

**Pleasant Grove City
City Council Regular Meeting Minutes
December 5, 2017
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

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

Staff Present:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Denise Roy, Finance Director
Marty Beaumont, Public Works Director
Deon Giles, Parks and Recreation Director
Daniel Cardenas, Community Development Director
Sheri Britsch, Library and Arts Director
David Larson, Assistant to the City Administrator
Dave Thomas, Fire Chief
Mike Roberts, Police Captain
Kathy Kresser, City Recorder

Others: Daniel Thomas, St. John Properties
Connor Roe, Representative, Qualtrics Software Company
Kim Schroepfel, Victim Advocate (Pleasant Grove Police Department)
Aaron Hickson, Hansen, Bradshaw, Malmose & Erickson

The City Council and Staff met in the Library at 30 East Center Street, Pleasant Grove, Utah.

1) CALL TO ORDER

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

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Aiden Winn.

3) OPENING REMARKS

The opening remarks were given by Libby Flegal, Neighborhood Chair.

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

ACTION: Council Member Stanley moved to approve the agenda. 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.

Mark Bezzant thanked the elected officials for their service and acknowledged those who would be completing their service at the end of this month. Mr. Bezzant reported that he received his property tax bill the previous month and said that paying his taxes to the City has been the best money he has ever spent. He receives marvelous services from every department in the City for a modest amount.

There were no further public comments. Mayor Daniels closed the open session.

6) **CONSENT ITEMS**

- a) **City Council Minutes:
City Council Minutes from the November 14, 2017 Meeting.
City Council Minutes from the November 21, 2017 Meeting.**
- b) **To Consider Approval of Change Order 5 and Partial Payment 5 to Geneva Rock for the FY 2016-17 Street Improvement Project.**
- c) **To Consider Approval of Payment Approval Reports for (November 22, 2017).**

The consent agenda was briefly reviewed and discussed.

ACTION: Council Member Jensen moved to approve the consent agenda. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

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

A) TO CONSIDER FOR APPROVAL THE APPOINTMENT OF KENT WELLS AS THE FOX HOLLOW BOARD CHAIRMAN.

Mayor Daniels stated that Kent Wells has been serving the City at the Fox Hollow Golf Course for a number of years in various capacities. Most recently he has served two terms as a Board Member.

ACTION: Council Member Jensen moved to approve the appointment of Kent Wells as the Fox Hollow Board Chairman. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

8) PRESENTATIONS

A) **KIMBERLY SCHROPPEL, VICTIM ADVOCATE, COUNCIL UPDATE.**

Victim Advocate, Kimberly Schropfel, presented the end of the year statistics from the Victim Advocate Program. She acknowledged the work of the Pleasant Grove Police Department and stated that the Detectives Division is operated under the supervision of Lieutenant Britt Smith. The Patrol Division is under the direction of Joshua Motsinger. Ms. Schropfel read a statement written by Lieutenant Smith regarding the work that takes place in the Patrol Division.

Ms. Schropfel reported on the following:

- 60 cases relating to various forms of sexual crimes;
- 148 DCFS referrals;
- 363 cases of domestic violence, family problems and custodial interference (an average of once per day); and
- 17 cases of attempted deaths.

Ms. Schropfel stated that the most difficult cases for any of the City's officers to deal with involve children and youth. She explained that all officers undergo special training to properly speak with children in crisis. The most difficult part of the job for her and other officers is that they become invested in cases. It is frustrating for them to know an incident has occurred and they are unable to provide proof within the justice system. She stressed that all of the City's officers do their very best. She concluded by sharing personal experiences she has had working on cases in the past year and the dedication the Pleasant Grove Police Department has shown in performing their respective duties.

B) **QUALTRICS PRESENTATION.**

Connor Roe, representative from Qualtrics reported that he has worked specifically with local and State government groups on data collection and analysis. This information is used to close the gap between the experience of citizens and the work of City staff and elected officials. He mentioned that Qualtrics recently began working with the Orem Public Works Department. A Qualtrics survey was distributed via email, text messages, social media, and Orem City's website. Within 12 hours they received feedback from over 2,500 households. This data was used to determine how to handle several projects taking place throughout their city.

In response to a question from Mayor Daniels, Mr. Roe stated that the data they collect is primarily cloud-based. However, occasionally they collect data offline to accommodate citizens who prefer not to submit information online. Typically, this type of collection data takes place in rural towns and counties. Mayor Daniels asked that Mr. Roe have his team meet with staff to discuss data-collecting they may have. If necessary, a proposal may be brought forth to the Council for review and approval.

9) **PUBLIC HEARING ITEMS**

A) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-48) OF THE PLEASANT GROVE CITY COUNCIL TO PERMANENTLY ABANDON A SECTION OF THE 100 SOUTH STREET RIGHT-OF-WAY FROM APPROXIMATELY 100 EAST TO 40 EAST WHICH IS AN AREA OF LAND OF APPROXIMATELY 18,180 SQUARE FEET OR 0.42 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE. (Pleasant Grove City Applicant) *Presenter: Director Beaumont.*

Public Works Director, Marty Beaumont, presented the staff report and displayed the County parcel map. Using the map as an aid, he identified the location of the Police Station, City Hall, the Old Fire Station, and the Community Development Building. He explained that there is currently a right-of-way on 100 South between Main Street and 100 East. With the proposal for the New Public Safety Building, at one point it was suggested that 100 East be closed down to accommodate a larger parking area. The most recent proposal, however, does not include the closure of this street and instead maintains it as an access into a parking lot. Staff believed the best course of action was to vacate a portion of 100 South. Director Beaumont noted that there is a plat that will combine all of the City's parcels into one Pleasant Grove downtown lot.

Mayor Daniels asked if staff had any concerns with the vested rights of access for individuals who presently use the road in question. City Attorney, Tina Petersen, stated that the purpose of the public hearing is to receive input on the proposal to vacate the road. Therefore, if people have concerns they will have an opportunity voice them. She explained that the Council has the authority to pursue this action at any time. Director Beaumont added that the Franchise Agreement for buried utilities will remain in place should the Council approve the proposed ordinance.

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

Council Member Stanley asked how broad the noticing radius is. Director Beaumont explained that notice is sent to businesses and residents within 300 feet of the vacated area. The noticing period lasted four weeks. Council Member Jensen asked if the vacation will create a tight space for the two-way road. Director Beaumont replied that staff has requested a standard drive aisle, which is at least 24 feet. Therefore, staff believed the width would be adequate.

ACTION: Council Member Stanley moved to adopt an Ordinance (2017-48) of the Pleasant Grove City Council to permanently abandon a section of the 100 South Street Right-of-Way from approximately 100 East to 40 East, which is an area of land of approximately 18,180 square feet in size or 0.42 acres; and providing for an effective date. Council Member Jensen 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 carried unanimously.

10) **ACTION ITEMS READY FOR A VOTE**

A) CONTINUED ITEM: TO CONSIDER FOR APPROVAL A ONE-LOT FINAL SUBDIVISION PLAT CALLED VALLEY GROVE BUSINESS PARK PLAT ‘D’ ON PROPERTY LOCATED AT APPROXIMATELY 1064 SOUTH NORTH COUNTY BOULEVARD IN THE INTERCHANGE SUB-DISTRICT OF THE GROVE ZONE. (Daniel Thomas Applicant) Presenter: Director Cardenas (Continued from the November 14, 2017 Meeting.)

Community Development Director, Daniel Cardenas, presented the staff report and displayed an aerial map of the subject property. He explained that the proposed plat is to be located on 24.853 acres that will be developed into one lot and one parcel. Lot 1 consists of 6.688 acres and Parcel C is 18.165 acres in size. There is no minimum lot area, lot width, or lot frontage for the Interchange Sub-District of The Grove Zone. Therefore, the proposed subdivision meets all zoning requirements contained in the City Code.

The proposed site plan occupies the proposed Lot 1 and includes an office tower with 171,210 square feet of office space. The required building setback is 25 feet and is measured from top back of curb. No side or rear setbacks are required.

A street landscaping buffer of 25 feet is required. This buffer is also measured from top back of curb. Consistent width of landscaping buffers is “highly recommended” by City Code. However, a developer can achieve this by averaging the minimum required width. Dimensions for the average width of street buffer along North County Boulevard are provided on the site plan.

The site plan was reviewed by the Design Review Board (DRB) and their comments were as follows:

- Requirement for 30% of all trees to be evergreens has been reduced to six strategically-placed evergreen trees. Reason: High ground water table is not suitable to health of evergreens.
- Trash enclosure to have a solid gate and screening walls that match the architecture of the building.
- Architectural materials and elevations received a positive recommendation.

The parking for the site is based on 171,210 square feet of office space at one stall per 300 square feet of gross floor area, for a total of 571 stalls. There are 745 stalls proposed, 22 of which are handicap accessible. Of the total stalls, 2% are required to be handicap stalls in parking lots with 501 to 999 stalls. For a lot with 745 stalls, as proposed, 15 handicap stalls are required. The number of standard stalls as well as handicap stalls provided exceeds the required amount listed in City Code. The requirement for open space and landscaping are met with the proposed site plan.

Director Cardenas noted that the Planning Commission unanimously forwarded a recommendation for approval. He recommended the following condition of approval:

1. All final Planning, Engineering and Fire Department requirements are met, including an agreement with regard to storm water easements and facilities located close to the development area.

Mayor Daniels asked how the project compares in size to the Grove Tower project. Daniel Thomas from St. John Properties stated that the proposed building will be the same height as Grove Tower. The proposed building will be six stories tall. Grove Tower is 195,000 square feet while this building will be 172,000 square feet. Mr. Thomas noted that Grove Tower was leased at about 60%. Their mantra has always been to “stay ahead of the market”. There was subsequent discussion on other types of development taking place around the City, which did not directly pertain to the project at-hand.

ACTION: Council Member Stanley moved to approve a one-lot final subdivision plat called Valley Grove Business Park Plat ‘D’ on property located at approximately 1064 South North County Boulevard in the Interchange Sub-District of The Grove Zone. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

B) CONTINUED ITEM: TO CONSIDER FOR APPROVAL A SITE PLAN FOR AN OFFICE BUILDING ON PROPERTY LOCATED AT 1064 SOUTH NORTH COUNTY BOULEVARD IN THE INTERCHANGE SUB-DISTRICT OF THE GROVE ZONE. (Daniel Thomas Applicant) Presenter: Director Cardenas (Continued from the November 14, 2017 Meeting).

ACTION: Council Member Andersen moved to approve a site plan for an office building on property located at 1064 South North County Boulevard in the Interchange Sub-District of The Grove Zone, with the condition that all final Planning, Engineering and Fire Department requirements are met, including an agreement with regard to storm water easements and facilities located close to the development area. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

Mr. Thomas expressed appreciation for the opportunity to work with Mayor Daniels and Council Member Stanley. He thanked them for their service.

C) TO CONSIDER FOR APPROVAL A 23-LOT FINAL SUBDIVISION PLAT CALLED MANILA PARK ESTATES PLAT B ON PROPERTY LOCATED AT APPROXIMATELY 530 WEST 2900 NORTH IN THE R-R (RURAL RESIDENTIAL) ZONE. (MANILA NEIGHBORHOOD) (Ron Peck Applicant) Presenter: Director Cardenas.

Director Cardenas presented the staff report and displayed an aerial map of the subject property. He explained that the proposed plat is to be located on 13.72 acres of vacant land. Twenty (20) of the 23 proposed lots exceed the minimum lot area of one-half acre or 21,780 square feet. The remaining three lots were reduced in size by taking advantage of the lot size averaging tool provided in City Code Section 10-9A-15: F. Lots 207 and 208 were reduced to 18,500 square feet while Lot 205 was reduced to 18,555 square feet.

Director Cardenas explained that 25% of the lots within a subdivision plat may be reduced in area and lot width. The proposed reductions in the plat are to lot area only. The lot width of all 23 lots, including those reduced in area still exceed the required width of the R-R zone: 110 feet. Setbacks for reduced lots must meet the same standard as typical one-half acre lots in the zone.

An easement for a pressure irrigation line affects the buildable area of Lots 202 and 203, but only slightly as the easement will be shifted 10 feet to the west. The easement for pressure irrigation across Lots 206 through 208 will be moved into the public road.

The applicant also proposes the adoption of a new vicinity plan. According to engineering staff, the proposed vicinity plan meets the requirements for drainage, traffic, and underground utilities. The proposed cul-de-sac is 621 feet long from 2900 North to the center of the circle. City Code Section 11-3-4: Street Standards lists a maximum length of 400 feet for a cul-de-sac. However, the Code allows approval of up to 650 feet with a conditional use permit and a positive recommendation from the City Fire Marshall.

In evaluating the vicinity plan, one matter to consider was that the existing vicinity plan for the development only works in conjunction with a variance that was approved on December 15, 2016. The variance reduced the lot area of lots along the northern portion of the property to sizes to between 17,968 and 20,578 square feet. The proposed subdivision does not take advantage of said variance. Instead, all lots along the northern border meet or exceed the lot area minimum of one-half acre in the R-R zone. By not taking advantage of the approved variance and the accompanying vicinity plan, lots along the northern portion meet the lot area for the R-R zone, making the proposed design a more desirable option. Director Cardenas noted that the Planning Commission unanimously forwarded a recommendation for approval.

Council Member Andersen asked about the ownership of a creek flowing through the area. Director Beaumont mentioned that it is an irrigation facility owned by the Pleasant Grove Irrigation Company. He stated that there is an easement across the plat for Creekside at Aspen Grove for the facility in question.

Director Beaumont mentioned that the City has a 20-inch pressure irrigation line that comes out of the bottom of Manila Creek pond. Using the aerial map as an aid, he identified an easement that runs across Lot 203 where the outlet pipe is located. The applicant will be required to realign the pipe into the road so that it does not encroach onto any property. Staff had been reviewing these plans with the applicant.

ACTION: Council Member Jensen moved to approve a 23-lot final subdivision plat called Manila Park Estates Plat B on property located at approximately 530 West 2900 North in the R-R (Rural Residential) Zone. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

D) TO CONSIDER FOR APPROVAL A THREE-LOT FINAL SUBDIVISION PLAT CALLED THE VOID PLAT ‘D,’ ON PROPERTY LOCATED AT APPROXIMATELY 305 SOUTH GARDEN GROVE LANE IN THE COMMERCIAL SALES SUB-DISTRICT OF THE GROVE ZONE. (SAM WHITE’S LANE) (Elan Urban Grove, LLC Applicant) *Presenter: Director Cardenas.*

Director Cardenas stated that Items D and E related to one another. He presented the staff report, as well as an aerial map of the subject property. He explained that the proposed plat is to be located on 9.583 acres that will be developed into three commercial lots. There is no minimum lot area, lot width or lot frontage for the Commercial Sales Sub-District of The Grove Zone. Therefore, the proposed subdivision meets all zoning requirements in the City Code. The proposed subdivision requires a vacation of Lot 3 of The Void Plat “B” Subdivision, recorded on December 20, 2016. A vacation of Lots 3 and 4 of Proctor Corner Subdivision Plat “A”, which was recorded on January 18, 2013, was also necessary. Lot 3 currently has parking for the Utah Fertility Center. The future site plan, for the proposed Lot 9, demolishes and reconfigures the existing parking on proposed Lot 9 for use by the future phases of the development. Parking for the Utah Fertility Center, and the Oil Building next door, will be evaluated and a shared parking agreement will be set in place before the recording of plat, if necessary.

The proposed site plan occupies proposed Lot 8 and has an area of 4.646 acres or 202,387 square feet. The required building setback is 25 feet and is measured from top back of curb. No side or rear setbacks are required. It was noted that a landscaped buffer strip not less than 30 feet in width is required where any parking facility borders or abuts a public right-of-way. This buffer is also measured from top back of curb. The applicant is seeking to reduce the buffer to 25 feet, allowed by City Code Section: 10-14-15: M - LANDSCAPE REQUIREMENTS, if the applicant exceeds the City’s standard requirements for architecture, amenities, and landscaping.

The site plan had been reviewed by the Design Review Board (DRB) and their comments were as follows:

- To reduce the landscape buffer from 30 feet to 25 feet, architecture, amenities and landscaping must exceed City requirements.
 - To exceed the City’s requirements for landscaping and amenities, remove five parking spaces on the central landscape island and create a sitting/picnic area.
 - Trash enclosure to have a solid gate and screening walls that match the architecture of the building.
- Architectural materials and elevations received a positive recommendation.

The parking for the site is based on 95,942 square feet of office space at one stall per 300 square feet of gross floor area. For the warehouse section of the building (8,195 square feet) parking was calculated at one stall per 6,000 square foot of gross floor area. The sum of the required parking is 322 stalls. 345 stalls were proposed, eight of which are handicap accessible stalls. (Five parking spaces may be removed based upon DRB comments.)

Warehousing is not an allowed use in the zone. Therefore, staff recommended a condition of approval that warehousing be incidental to principal use of office. The warehouse may not be leased separately to companies who only provide warehousing or storage services.

Council Member Andersen asked if the building was being developed with a specific use in mind. Director Cardenas stated at this point, his only understanding was that it would be an office building.

The applicant identified his company as Orchard Securities, who was assisting with the proposed development project. As a security company they ship out a lot of investment documents from the warehouse. There is another location in Lehi and the project in Pleasant Grove will resemble that facility. There was subsequent discussion on an appropriate motion to make.

ACTION: Council Member Stanley moved to approve a three-lot final subdivision plat called The Void Plat 'D,' on property located at approximately 305 South Garden Grove Lane in the Commercial Sales Sub-District of The Grove Zone. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

E) TO CONSIDER FOR APPROVAL A SITE PLAN ON PROPERTY LOCATED AT APPROXIMATELY 305 SOUTH GARDEN GROVE LANE IN THE COMMERCIAL SALES SUB-DISTRICT OF THE GROVE ZONE. (SAM WHITE'S LANE) (Elan Urban Grove, LLC Applicant) Presenter: Director Cardenas.

ACTION: Council Member Andersen moved to approve a site plan on property located at approximately 305 South Garden Grove Lane in the Commercial Sales Sub-District of The Grove Zone, with the condition that the use of the warehouse must be incidental to the primary office use; the warehouse may not be leased separately to any companies who only provide warehousing or storage services. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

F) TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-49) AMENDING TITLE 8 CHAPTER 1 SECTION 4 (B) OF THE PLEASANT GROVE MUNICIPAL CODE UPDATING "SERVICE FEE PROVISIONS FOR DISCONNECTION OF CULINARY WATER SERVICE AND PROVIDING FOR AN EFFECTIVE DATE. Presenter: Attorney Petersen.

Attorney Petersen stated that the request was made by Scott Wells, the City's Utilities Manager. The current ordinance provides for a \$30 service charge for new connections and a \$20 disconnection fee. The fees had not been updated in a while so Mr. Wells recommended the following changes:

Section 8-1-4 **APPLICATION FOR SERVICE; NONREFUNDABLE SERVICE CHARGE:**
B. Non-refundable Service Charge: A non-refundable service charge shall be paid by each customer to initiate water service. A customer who initiates a new connection shall pay a nonrefundable service charge of thirty dollars (\$30.00). All subsequent customers at the same location shall pay

a fee of thirty dollars (\$30.00). In the event that a customer is scheduled for disconnection and a city employee is dispatched to disconnect the water service but the customer pays the past due amount at the time of the scheduled shut off, a twenty dollar (\$20.00) dispatch fee will be required. In the event service is disconnected for nonpayment, a ~~twenty dollar (\$20.00)~~ fifty dollar (\$50.00) reconnect fee without the dispatch fee will be required for reconnection.

Council Member Stanley asked how many of the connections and disconnections are done in one year. Attorney Petersen did not have the information readily available; however, she agreed to relay the number to Council Member Stanley the following day.

ACTION: Council Member Jensen moved to adopt an Ordinance (2017-49) amending Title 8 Chapter 1 Section 4 (B) of the Pleasant Grove Municipal Code updating “Service Fee” provisions for disconnection of culinary water service and providing for an effective date. Council Member Andersen seconded the motion. Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion passed with the unanimous consent of the Council.

G) TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-50) AMENDING TITLE 2 CHAPTER 2A SUBSECTION 3 OF THE PLEASANT GROVE MUNICIPAL CODE REGARDING “TERM OF SERVICE” FOR NEIGHBORHOOD CHAIRS AND PROVIDING FOR AN EFFECTIVE DATE.
Presenter: Attorney Petersen.

Attorney Petersen stated that the request was made by Neighborhood Chair, Libby Flegal. She explained that many of the neighborhood chairs in the City have contacted Ms. Flegal to express interest in serving longer than two-year terms. Therefore, the proposed ordinance amendments were presented as follows:

Title 2 Chapter 2A Subsection 3(A) shall be amended to read:

A. Neighborhoods: A neighborhood chair will be appointed by the mayor and city council. The chair may then select a secretary to serve the neighborhood. Both the chair and the secretary shall reside in the neighborhood and be at least eighteen (18) years of age. ~~The chair shall serve for a two (2) year term. The chair may be reappointed at the discretion of the mayor and council for another two (2) year term.~~ The chair and the secretary shall serve until such time as they are no longer available or a replacement is designated.

Mayor Daniels asked if this item could undergo periodical review as needs shift throughout the City. Attorney Petersen answered in the affirmative.

Council Member Stanley asked if the ordinance specifically discussed the appointments of the Chair and Secretary. Attorney Petersen answered in the affirmative. Council Member Stanley stated that historically there have not been neighborhood secretaries. Attorney Petersen clarified that it is left to the Chairs’ discretion whether to select Secretaries to serve as well.

ACTION: Council Member Jensen moved to adopt an Ordinance (2017-50) amending Title 2 Chapter 2A Subsection 3 of the Pleasant Grove Municipal Code regarding “Term of Service” for

Neighborhood Chairs and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

H) TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-51) SETTING THE TIME AND PLACE OF THE REGULAR MEETINGS OF THE CITY COUNCIL, BOARDS, COMMISSIONS AND COMMITTEE MEETINGS OF PLEASANT GROVE CITY FOR THE YEAR 2018 AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen presented the 2018 anticipated public meeting schedule, which by law the City is required to adopt by ordinance. City Administrator, Scott Darrington, reviewed the meeting dates that were removed from the tentative meeting schedule. Attorney Petersen stated that amendments to the schedule could be made throughout the year during work sessions.

ACTION: Council Member Andersen moved to adopt an Ordinance (2017-51) setting the time and place of the regular meetings of the City Council, Boards, Commissions and Committee Meetings of Pleasant Grove City for the year 2018 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 carried unanimously.

I) TO CONSIDER FOR ADOPTION AN ORDINANCE (2017-52) AMENDING TITLE 3, CHAPTER 2, “ALCOHOLIC BEVERAGES” SUBSECTION 4C (1) “LICENSES AND LICENSING REQUIREMENTS” AND SUB-SECTION 9 “DISTANCE TO CHURCH OR SCHOOLS” AND SUBSECTION 3-2-12 “HOURS OF SALE” TO BRING THE LOCAL ORDINANCE INTO CONFORMANCE WITH NEW STATE ALCOHOL REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen explained that in 2017 the Legislature made significant changes to the State alcohol regulations, which has necessitated changes to the local ordinance as well. The proposed amendments were outlined as presented as follows:

3-2-4: LICENSES AND LICENSING REQUIREMENTS:

1. Class A (Off Premises) Retail License: Class A retail licenses shall entitle licensees to sell beer on the licensed premises in the original containers, having the label of the maker thereon, of any size not exceeding two (2) liters, to persons twenty one (21) years of age or older, for consumption off the premises. Persons under twenty one (21) years of age are permitted on the licensed premises. ~~but no person under twenty one (21) years of age shall sell beer under this license.~~ A minor may not sell beer on the licensed premises of an off-premise beer retailer unless:
 - (a) The sale is done under the supervision of a person 21 years of age or older who is on the licensed premises; and
 - (b) The minor is at least 16 years of age.

3-2-9 DISTANCE TO CHURCH OR SCHOOL: PROXIMITY TO COMMUNITY LOCATION:

~~A. Licensed Facility Prohibited: No alcoholic beverage licensed facility may be established within six hundred feet (600') of any church, school, public library, public playground or park, as measured by the method as described in subsection B of this section; nor may an alcoholic beverage license be issued to any establishment within two hundred feet (200') of any church, public or private school, public library, public playground or park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground or park.~~

~~B. Method Of Measurement: With respect to any public or private school, church, public library, public playground or park, the six hundred foot (600') limitation is measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public or private school, church, public library, public playground or park.~~

A. As used in this Section:

(i) "Community Location" means:

- (a) a public or private school;
- (b) a Church;
- (c) a public library;
- (d) a public playground; or
- (e) a public park.

(ii) "Outlet" means:

- (a) A state store;
- (b) A package agency; or
- (c) A retail licensee

(iii) "Outlet" does not include:

- (a) an airport lounge licensee; or
- (b) a restaurant.

(iv) "Restaurant" means:

- (a) a full-service restaurant licensee;
- (b) a limited-service restaurant licensee; or
- (c) a beer-only restaurant licensee.

B. No alcoholic beverage outlet facility may be established: (i) within 600 feet of a community location as measured from the nearest entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or (ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the community location.

C. No restaurant serving alcohol or beer only may be established: (i) within 300 feet of a community location as measured from the nearest entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or (ii) within 200 feet of the proposed restaurant, measured in a straight line from the nearest entrance of the proposed restaurant to the nearest property boundary of the community location.

3-2-12: HOURS OF SALE:

a. Class A licensed premises shall not sell, offer to sell, furnish or supply beer between the hour of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. of any day; provided, however, that sales shall be allowed until two o'clock (2:00) A.M. on New Year's Day. ~~and may commence at six o'clock (6:00) P.M. on New Year's Eve when New Year's Eve is on Sunday.~~ It shall also be unlawful to possess, consume or permit the consumption of beer on the premises of a licensee during those hours.

C. Full Service Restaurants ~~which have liquor consumption licenses shall not sell, offer to sell, furnish, supply or permit the consumption of liquor on any day during the period that begins at midnight, and ends at 11:29 a.m. A full service restaurant licensee may not sell, offer for sale, or furnish beer during a period that begins at 1 a.m. and ends at 11:30 a.m. on any day.~~ A full service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:

- (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
- (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.

Council Member Andersen asked how these changes would impact enforcement efforts in regard to underage sales. Attorney Petersen stated that the problem would decrease because there will be more latitude on the hours. Furthermore, the sale of alcohol will require oversight from a person who is at least 21 years of age.

Council Member Stanley asked if the City needed to match the State exactly. Attorney Petersen replied in certain instances our ordinances can be different but on this case they have to be the same.

ACTION: Council Member Jensen moved to adopt Ordinance (2017-51) amending Title 3, Chapter 2, "Alcoholic Beverages" Subsection 4C (1) "Licenses and Licensing Requirements" and Subsection 9 "Distance to Church or Schools" and Subsection 3-2-12 "Hours of Sale" to bring the local ordinance into conformance with new State Alcohol Regulations; and providing for an effective date. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Jensen, Andersen, LeMone, Stanley and Walker voting "Aye". The motion carried unanimously.

J) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-063) AUTHORIZING THE MAYOR TO DECLARE 28 COMPUTERS AND A 2016 CAT 938M LOADER AS SURPLUS AND DIRECT THAT THEY BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. *Administrator Darrington.*

Administrator Darrington explained that the City routinely recycles computers and other equipment and in order to do so the items must be surplus. Once items are surplus, a specific protocol is followed to dispose of said items. Director Beaumont added that the City had an opportunity to dispose of a Cat 938M Loader in order to purchase a new one at no cost to the City. Staff recommended approval of the proposed resolution.

ACTION: Council Member Walker moved to adopt a Resolution (2017-063) authorizing the Mayor to declare 28 computers and a 2016 Cat 938M Loader as surplus and direct that they be disposed of according to the City’s policy for disposing of surplus property; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting “Aye”. The motion carried unanimously.

K) TO CONSIDER FOR ADOPTION A RESOLUTION (2017-064) ADOPTING THE AUDIT REPORT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Roy.*

Finance Director, Denise Roy, turned the time over to Aaron Hickson from Hansen, Bradshaw, Malmose & Erickson, to present the results of the Comprehensive Annual Financial Report (CAFR).

Mr. Hickson expressed appreciation to City staff and said he enjoyed working with them throughout the audit process. He read a statement from the “opinions” section of the document, which read: “In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Pleasant Grove City as of June 30, 2017...”.

Mr. Hickson reviewed the following sections of the 112-page CAFR document:

- Management’s discussion and analysis
 - Financial highlights
 - Long-term bonded debt
- Compliance
 - Internal control over financial reporting
 - Budgetary compliance
 - The audit found three non-major funds that had expenses that exceeded the budget amount:
 - Swimming Pool Fund (overage of \$2,997)
 - Community Center Fund (overage of \$51,847)
 - Cultural Arts Fund (overage of \$25,949)

**Note: The CAFR document may be viewed in its entirety on the City’s website.*

Mr. Hickson reported that he discussed the issue with Director Roy and Administrator Darrington, and they were made aware of how to correct the overages. He explained that in his opinion, the issue can be considered as having been satisfied. Mayor Daniels asked if the overages were due to budget amendments that they failed to make as a City. Mr. Hickson responded in the affirmative.

Council Member Stanley asked if the annual audit analyzes which funds are supposed to come from the General Fund versus impact fees. Mr. Hickson stated that the audit is conducted through statistical sampling. Furthermore, they seek to focus on larger items. He said it is not necessarily their job to say that the City's books "are correct". Rather, it is their job to declare whether the City's financial reporting is fairly stated. He explained that there are compliance requirements when it comes to impact fees; however, the auditing firm is only required to ensure that the impact fee is being prepared in the format that the State desires, and that it is being remitted in a timely manner.

Council Member LeMone stated that based on the length of the report, there are no shortcomings in the audit process. It is their job as staff and elected officials to inquire of department heads if and when issues arise. She expressed appreciation for the work that went into preparing the CAFR document. It was noted that this was the second year Hansen, Bradshaw, Malmose & Erickson has worked with the City.

ACTION: Council Member Walker moved to adopt a Resolution (2017-064) adopting the Audit Report and Comprehensive Annual Financial Report for the fiscal year ending June 30, 2017; and providing for an effective date. Council Member LeMone seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Stanley and Walker voting "Aye". The motion carried unanimously.

L) TO CONSIDER FOR ADOPTION RESOLUTION (2017-065) AUTHORIZING THE MAYOR TO SIGN AN AMENDED GENERAL SERVICE CONTRACT AGREEMENT WITH PACIFICORP DBA ROCKY MOUNTAIN POWER TO PROVIDE ELECTRIC SERVICE TO THE IRRIGATION BOOSTER PUMP OPERATION AT THE WALKER TANK PROJECT LOCATED AT 1250 EAST 300 NORTH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.*

Director Beaumont explained that on October 3, staff presented the Mayor and Council with an agreement for Rocky Mountain Power to provide power to the pump station at the Walker Tank site. With that agreement, Rocky Mountain Power was requiring the City to provide an easement within the right-of-way. In so doing, the City was initially given two options: (1) put in the public utility easement (an expensive process); or (2) the City could give Rocky Mountain Power a public right-of-way. Rocky Mountain Power has since suggested a third option to allow the City to do a special provision within the contract, indicating that the City will be allowing them to operate their facilities within its right-of-way. The amended General Services Contract Agreement reflects this third option.

ACTION: Council Member LeMone moved to adopt Resolution (2017-065) authorizing the Mayor to sign an amended General Service Contract Agreement with PacifiCorp dba Rocky Mountain Power to provide electric service to the Irrigation Booster Pump Operation at the Walker Tank Project located at 1250 East 300 North; 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 carried unanimously.

11) ITEMS FOR DISCUSSION

A) DISCUSSION AND DIRECTION ON A STREET NAME CHANGE FOR THE VOID. *Presenter: Director Beaumont.*

Director Beaumont stated that staff was approached by the owners of The Void about the possibility of renaming one of the streets located on their plat. Using the aid of an aerial map, he identified where the road in question is located. He explained that when the plat was recorded, the owners requested and were approved to name two separate portions of one street running through their property The Void Way and Evermore Lane. They are now requesting to name the entire street Evermore Lane. Staff had no concerns with the request. In response to a question from Council Member Stanley, Director Beaumont noted that a fee was charged for the application and for the process of naming the street. The costs were covered by the business.

B) DISCUSSION ON REMOVING A PORTION OF THE MEDIAN ON PLEASANT GROVE BOULEVARD FOR MORE EFFICIENT ACCESS FOR FUTURE DEVELOPMENT. *Presenter: Director Beaumont.*

Director Beaumont stated that this discussion pertains to the exact same location as the previous item. He explained that the Hyatt Home requested to have the median opened up as a full access intersection, to allow for a left-hand turn in and a left-hand turn out. Staff reviewed the access management requirements on Pleasant Grove Boulevard and determined that the request could be met. The Hyatt Home has submitted a traffic impact study to validate that the safety concerns could be met between 1300 West 5500 South.

Council Member Andersen asked if there is enough room for a car to pull into the lane and still allow continued traffic flow. Director Beaumont answered in the affirmative.

C) DISCUSSION AND DIRECTION REGARDING SEWER FOR RESIDENTS ON 100 EAST. *Presenter: Administrator Darrington.*

Administrator Darrington stated that with the reconstruction of 100 East that will be taking place next summer, there are several residents in the area on septic systems who could benefit from having a sewer line constructed beneath the road. He explained that there are two groups of residences that have been categorized as the “north” and “south” residential groups. The north falls under the original annexation agreement. When the City installed the 4000 North sewer line, the City paid for 83% of the cost and the residents paid 17%. The City fronted the entire cost, with the plan that residents will repay the City over time. If the City installs sewer in 100 East, staff believes the north residential group will qualify for a similar arrangement.

The south residential group is not part of the original annexation agreement. However, staff approached both groups before bringing this item forward for discussion, in order to get a sense of interest from the residents. In general, the north residential group was interested in pursuing the matter, whereas the south residential group was less interested. Administrator Darrington stated that when staff approached the residents, they did not discuss numbers nor did they review the annexation agreement at great length. However, the north residential group did specifically ask what arrangement had been set with the residents on 4000 North.

Mayor Daniels asked if there would be a financial benefit to the City if sewer installation occurred for both residential groups at the same time. Administrator Darrington said the main point is that since 100 East will be torn up next summer, now is the time to determine whether or not to install a sewer line underneath the road.

Director Beaumont stated that putting the sewer line in now will be in the best financial interest of both the City and the residents living along 100 East. After subsequent deliberation, he noted that the 100 East project will be bid in about two weeks. Therefore, staff had been communicating with the County to include this sewer line installation as an additive alternate to the bid.

Mayor Daniels asked how approval from the Council would be given on the matter, since this is the last meeting of the year. Administrator Darrington stated if the City decides to trigger the additive alternate to the bid, staff will move forward in drafting agreements with individual property owners to finance the project. Mayor Daniels asked if there will be plenty of time for the new Mayor and Council to address the issue. Administrator Darrington answered in the affirmative.

Attorney Petersen stated that she and Director Beaumont visited this afternoon about the idea of doing a Reimbursement Plan wherein the City fronts the entire cost and the residents pay back the City over a set period of time. Mayor Daniels stated that this issue required further research, and he wanted to make sure that any decision that is made will not bind a future Council. After subsequent deliberation, the Council advised staff to further pursue an alternative bid for a sewer line installation in 100 East, as well as draft individual contracts with residents living on 100 East.

12) REVIEW AND DISCUSSION ON THE JANUARY 2, 2018 CITY COUNCIL MEETING AGENDA

The aforementioned meeting was briefly reviewed and discussed.

13) NEIGHBORHOOD AND STAFF BUSINESS

Director Cardenas presented a Report on Active Projects (RAP) sheet and stated that the report will be generated on a monthly basis for the Mayor and Council. Director Beaumont reviewed several projects taking place throughout the City. Administrator Darrington thanked Mayor Daniels and Council Member Stanley for their service and everything they accomplished while in office. Police Captain, Mike Roberts, echoed Administrator Darrington's remarks.

14) MAYOR AND COUNCIL BUSINESS

Council Member Stanley thanked staff for all of their hard work and expressed his appreciation for the opportunity to work with them while in office. Council Member Jensen expressed that there is a lot of work ahead and he was excited to see the City grow. He thanked Mayor Daniels and Council Member Stanley for their service. He also asked for a brief update on the Road Fee. Administrator Darrington responded that there would be an orientation with the newly elected officials next week, at which time this item would be discussed. Council Member Andersen echoed Council Member Jensen's remarks and thanked Mayor Daniels and Council Member Stanley for their service. She said they have accomplished a lot of great things in Pleasant Grove.

15) SIGNING OF PLATS

There were none.

16) REVIEW CALENDAR

There were no additional calendar items.

17) ADJOURN

ACTION: Council Member Stanley moved to adjourn. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:15 p.m.

The minutes of December 5, 2017 City Council meeting were approved by the City Council on January 2, 2018.

Kathy T. Kresser, City Recorder

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