fee with them before implementing the ordinance.

Council Member LeMone asked what other cities have passed the user fee. It was noted that Provo and Vineyard have implemented the fee, and Mapleton is close. Administrator Darrington contacted Vineyard and other cities as well. Attorney Petersen stated that Pleasant Grove has done a better job of researching and tying the numbers to usage than other cities. In total, there are about 15 cities in Utah that are actively pursuing this option, based on the Provo Model. Therefore, the research will help determine whether it follows the letter of the law in the event that one or more cities are challenged on the decision. Attorney Petersen was comfortable with the direction the City has taken, but stated that staff is not ready to present something for final approval. Council Member LeMone requested that staff gather information on how other cities have dispersed the fee to residential and commercial users and how they have worked with non-profit organizations.

Mayor Daniels explained that when the Legislature found out what Provo was doing, many chose not to say or do anything because Provo was a special case; however, anyone else was free game. There are different sentiments floating around Capitol Hill and throughout the State on this issue, discussions of which are public record. Mayor Daniels stated for the record that to him, it seems ridiculous that 150 cities have to spend time working through all of the detail when there is already a mechanism in place. He stated that the Legislature is afraid to use it. The mechanism would solve the problem but the Legislature won't use it.

Attorney Petersen stated that another issue raised by citizens at the last meeting pertained to making sure that they know which roads are going to be fixed before they consent to the Road Fee. Staff's initial response was that the money would be used on the roads outlined in the three-year road plan. Attorney Petersen stated that there are options for the City to modify the plan. They could allow public input on which roads they think need to be fixed first. A citizen approached her earlier in the day at the office who suggested that a citizen committee be formed. The committee would meet with staff and together they would prioritize which roads should be done first. Mayor Daniels stated that the City could use the neighborhood committees, which are already established. There was continued discussion on the next steps that need to be taken.

Council Member Andersen inquired about the \$115,000 the City is losing in Class C Road Funds. Attorney Petersen explained that in 1997 or 1998, the Legislature made a decision with regard to the Gas Tax, which upset the weighted pavement mile formula for rural counties. A large percentage of roads in rural counties are not paved, so they were going to receive less money from the State in B & C Road Funds. However, in order to make sure that the rural counties continued to receive at least the same amount they would have under the former formula, they developed the "hold harmless" clause. An amount of 120% of the original revenue was set and once that amount is reached those counties would no longer be held harmless and would be dropped out of the hold harmless formula.

In 2007, the Legislature changed formula again and carried the hold harmless language forward because there were still a large number of rural counties who had not yet received the maximum amount. In 2015, changes were made to the formula again and unbeknownst to the Legislature there were, in fact, still counties who had not received the full amount of funds from the hold



harmless clause. Over time, the Utah Association of Counties approached the Legislature about the hold harmless clause and indicated that the State needed to make sure that those counties still received the funding to which they were entitled. This was represented as just a minor change to the language in the bill and that there would not be a substantial impact. No financial analysis or fiscal note was requested from the State Legislature. UDOT is in charge of implementing the formula that is passed by State law and ultimately they figured out that the hold harmless agreement diverted a significant amount of funds from cities to rural counties. Therefore, all original projections to the cities were inaccurate. Attorney Petersen stated that the issue will be handled either in the July or January legislature meeting.

There was brief discussion regarding Mapleton. Attorney Petersen explained that they conducted a survey and asked their citizens how much they would be willing pay to address the City's road needs. They picked a number based on how much their residents said they would pay. No studies were done that were tied to usage. The citizens were happy with the fee that was implemented and no one had challenged it.

Council Member Stanley stated that several citizens have suggested to him that the City add a line to utility bills for voluntary contributions while they work out the details of the fee. Attorney Petersen stated that this would not be difficult to do. The City would need to create a Special Revenue Fund so that any funds collected would be allocated specifically to roads. Staff and the elected officials stated that it would be helpful to wait and see what methodology other cities use in moving forward with a Road Fee.

Director Beaumont stated that there is a lot of study that goes into recommending which roads to prioritize, along with the concept of a coordinated road plan with utility projects. Furthermore, there is a lot of engineering analysis. Other cities are trying to get away from the politics of the issue and siding with professional recommendations. Mayor Daniels explained that as a City, they will seek to implement a plan that meets the needs of the people.

**12) DISCUSSION ON THE JUNE 29, 2016 JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING AGENDA**

The agenda for the aforementioned meeting was briefly reviewed and discussed. Attorney Petersen noted that an Open and Public Meetings Training is required for all public groups every year. The training will take place the following week when both the Planning Commission and City Council are in the same room.

**13) NEIGHBORHOOD AND STAFF BUSINESS**

Members of staff shared updates pertaining to their respective departments. NAB Chair, Libby Flegal, stated that they need a Chair for the Big Springs Neighborhood. Director Young stated that the Downtown Advisory Board had a good presence during Strawberry Days. Assistant to the City Administrator, David Larson, announced that this Friday will be the annual thank you BBQ in the Downtown Park for Chamber Member businesses. Director Beaumont provided updates on the Locust Avenue and micro surfacing projects. He noted that the work on Pleasant Grove Boulevard has been moved to July 10<sup>th</sup>. He reported that they will be shutting down 100 East from

State Street to 200 South to complete a project during which time traffic will be diverted onto Main Street and 300 East. The project will take approximately two weeks to complete.

Mayor Daniels stated that he received feedback from Zions Bank earlier in the day. On the corner of 200 South and Main, they are seeing commercial vehicles blowing through four way stops. He wondered if flashing lights would help and suggested that staff talk to the bank tellers. Director Beaumont stated that flashing stop signs are expensive but he agreed to go talk to the tellers. Chiefs Smith and Thomas thanked everyone for their support at Strawberry Days. Chief Smith noted that the Cupcakes with Cops event would be held the following evening at Cravings from 4:00 p.m. to 6:00 p.m. Mayor Daniels thanked everyone who helped with Strawberry Days and stated that everything went very smoothly. Library and Arts Director, Sheri Britsch, stated that the Library is averaging 1,100 people per day this summer. She also reported that the pre bid meeting for the elevator will take place the following day and that the bid is due next Wednesday.

#### **14) MAYOR AND COUNCIL BUSINESS**

The Council discussed how successful Strawberry Days was this year and thanked everyone who was involved. Council Member Stanley stated that he would like to find the video that was shown at the beginning of the meeting. He also mentioned that he has spoken with Rich Guernsey, a member of the community who is interested in conducting a one to two-hour emergency preparedness activity with the City Council.

Council Member LeMone stated that at the beginning of year, the Council talked about decorum during City Council Meetings. She noticed that residents are starting to behave in a disrespectful manner to the Mayor and Council. Specific examples included interrupting Council Members while they are talking, shouting out from audience, laughing, and mocking City Council Members during Council Meetings. On June 7<sup>th</sup>, there was a resident that condescendingly saluted the Mayor when he asked an audience member to calm down. She has tried to ignore these issues and has tried to handle the situations in different ways. Council Member LeMone stated that while it is appropriate to address Council Members before or after meetings, these behaviors are inappropriate during Council Meetings. Therefore, she decided that as of June 7, 2016, those behaviors will not be allowed anymore because it affects her ability to do her job as an elected Councilwoman.

Council Member LeMone stated that she would not tell her boys to go to school every day and allow themselves to be bullied, so she will not allow it to happen to her either. Therefore, the choice is simple; if as a citizen, one cannot treat the Council with respect, they should not come at all. They can stay home and watch the live stream if they think there will be a topic that they do not think they'll be able to control their behavior. The second option is for citizens to attend meetings, be respectful, and join the conversation in an appropriate way. Council Member LeMone stated that she will not tolerate these behaviors anymore. The third option is that she will simply ask someone to leave if they are being disrespectful. If she needs to go to the Council to change policy or ask a member of the Police Department to escort someone out of the room, she will do so.

#### **15) SIGNING OF PLATS**

There were no plats signed.

**16) REVIEW CALENDAR**

The calendar was reviewed. It was noted that the Primary Election will be on Tuesday the 28<sup>th</sup>. The Joint Planning Commission and City Council Meeting will be held on Wednesday the 29<sup>th</sup>.

Mayor Daniels noted that the Public Safety Building Committee (PSBC) will be holding three meetings in the next several months. He said that interviews will be conducted with Think Architecture, the two Chiefs and Judge Bullock on programming. Committee members were invited to attend the interviews. The interviews will take place in the Council Chambers.

On July 6<sup>th</sup> at 7:00 p.m. Think Architecture will have put together the answers regarding preliminary programming and they will be able to say with 90% accuracy what the estimated costs will be of the four options studied. On August 3<sup>rd</sup> at 7:00 p.m. Preliminary drawings for the lot diagrams will be presented on how the remaining options fit with each of the parcels. At the August 17<sup>th</sup> meeting Think will have block drawing showing how the flow would work, etc. will work. After the meeting, the PSBC will be prepared to come back to the Council with recommendations and Council will need to decide if they would like to move forward with putting the public safety facilities bond on the November ballot.

The Mayor noted that the PSBC wants to assist in talking to the public about the work being done and the process that has been engaged moving forward. Public comment will be allowed at each of the meetings and the Council was also welcome to attend.

Mayor Daniels called for a motion to adjourn the City Council meeting and convene as the Pleasant Grove Redevelopment Agency.

**17) ADJOURN AND CONVENE AS THE REDEVELOPMENT AGENCY OF PLEASANT GROVE CITY**

**ACTION:** At 9:13 p.m. Council Member Stanley moved to adjourn as the City Council and convene as the Pleasant Grove Redevelopment Agency. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

**18) ADJOURN AS THE REDEVELOPMENT AGENCY OF PLEASANT GROVE CITY AND RECONVENE AS THE PLEASANT GROVE CITY COUNCIL**

**ACTION:** At 9:20 p.m. Board Member Jensen moved to adjourn as the Redevelopment Agency and reconvene as the Pleasant Grove City Council. The motion passed with the unanimous consent of the Board.

Mayor Daniels asked if there were further comments or discussion from the Council. Being none he called for a motion to adjourn.

**19) ADJOURN**

**ACTION:** At 9:21 p.m. Council Member LeMone moved to adjourn. Council Member Stanley seconded. The motion passed with the unanimous consent of the Council.

The City Council Minutes of June 21, 2016 were approved by the City Council on July 19, 2016.

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Kathy T. Kresser, City Recorder, MMC

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