

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Tuesday, March 19, 2024
6:00 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.

6:00 PM REGULAR CITY COUNCIL MEETING

1) CALL TO ORDER

In the absence of Mayor Guy Fugal, Mayor Pro Tempore Todd Williams called the meeting to order at 6:00 PM

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Andersen.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Jensen.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Jensen moved to APPROVE the meeting agenda. Council Member Cyd LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Williams, LeMone, and Rogers voting “Yes”.

5) **OPEN SESSION**

Craig Riley resides in Pleasant Grove and stated that two years ago, the roads were in deplorable condition. When citizens asked that they be repaired, a Council Member stated that the funding would need to come from the citizens. As a result, the Road Tax was instituted. During a recent candidate event, he heard the City Council take credit for the initiation of the roads project as if it was their idea. During the recent tax referendum, the public learned that most of the tax increase pertains to the construction of the new Park and that the City Council tried to mask that the money was being used for the park by using the word “infrastructure”. They hoped that the public would think that some of the money would be used for roads. The tax increase was almost all for the Park except for the 10% that was promised to the developer near the freeway. Mr. Riley took exception to the City Council’s statement that the citizens’ vote to defeat the referendum was not valid because only 3,500 people voted against it. He further believed that on January 17, 2024, the City Council nullified the tax increase by voting to instead use money from the Road Fund.

Mr. Riley stated that once the information is made public, citizens will be very angry as this appears to be taxation without representation. The City Council members took an oath to represent the wishes of the citizens. Mr. Riley expressed his love for the City and believes that most citizens do not want Pleasant Grove to become like Provo or Lehi. They would prefer to live in a safe, quaint, comfortable part of Utah County that has good roads. Mayor Pro Tempore Williams commented that some information is not accurate and asked Administrator Darrington to speak with Mr. Riley privately about some of his claims.

Lon Lewis asked for clarification of the portion outlined in red around the Pipe Plant. It is part of the plan that has been provided by the City with regard to road rehabilitation. Mr. Lewis understands that this “tough” plan is for road improvements and not rehabilitation. He did not understand what is going to take place. Specifically, he asked if the area is for Pipe Plant improvements and where the money will come from. He hoped there would be a differentiation between the \$30 million bond and the \$11 million Road Fund. He understood that there is typically no dialogue during this portion of the meeting but he would appreciate someone approaching him to answer his questions.

Mayor Pro Tem Williams asked Administrator Darrington to review the figures with Mr. Lewis. He stated that there is a definitive plan.

There were no further public comments. The Open Session was closed.

6) **CONSENT ITEMS**

- A. **To Consider for Approval Payment Request No. 3 for Rivendell Tree Experts, LLC for the 2024 Pavement Preservation Tree Trimming Project.**
- B. **To Consider for Approval Contract Change Order No. 1 for Geneva Rock Products, Inc. for the 2024 Pavement Preservation Project.**
- C. **To Consider for Approval Payment No. 4 to HydroVak Excavation for the Pressurized Irrigation Meters Installation Project.**
- D. **To Consider for Approval Payment Request No. 1 to Lyne Roberts & Sons, Inc. for the Blvd. Well Facilities Project.**
- E. **To Consider for Approval Payment Request No. 5 to Big-D Construction for the Cook Family Park Project.**

ACTION: Council Member Jensen moved to APPROVE the Consent Items as listed. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, LeMone, and Williams voting “Yes”.

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

There were no public hearing items.

10) **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Adoption of a Resolution (2024-15) Authorizing the Mayor to Execute a Contract for Fleet Management Services with Gauge Automotive.**
Presenter: Attorney Petersen

City Attorney, Tina Petersen, reported that the above Resolution pertains to authorizing a contract with Gauge Automotive to perform fleet management services for the City. The intent is to use the services only for the Police Department’s vehicle rotation. A local car dealership, which has performed this function in the past, has found it increasingly difficult to meet the type and number of vehicles necessary for the three-year rotation schedule. Gauge Automotive’s services were brought to the attention of the Police Chief and after subsequent research and negotiations, the Service Agreement agreed upon contains the following points:

- Gauge Automotive will be responsible for locating and bidding on the type and number of vehicles identified by the Police Department with a charge of \$595 for each vehicle acquired.
- Gauge Automotive, if the City chooses, will also be able to sell those vehicles when it is time to rotate them out with a charge of \$600 for each vehicle sold which is to be paid by the purchaser and not the City.
- The term of the contract is two years with an automatic renewal unless either party decides not to renew and provides a written 30-day notice to the other.

Brittany Long from Gauge Automotive was present to answer questions. To date, according to discussions with Chief Brown, the representative has been able to identify and locate all of the vehicles desired by the Police Department, some of which could not be obtained through the original car dealership.

Ms. Long reported that the company's main headquarters are in Salt Lake City with other offices in Idaho, Arizona, and Delaware. The contract is cancelable at any time. If Gauge Automotive does not fulfill its obligations or if the City is not pleased with the services they are not obligated to use them the full term. Ms. Long reported that the two-year portion of the contract is where they do a complete overhaul of the management system of the vehicles. Currently, they are doing a procurement and sale of vehicles. Gauge Automotive has been in business for three years and Ms. Long has worked with municipal fleets for the past five years.

ACTION: Council Member Jensen moved to ADOPT Resolution 2024-15 Authorizing the Mayor Pro Tem to Execute a Contract for Fleet Management Services with Gauge Automotive. Council Member Rogers seconded the motion. Vote on motion: Dianna Andersen-Yes, Eric Jensen-Yes, Cyd LeMone-Yes, Steve Rogers-Yes, Todd Williams-Yes. The motion carried unanimously.

B. To Consider for Adoption an Ordinance (2024-6) Permanently Abandoning a Perpetual Easement of 396 Square Feet for Construction and Maintenance of Water Lines over Property located in the Blossom Hill Subdivision at approximately 1099 East and 200 South, Pleasant Grove City, Utah, and providing for an effective date. *Presenter: Attorney Petersen.*

Attorney Petersen reported that the above Ordinance is to vacate and abandon a 396-square-foot Perpetual Easement located in a new subdivision called Blossom Hill, which is located on the east side of the City on 200 South and 1099 East. When the subdivision was being developed, a water line easement was discovered that was granted around 1937. The City Engineer determined that the property has no existing water line. The developer will establish the modern water line placement for the subdivision and the easement dedications in the platting process. There is no need for the City to maintain the old easement for water lines. Because easements affect property the request is to adopt the ordinance to permanently abandon the easement.

ACTION: Council Member Andersen moved to ADOPT Ordinance 2024-6 Permanently Abandoning a Perpetual Easement of 396 square feet for Construction and Maintenance of water lines over property located in the Blossom Hill Subdivision at approximately 1099 East and 200 South, Pleasant Grove City, Utah and providing for an effective date. Council Member LeMone

seconded the motion. The motion carried unanimously. Vote on motion: Dianna Andersen-Yes, Eric Jensen-Yes, Cyd LeMone-Yes, Steve Rogers-Yes, Todd Williams-Yes. The motion carried unanimously.

- C. To Consider Awarding A Wolf Construction, LLC the 200 West; 400 North to Center Street Waterline and Roadway Reconstruction Project Bid in the Amount of \$802,203.42 and Authorize the Mayor to Sign the Notice of Award. Presenter: Staff Engineer Tveten.**

Council Member LeMone recused herself from this item as she is related to the applicant.

Staff Engineer, Britton Tveten presented the request, which involves a project located at 200 West from 400 North to Center Street where the water lines in the road, including the cul-de-sac, are being replaced. The road will also be modified to be less steep and the curb and gutter will be brought more into alignment. A number of trees need to be removed to allow the work on the curb and gutter. Steps have been taken to remove some curb and gutter to correct drainage issues. The area residents were fully supportive of the project.

ACTION: Council Member Jensen moved to AWARD A Wolf Construction, LLC the 200 West 400 North to Center Street Waterline and Roadway Reconstruction Project Bid in the amount of \$802,203.42 and authorize the Mayor Pro Tempore to sign the Notice of Award. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, and Williams voting “Yes”. Council Member LeMone did not participate in the vote.

- D. To Consider Awarding Pronghorn Construction, Inc. the Orchard Drive and Locust Avenue Safe Sidewalks Project Bid in the amount of \$220,381.00 and Authorize the Mayor to Sign the Notice of Award. Presenter: Staff Engineer Tveten.**

Engineer Tveten presented the request and stated that the project is a Safe Route to School Project he has been working on since he came to work for the City. The application was made years ago, and the City was awarded \$60,000 of their \$115,000 request. The project was federalized, which made it impossible to complete because of utility locations and rights-of-way that made the cost prohibitive. By working with the Utah Department of Transportation (“UDOT”) they were able to obtain state funds to complete the project. The design was completed this past fall and bids were received that were 30% below the engineer’s estimates. Trees were removed in the area and the residents are happy to see the work getting done.

ACTION: Council Member Jensen moved to AWARD Pronghorn Construction, Inc. the Orchard Drive and Locust Avenue Safe Sidewalks Project Bid in the amount of \$220,381.00 and Authorize the Mayor Pro Tempore to sign the Notice of Award. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, LeMone, and Williams voting “Yes”.

- E. To Consider for Adoption Resolution (2024-16) Authorizing the Mayor to Declare one 2019 Ford F-150 Truck, two 2016 Ford F-150 Trucks, one 1986 Chevrolet Van, and one 2022 Honda Pioneer 500 4X4 as Surplus Property and Direct That They be Disposed of According to the City’s Policy for Disposing of Surplus Property; and Providing an Effective Date. *Presenter: Staff Engineer Tveten.***

Engineer Tveten presented the request and stated that all of the vehicles have been used by the Water Department and have provided good service. The two trucks and van are ready to move on to new owners. The Pioneer is out of warranty and the needed repairs are not cost effective. It has also been replaced with a new Polaris.

ACTION: Council Member Andersen moved to ADOPT Resolution 2024-16 Authorizing the Mayor Pro Tempore to Declare one 2019 Ford F-150 truck, two 2016 Ford F-150 trucks, one 1986 Chevrolet van, and one 2022 Honda Pioneer 500 4X4 as surplus property and direct that they be disposed of according to the City’s Policy for Disposing of Surplus Property, and providing an effective date. Council Member LeMone seconded the motion. Vote on motion: Dianna Andersen-Yes, Eric Jensen-Yes, Cyd LeMone-Yes, Steve Rogers-Yes, Todd Williams-Yes. The motion carried unanimously.

- F. To Consider a Proclamation Declaring April 25, 2024, as Arbor Day. *Presenter: Director Giles.***

Parks Director, Deon Giles, presented the above item and reported that this year the Arbor Day Celebration will take place at Manilla Creek Park at 8:00 AM on April 25, 2024, where a tree will be planted. The event is part of the Trees City USA requirements. Mayor Pro Tempore Williams read the Proclamation in its entirety. Director Giles stated that he would appreciate everyone’s attendance.

ACTION: Council Member LeMone moved to APPROVE the Proclamation Declaring April 25, 2024, as Arbor Day. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, LeMone, and Williams voting “Yes”.

11) ITEMS FOR DISCUSSION

- A. Continued Items from the Work Session if needed.**

12) REVIEW AND DISCUSSION OF THE APRIL 9, 2024, CITY COUNCIL MEETING AGENDA.

Administrator Darrington reminded the City Council that they are meeting on the second and fourth Tuesdays in April due to Spring Break the first week of April and the ULCT Meetings the third week. The next meeting is scheduled for April 9, 2024. The Work Session will include the following:

- A continuation of budget discussions (will include materials received today);
- A discussion of utility rates (raised at the first meeting in April);
- An update on the Cook Family Park budget and the status of construction; and
- A presentation from the Utah Recreation and Parks Association (which is bringing good news).

Director Cardenas will present three Code Text Amendments and one rezone request.

It was reported that a City Council issue requires a City Council meeting on Thursday. The issue involves a Water-Reuse Agreement with the Timpanogos Special Service District (“TSSD”). Director Cardenas explained that Pleasant Grove’s sewer water is sent to TSSD for treatment and release into Utah Lake. The cities (including Pleasant Grove) that are part of the District would instead like to make use of some of the water in secondary water systems, rather than all of it being put into the lake. Administrator Darrington reported that there are two agreements. One will allow Pleasant Grove to use the reclaimed water through TSSD. The second will be the agreement between American Fork and Pleasant Grove.

The following points are made:

- The first agreement is complicated and requires all involved to work together to make sure that everyone is made whole. For the past month or so, the cities and their attorneys have been working on the agreement including water rights with TSSD and the State Engineer.
- To complicate the matter, state law has changed and the State has taken the position that if an agreement is not in place by next Monday, the entity loses its opportunity to use the reclaimed water. Pleasant Grove’s application was turned in timely but has not yet been returned and is considered to be in process.
- Attorney Petersen stated that currently, Pleasant Grove cannot reuse the water as the required infrastructure is not in place to get it into the City’s secondary system. American Fork does or will soon have that ability. Consequently, part of an agreement being worked on is that Pleasant Grove will allow American Fork to use its share of reclaimed water in exchange for American Fork water being given to Pleasant Grove. The details have not yet been fully worked out.
- One option being discussed was to recharge the aquifer in American Fork Canyon. Other options were also available.
- The agreement with American Fork will come later and specifically address how Pleasant Grove will be compensated for allowing it to use its water share.
- A recent modification was made to the Agreement that includes an option for Pleasant Grove City to be able to use the water if they develop the infrastructure to allow that to happen.

It was reported that the term of the contract has not yet been set but would be for as long as they have the water and are willing to provide it. The Agreement is cancelable at any time with notice. For noticing purposes, the meeting will commence at 8:30 AM on Thursday.

There was additional discussion about the timing of the Agreement with American Fork, which does not have a specific term but would be for as long as Pleasant Grove has water and is willing to provide it.

13) MAYOR AND COUNCIL BUSINESS.

The Chamber of Commerce is doing a service project at Discovery Park on April 22, 2024. It will begin at 11:45 AM. Lunch will be provided. The City was invited to participate.

An item was added to the April 9, 2024, meeting agenda consisting of a Resolution to Appoint a Temporary Judge.

Assistant to the Administrator, Kyler Brower, reported that they are doing the Utah Wellness Survey in April. It will be promoted on social media, in the newsletter, and on the City's website to obtain more information. Utah State University is hosting the survey.

Council Member Rogers asked for an update on the new website. Assistant Brower stated that the website is complete. Staff training will begin soon and the content that was moved but is no longer relevant will be cleaned out. Once complete, the site can go live. Assistant Brower will provide links to those desiring to review the site.

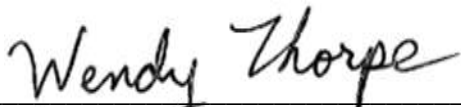
14) SIGNING OF PLATS.

15) REVIEW CALENDAR.

16) ADJOURN.

ACTION: At 6:39 PM Council Member Jensen moved to ADJOURN. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, and Williams voting "Yes". Council Member LeMone was not present for the vote.

The City Council minutes of March 19, 2024, were approved by the City Council on April 23, 2024.



Wendy Thorpe, CMC
City Recorder

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