

**Pleasant Grove City
City Council Meeting Minutes
Work Session
Tuesday, March 19, 2024
4:30 p.m.**

Mayor Pro Tem: Todd Williams

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Steve Rogers

Excused: Mayor Guy L. Fugal
Neal Winterton, Public Works Director

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks Director
Tina Petersen, City Attorney
Wendy Thorpe, City Recorder
Denise Roy, Finance Director
David Packard, HR Manager
Drew Engemann, Fire Chief
Sheri Britsch, Library and Arts Director
Britton Tveten, Staff Engineer
Kyler Brower, Assistant to the City Administrator
Keldon Brown, Police Chief
Megan Zollinger, Recreation Director
Daniel Cardenas, Community Development Director

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

4:30 P.M. WORK SESSION

In the absence of Mayor Fugal, Mayor Pro Tempore Todd Williams called the meeting to order at 4:30 PM and welcomed those present.

a. Open and Public Meetings Act (“OPMA”) Training.

City Attorney, Tina Petersen, reported that Open and Public Meeting Act (“OPMA”) Training is required annually. OPMA applies to most city boards and commissions and not just the City Council. The Act requires compliance regarding when, where, and what the meeting is about to ensure that the public has notice of what the governing body is going to discuss at a meeting so

they can decide about attending either to speak or become informed. The following points were discussed:

- A public body that holds regular meetings must post notice of the meetings annually, stating its regular meeting dates, times, and location. If necessary, the dates can be changed but attempts to stay on the schedule is preferred. Pleasant Grove City Council Meetings are usually held on the first and third Tuesdays of each month at 6:00 PM.
- Each meeting also requires a posted notice 24 hours prior to the meeting to include the agenda, date, time, and place of the meeting. Posting is to occur on the designated website and at public places within the City. Additional posting sites or methods of notifying the public are encouraged.
- If an emergency meeting is necessary, regular notification requirements may be suspended and notice provided in the best practicable way. It, however, cannot be held unless an attempt is made to notify all public body members and a majority of the members agree to call the meeting. This requirement prevents a few members from holding an emergency meeting to conduct business without telling the others.
- The agenda must contain enough detail to notify the public of the topics to be discussed and decisions that may be made. No final action can be taken on an item not listed on the agenda. An item raised by the public can be discussed, but no vote can occur; rather, the item would be put on a future agenda for consideration and vote.
- Closed meetings or executive sessions can occur, however, only under exceptions, which are narrow and identified in the Act.
- All meetings, even if a closed meeting is anticipated, must convene first as a public meeting before making the motion to close the meeting, or a portion thereof, to the public. If a workshop or closed meeting is to be held on the same day as a regularly scheduled meeting, the Act requires that they both be held in the same location as the regularly scheduled meeting with certain limited exceptions. The purpose is to discourage officials from having secret pre-meetings outside the view of the public prior to the regular meeting.
- Minutes must be kept of all open and closed meetings except for personnel discussions and security. Minutes must include, at a minimum, the time, date, and place of the meeting, who was present or absent, the substance of what was discussed or decided on including a summary of the comments made by the body or the public, a record of the individual vote taken and the names of any person who commented at the public meeting, and any material that a member of the public body has requested be entered. The minutes of an open meeting, which includes any portion of a closed meeting, must state the reasons for the closed meeting, where it was held, and the vote by any members to close the meeting.
- Closed meeting minutes must include the date, time, and place of the meeting, names of the members present and absent, and the names of other persons present except where disclosure would infringe on the confidence necessary to fulfill the purpose of closing the meeting.
- There are limited exceptions to the requirement that a closed meeting be recorded, which includes when the discussion involves the competence of or physical or mental health of an individual or the deployment of security devices. Those two are the only exceptions for not recording a closed meeting.

- The minutes of public meetings are public records and accessible to the public after a reasonable time. Cities are required to have an adopted policy of what they think is a reasonable timeframe to make drafts and final minutes available to the public.
- It is important to keep the Act’s public policy in mind, which states that the people’s business should be conducted in public, and elected officials’ actions should be taken openly and their deliberations are to be conducted openly. The Act also requires that elected officials be trained at least annually on how to comply with the act. Comments made by David Church from the Utah League of Cities and Towns (“ULCT”) about complying with the Act were read.
- The term “meeting” was defined, as sometimes a question arises in that regard. It is defined as “a convening of a public body when a quorum is present.” For this City Council, the quorum is three members. The Mayor and two Council members do not make a quorum because the Mayor does not vote except in the event of a tie. Meetings include workshops, executive sessions, and electronic communications.
- Attorney Petersen’s standard warning and statement includes no group texts, no phone trees, no group e-mail to discuss an item of public business or anything on the agenda of a City Council Meeting should be done outside the public view.
- The definition of “meeting” is further qualified as follows:
 - The term “convene” is identified to mean the calling of a meeting of the public body by a person authorized to do so for the purpose of discussing or acting on a matter over which the public body has either jurisdiction or advisory power. These all are very broad definitions that are intended to include almost all gatherings of the City Council. Exceptions to the definition are very specific and narrow and include a chance meeting, a convening of a public body that has both legislative power and executive responsibilities where no public funds are appropriated, and where the meeting is convened just to implement administrative matters or social meetings. Those exceptions are not covered by the Act.
- The City Council is advised that it is a criminal offense to violate the OPMA knowingly and intentionally and the State Attorney General is charged with enforcing that Code. Private individuals can enforce the Act by bringing a private lawsuit. Also, any information discussed in a closed session is confidential and not to be discussed outside the meeting. Violation of this confidentiality is also a criminal offense.
- The Council was reminded that it is not appropriate for members of public bodies such as City Councils to conduct deliberations privately outside a public meeting and then in the public meeting perfunctorily hold a vote on any item.

b. Budget Discussion.

City Administrator, Scott Darrington described the budget development process and stated that the budget framework began in January. He and Finance Director, Denise Roy, have worked on the upcoming fiscal year budget which runs from July 1, 2024, to June 30, 2025. Director Roy called for supplemental (budget requests from department heads for operational items and capital expenditures). Once the requests are returned, they meet with each department head to review the priority-ranked requests. Recommendations are then developed. The department heads were shown the recommendations at a meeting held earlier in the day.

The administration's budget recommendations were provided to the City Council for feedback and discussion prior to adopting the Tentative Budget, which is required to be adopted at the first City Council Meeting in May. The Final Budget is adopted at the end of June. Between the two City Council Meetings there will be a public hearing to allow the public to comment. At this meeting, Director Roy will discuss the operational and capital requests. Because the figures have not been seen before, no decisions will be made and staff will review any recommendations. Although staff is happy to answer any questions, the information will be the subject of the City Council Work Session Meeting to be held on April 9, 2024. If, after reviewing the provided documents, anyone has questions or concerns, they are free to contact Director Roy during the three-week period or brought up at the next meeting.

The City Council was provided with paperwork on the staff recommendations. Director Roy led the discussion which started with the "one-pager." She made the following points regarding revenues:

- New money is identified on the left side of the page and consists of money to be collected that exceeds last year's adopted budget. Currently, they will collect more sales tax than was adopted.
- Property tax was calculated for new growth. Assessed value from last year was being used and is based only on information that is currently available. That figure could change as new information is received.
- With regard to Charges for Services, the budget remains flat for building inspections. Franchise fees increase as the City grows with the largest ones coming from Rocky Mountain Power and Dominion Energy. With growth, more is generated.
- The Administrative Allocation pertains to the Enterprise Funds that use City services. This amount is based on the time spent by the Finance Director, City Attorney, and City Administrator providing services for business-type activities such as water and sewer, which will be returned to the General Fund. The stated amount is an increase based on changes made and is considered new revenue.
- The Expense review involves Director Roy going through the budget each year and finding items with excess money or that were overstated. This is how this amount was determined. She works with Administrator Darrington on this category when looking at new numbers.

Director Roy described the following regarding expenses that are found on the right side of the page:

- For full-time wages, management recommended a 3% Cost-of-Living-Adjustment ("COLA") and a 2.35% merit increase for a total increase of 5.35 percent. Last year, the Police Department moved to a step-in range and this year, the same was being done for the Fire Department. Each step increase is 2.35% and is given as a merit increase for satisfactory performance. Originally, management recommended a 4.7% wage increase. Administrator Darrington sent an inquiry to other city managers to see how their raises compared. They learned that most other cities are offering a 5% raise. They then increased their recommendation to remain competitive.
- Director Roy reported that part of the wage considerations included the impact of a change to Utah Retirement Systems ("URS") which affects Tier 2 employees. Administrator

Darrington explained that the City has two different tiers of retirement. Tier 1 retirement is not affected by the change. Individuals employed after 2011 are considered to have a Tier 2 retirement and the contribution from the City into retirement is 10% of their wage, which goes into either a 401k or a pension system. When the retirement service crunched their numbers, they found that the fund was short and that the payment into the Retirement Fund is now to be 10.7%. The State declared that cities are not allowed to pick up the extra .7% and that the shortfall must come from the employee. Some cities are considering rolling that into the wage increase so that the employees come out whole. Other cities are not. Pleasant Grove has concluded that by raising the wage by 5.35%, a .7% addition will be covered. Administrator Darrington reported that this is the first time in 13 years that such a shortage has been claimed. The Tier 2 employees will be required to pay out of their check the additional .7%. With regard to Public Safety, two years ago for both Police and Fire retirement programs, Tier 2 was put on the same level as Tier 1. The cities have picked up that contribution as retirement money. Staff's recommendation was to continue to be competitive in terms of wages.

- Part-time wages will also include a 3% COLA and will be eligible for the 2.35% merit increase. Council Member Williams asked if the City is increasing the starting wage for part-time employees. Director Roy stated that starting salaries have been raised for new employees on an individual basis. The starting wage is determined at the time the person is hired and depends on multiple factors. Currently, they are preparing a spreadsheet for part-time employees and seasonal workers to develop a position-based budgeting system.
- Two operational increases were identified. An evaluation software will be purchased and the Applicant Pro software will be updated. It will allow applicants to do their onboarding digitally. The other items, for the most part, are small and will be discussed later.
- The Ruth contribution will begin when it becomes operational. As previously noted, the City, during development discussions, agreed to give the Ruth \$300,000 yearly (\$100,000 from the General Fund and \$200,000 from the CARE Tax).
- The City will need two additional full-time Park Operators when the Cook Family Park is open. More veteran employees will be assigned to the Cook Family Park to establish the maintenance work schedules and the new employees will be assigned to one of the other more established parks.
- Fire Department wages will be modified to include the wage in-step range, which took a lot of time and effort to get operational. Salaries will now be more competitive.
- The Public Employees Health Program ("PEHP") did not increase the cost of medical benefits and the City will remain with them this next year. Beam Dental made a small increase, which will be passed on to the employees as they have not had to pay dental for the past. Family coverage costs around \$4.61 per month.

The City Council was provided with a one-page supplementary document that reflects the departments' requests for one-time money along with the narratives for review. A \$3.2 million figure was provided with an ask of \$5 million. They can do everything on the list except the LED light replacements at the Shannon Field diamonds. Funding for Discovery Park, if approved, is available this year with the hope that Shannon Field will be completed the following year. Several large items are on the list including the new park. The pool is also taking a large portion this year.

Administrator Darrington was asked about the Battlecreek Trailhead and reported that the federal government is attempting to purchase that privately owned property next to Kiwanis Park for federal land/open space. If the federal government can purchase it, they have asked the City if it is interested in purchasing a portion. The City is supportive of the federal land purchase and would be interested in the property discussed if the federal sale goes through as the property could be used for a paid parking lot for Kiwanis Park. The cost of the property would be approximately \$75,000. Questions were raised about the pavilion that is already owned by the City and parking issues.

Administrator Darrington was asked about the property between the Library toward 100 East that used to contain the Beck home. Although the area has now been fully landscaped and the monument LED sign placed, there was further discussion about how to best utilize the property. Meetings with Art & Library Director Sheri Britsch, Parks Director Deon Giles, and Administrator Darrington, took place regarding the use of the property. A Landscape Architect was engaged to prepare concept drawings. The concept settled on involves a makeshift amphitheater since the cost of a full-blown amphitheater would be too expensive. They now are looking at strategically placing a pavilion, similar to the one at Downtown Park, in the area that could be used for summer programs and possible sound equipment storage. The amount included in the budget for the project was deemed to be adequate.

Administrator Darrington reported that the Lobby renovation at the Recreation Center is in the budget this year. Recreation Director, Megan Zollinger presented a visual of the Lobby area and reported the following:

- The current desk location is to be moved to face the entrance. A partial wall near the entry was described that will potentially be constructed of glass. The exit doors are to remain unchanged.
- This year, turnstiles are not part of the plan. The space will be used to control how people enter the building, which will improve customer service as staff will face guests as they enter.
- They are proposing to extend the second floor to provide 1,300 square feet of additional space. This will make the weight room on the second floor larger and provide space for offices and additional storage. Director Zollinger showed a proposed rendering of the second floor. She commented that it is a concept Plan that is subject to change.

The following questions were raised:

- Concern was raised regarding privacy issues as computer screens and other information may be visible to the public. Director Zollinger explained that there will be two walls behind the desk for screening purposes. The desk area will not be open.
- The reasoning behind the change was primarily to improve operations as she wants to have more direct contact for customer service purposes and additional workspace for staff.
- When asked if the budgeted amount was acceptable, she stated that they included the quoted amount, which was believed to be high.
- Council Member Williams suggested that looking at specific floor plans would help him better understand the concept. Council Member LeMone agreed and stated that a walk-

through would also be helpful. Both were interested in seeing the area in person. Council Member Andersen stated that most of the congestion occurs during ball games.

c. Staff Business.

Fire Chief, Drew Engemann, reported on the following:

- Administrator Darrington has been provided with dates for Fire Department activities to circulate.
- Three or four men are participating in multi-city rescue training demonstrations that can be observed by the City Council if desired.
- A Bike Safety event will take place in April at the Recreation Center in conjunction with the high school.
- For the past few weeks, Captain Welsh from the Sandy Fire Department has been conducting volunteer training on cancer risks for firefighters and reducing exposure to toxic elements. He reported that the department has already taken 8 of the 10 suggested steps to reduce exposure.

Human Resource Manager, David Packard, reported on the following:

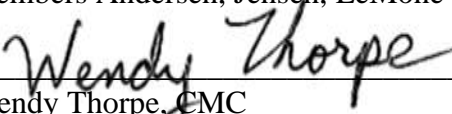
- The Annual Employee Recognition Event is scheduled for April 30, 2024, at 11:30 AM at the Recreation Center. Nominations will be open until April 3, 2024. He would be sending out Employee of the Year nomination ballots and include the names of past winners who also are eligible to win again.

Community Development Director, Daniel Cardenas, reported on the following:

- Staff is are working on the final approval for Chick-fil-A, which has now been before the Planning Commission.
- Staff is working on the Boulevard Apartments. McKay Christensen is the applicant. The apartment buildings also include 4,000 square feet of retail space.
- Director Cardenas stated that no public hearings are scheduled for the next City Council Meeting but there are three Code Text Amendments coming forward and one rezone that has already been reviewed by the Planning Commission.
- The Mayor is in the process of interviewing for New Planning Commission Members.

ADJOURNMENT

MOTION: At 5:30 PM Council Member Jensen moved to ADJOURN the Work Session. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone voting “Yes”.



Wendy Thorpe, CMC
City Recorder

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