

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Tuesday, February 6, 2024
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Steve Rogers
Todd Williams

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks Director
Tina Petersen, City Attorney
Wendy Thorpe, City Recorder
Denise Roy, Finance Director
Drew Engemann, Fire Chief
Sheri Britsch, Library and Arts Director
Neal Winterton, Public Works Director
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 P.M. REGULAR CITY COUNCIL MEETING

1) CALL TO ORDER

Mayor Guy Fugal called the meeting to order at 6:01 p.m.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Police Chief, Keldon Brown.

3) OPENING REMARKS

The opening remarks were offered by Council Member LeMone.

4) APPROVAL OF MEETING AGENDA

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

5) OPEN SESSION

Kaylee and Linda Evans, 9th and 7th grade students used a poster board to identify a safety concern with an intersection near Pleasant Grove Junior High School that is congested with vehicular traffic. A study was conducted involving counting cars and students using the intersection 30 minutes before and after school. They counted 200 students and 310 cars. Of the 200 students they observed, they saw five nearly get hit by cars. Their goal is to increase safety for students using the intersection. Suggestions for improvement included posting stop signs; making the turn out of the school right-turn only; and having better help with crossing guards. They invited other suggestions for making the intersection safer. The location of the intersection was confirmed.

Administrator Darrington thanked the speakers and appreciated their willingness to bring this issue to the attention of the City Council. The matter was to be forwarded to the Public Works Department for analysis. A brief discussion was held about safe routes to school, which will be part of the analysis. Council Member Rogers stated that during his campaign he drove the roads looking for sidewalk and parking conditions and saw how difficult it is to get to that school. He also expressed his appreciation and recognized that this is a difficult issue. Council Member LeMone stated that the actions they have taken are how change is made. They did not come and just complain, but rather, came with a valid problem and offered solutions. She stated that this is a safety issue that could involve people's lives. The students were advised that they can call Public Works for follow-up information.

Lon Lewis commented that in hearing the young ladies' presentation, they have tried to work with the “safe routes” on a couple of projects. One project was halted and the second was completed this past summer but was done by the City with difficulty. He noted that things do not happen most often because of funding. It was his opinion that the areas around most of the schools are unsafe and need attention. The City relies on State funding through Safe Routes to Schools, however, he did not think it was the State's problem to create the safe paths. Principals are also limited in their ability to get the safe routes. The City needs to give more attention to making safe school routes, make sense, and doable.

It was noted that responsive comments are not to be made during the open session unless there are special circumstances, such as the prior presentation.

Jacob Zonts was present to speak on the Budget Referendum and the \$600,000 moved out of the Roads Fund. He provided the City Council with written information that he urged them to read. He summarized the document and stated that with regard to the referendum, he was told that it was an Administrative Act instead of a Legislative Act or Resolution rather than an ordinance. He stated that Resolutions are Administrative Acts. Other cities use Ordinances to pass their budgets as does the State Legislature. The Utah Supreme Court Case, *Carter v. Lehi* (2012) created a new framework to decide whether something is referable. The following points were made regarding Paragraphs 20, 35, 44, and 53 of that opinion:

- The Power of the People is equal to the State Legislature. Therefore, if the State Legislature has the right to do it, it means that the citizens have the same right.
- Because the budget is reserved by the Legislature, it is also reserved by the people;
- Historically, both State and Federal budgets have been created by the Legislature and executed by the Executive Branch; The City Council creates and executes the budget.

Mr. Zonts then stated that after the Lehi case, SB 240 from 2012 repealed provisions of the Utah Code found to be unconstitutional related to a prohibition on legal voters of any town, city, county initiating a budget, a budget change, or land use ordinance requiring a budget ordinance adopted by a local legislative body to the voters. He asked to have discussion and welcomed questions. Mayor Fugal stated that there would be no questions taken. Council Member Rogers had questions he would ask later.

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

6) **CONSENT ITEMS**

- A. **To Consider for Approval Contract Change Order No. 1 for Insituform Technologies, LLC for the FY2022-23 Sewer Rehabilitation Project.**
- B. **To Consider for Approval Payment Request No. 3 for Insituform Technologies, LLC for the FY2022-23 Sewer Rehabilitation Project.**
- C. **To Consider for Approval Payment Request No. 1 for Rivendell Tree Experts, LLC for the 2024 Pavement Preservation Tree Trimming Project.**
- D. **To Consider for Approval Change Order No. 1 for Jay Lyne Robert & Sons, Inc. on the Chlorination System Installation Atwood Well and Gibson Well, Anderson Well and Adams Well Project.**
- E. **To Consider for Approval Payment Request No. 2 for Jay Lyne Robert & Sons, Inc. on the Chlorination System Installation Atwood Well and Gibson Well, Anderson Well, and Adams Well Project.**
- F. **To Consider for Approval Partial Payment No. 3 to Big-D Construction for the Cook Family Park Project.**
- G. **To Consider Approval of Payment Reports for January 25, 2024, and January 30, 2024.**

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

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

A. Public Hearing to Consider for Adoption of an Ordinance (2024-2) Regarding the Transportation Master Plan Update with an Appendix including the 600 West Center Street Study. *Presenter: Director Winterton.*

Public Works Director, Neal Winterton presented the above item which includes the proposed Ordinance regarding the Transportation Master Plan ("TMP") Update with an Appendix. The Transportation Master Plan document is 457 pages long. Approximately two years ago, the City engaged Horrocks Engineering to assist in updating the volumes that are in the existing Transportation Master Plan. The document does not represent a full Transportation Master Plan review but the existing data was updated with the new numbers from Mountainland Associated Governments ("MAG").

The two main objectives are as follows:

- Update the recommendations on 600 West and Center Street. The recommendations were presented to the City Council several months ago and the MAG funding was applied. It is in an appendix.
- Produce what is commonly known as a Storybook to be published on the City website giving the public access to a summary of the content of the Transportation Plan.

Director Winterton reported that Shane Eller from Horrocks will review the Storybook and speak to some of the associated features of the document. Because Pleasant Grove City does not have a municipality on the other side of it and is nearly 90% built out, they will not recommend building large, wide corridors through the City. The funds for City Roads are the same as will be used to widen roads. Some connections and improvements will be made and there is a need to plan for the future.

Mr. Eller stated that he will be providing an overview of what is considered the Storybook, which is identified as the TMP Overview Navigation section. The summary can be used as a guideline in budget considerations on road development and transportation needs. The Storybook contains categories for the following:

- Roadway standards (including classifications and types of roads, cross-sections, and levels of service);
- Existing road conditions;
- Future road conditions;
- A Transportation Improvement Program that identifies project costs;
- A section on Active Transportation, which includes various transit systems; and
- Traffic Calming options (including roundabouts, crosswalk extensions, and median islands).
- An interactive map was referenced where current projects can be identified.

During his review of what is in the Storybook, he discussed the following points:

- Level of Service is used to determine whether a roadway's performance is acceptable.
- The basic factors when identifying whether road work is needed include road size, amount of usage, amount of delay, and classification of the road.
- Most of the roads in Pleasant Grove are considered acceptable in terms of Level of Service. There are two exceptions at 100 East and at a portion of Pleasant Grove Boulevard, which is under construction by the Utah Department of Transportation ("UDOT"). Both are identified to have a less acceptable Level of Service.
- There are two-year-based approaches that can be used when considering traffic funding. One uses a 10-year model and the second uses a 2050 model. The 10-year model is more accurate as no one knows what will happen in 20 years.
- There is a "no build" section on roads that identifies what roads will fail if the projects are not completed within 10 years and 50 years.
- A timeline identifies project completion times by color. The proposed projects identified in green are planned to be completed within the next five years. Projects identified in orange were to be completed within five to 10 years. Projects identified in purple were to be completed within 10 to 20 years. Each of the dates are target recommendations. Once all of the projects are built by 2050, the Storybook will show the new intersection ties and the road classifications.

Mayor Fugal reported that the Update is very detailed and intensive.

Director Winterton stated that the guiding document of the TMP provides details regarding where road work is taking place currently and what is being planned for the future. Some projects arise from new projects. The capacity maps show the road work to be done relatively soon. He commented that this is the greenest map you will find in the County. The small amount of red with peak and buildout conditions is a reality all face. If there are more preservation needs, the TMP can guide them. If development is occurring on a given corner they can better help guide the process. Signal issues can be identified as can right-of-way issues pertaining to a roundabout for example.

Mayor Fugal asked about the 600 West and Center Street project. Director Winterton described the following:

- They began with 10 options, which were ultimately reduced to the one taken to MAG for a funding request.
- The project involves moving the intersection to the east and away from a major intersection, which improves both capacity and operation. The movement will also improve the I-15 frontage road issues.
- The City has applied to MAG as the project is expensive and involves various issues such as the railroad, and sought the support of other entities in the area including Union Pacific Railroad, the Utah Transit Authority ("UTA"), and UDOT. This project is a State Street/Pleasant Grove Boulevard Project because of the road configurations and closeness of the intersections.
- The options including the roundabout plans were abandoned because of the railroad's concerns as there are several different crossings for cars and pedestrians. MAG was not receptive to the roundabout idea as it wants projects that can be constructed quickly.

- What is recommended is the High-T Signal (Concept 2) Version. The end of 600 West will be a cul-de-sac.

Council Member Rogers asked if the City had contacted the business owner during the design concept, who could be affected by the proposed road. He was informed that the property owner has not been contacted as the City prefers not to address residents until they have a plan in place. Private property would involve negotiations or eminent domain. Multiple options were available and ultimately the determination of design action is based on whether such actions are reasonable. Part of that reasonableness would involve the cost of acquiring property.

Mayor Fugal opened the public hearing.

Bob Scott thanked the City Council for the opportunity to comment and for making the 457-page packet available in advance of the meeting. He liked the interactive map and wished they had access to it as citizens. The Ordinance only addresses Appendix E and not the entire Plan. There are five areas and if this is an update it should address all five. Moreover, Ordinance 2024-2 Appendix E, refers only to the Appendix that updated the Old Master Plan and not the current Master Plan. The reference should actually be Appendix F. That information should be corrected. He also thought that the Master Plan needs to be updated as a Resolution and not an Ordinance. He was not sure of the differences. He commented that the last pages regarding costing make no sense to him. He agreed with the conclusion that they do not need a roundabout where the railroad goes.

Lon Lewis reviewed the proposal and stated that the 25-year plan is being modified. In reviewing the document, there are items of general discussion that will require the City to act. To call this a Storybook is interesting as he considered it a work of fiction. Although the plan provides an enormous amount of information about road funding and City roadways, it does not deal with residential roads that are deteriorating. The TMP should identify how to fix, overlay, and rebuild residential roads. The plan needs to be more than the City's major road grid system. With regard to relocating the business addressed earlier, when he was involved in two eminent domain issues with UDOT in similar circumstances, he knew of the possibility years before it actually happened. The citizen should be made aware of possible activity or intentions.

Director Winterton thanked Mr. Scott for correcting the appendix issue. He asked the City Council to approve the update to the Master Plan. It is admittedly old but it is a Transportation Plan and not a Road Maintenance Plan, which is different. Local roads are not addressed in the TMP as they do not carry heavy traffic loads. The proposed TMP involves road capacity and plans for widening, signals, and intersections. The amount of funding being applied for is 2026 money. Property acquisition will not be a surprise to any individual and will be addressed years before an actual plan is put into effect. As Staff works through issues, their goal is to address funding and come to a mutual agreement. Mayor Fugal thanked Director Winterton for the clarification.

Jacob Zonts stated that with regard to informing citizens of possible eminent domain action, with the Center Street and 600 West Project, the person whose property might be taken was not informed of the different options addressed table at the meeting. The property owners would have appreciated knowing so they could voice their concerns about the options and push for a certain one. For the City to approach the public only after deciding which option they intend to offer was wrong. There should

be an Ordinance that the City informs any property owner whenever their property is being discussed in relation to eminent domain.

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

Council Member Rogers asked about the effect of the proposed traffic signal, if the property owner was given specific notice, and if notice was required. The response was that notice was not required. Director Winterton stated that if you look at the TMPs of growing cities, there are lines throughout. Public entities take legal steps to ensure that issues regarding eminent domain are properly noticed. The hope was that when property is involved, decisions are made through negotiations. He did not view it as an adversary process.

Council Member Rogers asked what the City is committing to by voting for the proposal. He was informed that the City proposal gives them the right to request funding. The plan can be modified after it is adopted. To do that, they would have to take the modified plan back to MAG for approval. The challenge is that the engineering analysis shows that what was presented to MAG was the best transportation solution for the intersection. What was submitted was the best long-term option for the City and MAG's regional area. It was noted that MAG does not fund projects that do not benefit the region as a whole.

Council Member Rogers' understanding was that the Transportation Plan differs from the roads as referenced by Mr. Lewis, and does not deal with residential road maintenance. A separate plan deals with those roads.

With regard to the appendix identification issue, City Attorney, Tina Petersen, stated that the motion on adoption can correct this issue by revising the language to accurately reflect the content. This is a scrivener error that does not require a substantive change.

ACTION: Council Member Andersen moved to ADOPT Ordinance 2024-2 regarding the Transportation Master Plan Update with an Appendix including the 600 West Center Street Study, which is Appendix F. Council Member Jensen seconded the motion. Vote on motion: Council Member Andersen-Yes, Council Member Rogers-Yes, Council Member Jensen-Yes, Council Member LeMone-Yes, Council Member Williams-Yes. The motion carried unanimously.

B. Public Hearing to Consider for Adoption an Ordinance (2024-3) for a Zone Change from the RR (Rural Residential) Zone to the R1-20 (Single-Family Residential) Zone on 3.32 Acres of Unplatted Land, located east of 820 West and north of 1800 North, at the Request of Noel Vallejo and Bryce Hardee. Presenter: Director Cardenas.

Community Development Director, Daniel Cardenas reported that applicants are seeing a zoning change from the RR (Rural Residential) Zone to the R1-20 (Single-Family Residential) Zone. On an aerial map, he identified the location of the property which consists of 3.32 acres of unplatted land. Once the zoning is changed, the plat can be finalized. RR zoning requires one-half acre lots (or 21,780 square feet), and R1-20 requires a minimum area of 20,000 square feet. The difference in lot area is 1,780 square feet, which probably adds one extra lot to the plat. Staff reviewed the General Plan and evaluated the vicinity for compatibility with the surrounding areas. The property was found to be

within the land use designation for single-family very low-density, which is compatible with R1-20 and R1-15 zoning. An aerial view of the subject property shows that the surrounding properties are 20,000 square feet in size or less, which is compatible. The request was heard by the Planning Commission at a public hearing which recommended unanimous approval based on the findings. It was noted that both the current and proposed zones are for single-family residences only. Mayor Fugal clarified that the request tonight is for a zone change only.

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

ACTION: Council Member Jensen moved to ADOPT Ordinance 2024-3 for a zone change from the RR (Rural Residential) Zone to the R1-20 (Single-Family Residential) Zone on 3.32 acres of unplatted land located east of 820 West and north of 1800 North, at the request of Noel Vallejo and Bryce Hardee. Council Member Andersen seconded the motion. Vote on motion: Council Member Andersen-Yes, Council Member Rogers-Yes, Council Member Jensen-Yes, Council Member LeMone-Yes, Council Member Williams-Yes. The motion carried unanimously.

C. Public Hearing to Consider for Adoption an Ordinance (2024-4) for a Zone Change from RR (Rural Residential) Zone to the R1-10 (Single-Family Residential) Zone, on Approximately 4.5 acres of Unplatted Land, located at Approximately 131 West 1800 North, at the Request of Castlewood Development. Presenter: Director Cardenas

Director Cardenas reported that the request is for a rezone from RR (Rural Residential) Zone to R1-10 (Single-Family Residential) Zone of approximately 4.5 acres of unplatted land, located at 131 West 1800 North. A portion of the property includes a church on 1800 North that was identified on an aerial map displayed. On a vicinity plan, he noted that the General Plan calls for single-family low-density, which contemplates zoning of R1-15, R1-12, and R1-10. There are a number lots zoned R1-8 lots that are not contemplated in the General Plan. He explained that it is common for unplatted land that belongs to a church, park, or school to be designated as RR in the middle of an R1-8 (Single-Family Residential) Zone. The majority of lots in the area are zoned either R1-10 or R1-8. The lot next to the subject property is zoned R1-10.

Because the proposed lot size is approximately 10,000 square feet, the applicant is seeking to rezone the property to that zone size, which is compatible with the low-density designation. Director Cardenas estimated that the property will contain 12 to 13 lots. A plat had been submitted and was under review but cannot go forward until the zoning is changed. It was reviewed by the Planning Commission as a Preliminary Plat and received unanimous approval.

Mayor Fugal asked Administrator Darrington to address this property due to prior issues. Administrator Darrington stated that all of the Council members were involved in the prior issue, with the exception of Council Member Rogers. When the property became available, the City approached the Church to donate the property to the City to be used to expand Discovery Park. The request was denied. The City then offered to purchase the land and made an offer, which was refused. The Church did ask about the highest and best offer, which was given. That offer was refused as well. It was Administrator Darrington's opinion that the Church was looking for an offer that a developer would

be willing to pay, which was not something the City could reasonably and prudently do to attain public property. The City did its due diligence by trying to obtain the property.

Mayor Fugal opened the public hearing.

Teri Taylor stated that she lives next to the subject property. As a neighborhood group, they desperately wanted the Church to sell the property to the City and were disappointed when that did not happen. She appreciated the City's efforts to obtain more open space. Most of the neighbors in the area have lived there for 30 years and they always hoped the area would remain open space. They were resigned to welcome their new neighbors. She thanked the City Council Members for their efforts.

There were no further comments. The public hearing was closed.

Director Cardenas stated that he has a proposed plat that was available for those who are interested.

ACTION: Council Member Williams moved to ADOPT Ordinance 2024-4 for a zone change from the RR (Rural Residential) Zone to the R1-10 (Single-Family Residential) Zone, on approximately 4.5 acres of unplatted land, located at approximately 131 West 1800 North, at the request of Castlewood Development. Council Member LeMone seconded the motion. Vote on motion: Council Member Andersen-Yes, Council Member Rogers-Yes, Council Member Jensen-Yes, Council Member LeMone-Yes, Council Member Williams-Yes. The motion carried unanimously.

ACTION ITEMS READY FOR VOTE

- A. To Consider for Adoption of a Resolution (2024-07) Authorizing the Mayor to Declare a 2014 Ford F-450 Wheeled Coach Ambulance as Surplus and Direct that it be Disposed of According to the City's Policy for Disposing of Surplus Property. Presenter: Fire Chief Engemann.**

Fire Chief, Drew Engemann, reported that the ambulance described is now surplus as their new ambulance is in service.

ACTION: Council Member LeMone moved to ADOPT Resolution 2024-07 Authorizing the Mayor to Declare a 2014 Ford F-450 wheeled coach ambulance as surplus and direct that it be disposed of according to the City's Policy for Disposing of Surplus Property. Council Member Jensen seconded the motion. Vote on motion: Council Member Andersen-Yes, Council Member Rogers-Yes, Council Member Jensen-Yes, Council Member LeMone-Yes, Council Member Williams-Yes. The motion carried unanimously.

- B. To Consider for Adoption a Resolution (2024-08) Authorizing the Mayor to Sign a Cooperative Agreement with the Utah Department of Transportation ("UDOT") Providing for the Development and Preservation of Access Points on a Proposed Frontage Road in the Area of I-15 and Other Related Matters. Presenter: Attorney Petersen.**

- C. **To Consider for Adoption a Resolution (2024-09) Authorizing the Mayor to Sign a Cooperative Agreement with LC Reserve One, LLC, Valley Grove Exchange I, LLC, Valley Grove Exchange II, LLC Providing for the Development and Preservation of Access Points on a Proposed Frontage Road in the Area of I-15 and Other Related Matters. Presenter: Attorney Petersen.**

Items 10B and 10C were heard together but voted on individually.

Attorney Petersen presented Items 10 B and C and, using a schematic exhibit stated that UDOT plans to construct a frontage road, along the west side of the St. John Properties (“SJP”) development to alleviate traffic concerns with the current freeway interchange. As part of developing the frontage road, property was purchased by SJP from UDOT to obtain a right-of-way to obtain enough property to widen the road. SJP wanted to make sure that they had preserved access to that frontage road for the development. UDOT will not allow that type of access on that roadway from a private entity. Access has to be from a public road. Therefore, the first Agreement is between the City and UDOT agreeing to accept the two small pieces of property to the north and south of the parcel as a public right-of-way from the developer to preserve access to the development. The second Agreement was with SJP who agreed to maintain the two public rights-of-way in perpetuity. There will be no cost to the City to maintain the property. The area is approximately 30 feet wide and complies with the UDOT requirements.

Council Member Williams reported that there is a gateway into the property. There was some question about a nearby off-ramp and traffic flow.

ACTION: Council Member Andersen moved to ADOPT Resolution 2024-08 Authorizing the Mayor to Sign a Cooperative Agreement with the Utah Department of Transportation (“UDOT”) providing for the development and preservation of access points on a proposed frontage road in the area of I-15 and other related matters. Council Member Jensen seconded the motion.

Vote on motion: Council Member Andersen-Yes, Council Member Rogers-Yes, Council Member Jensen-Yes, Council Member LeMone-Yes, Council Member Williams-Yes. The motion carried unanimously.

ACTION: Council Member Williams moved to ADOPT Resolution 2024-09 Authorizing the Mayor to sign a Cooperative Agreement with LC Reserve One, LLC, Valley Grove Exchange I, LLC, Valley Grove Exchange II, LLC providing for the development and preservation of access points on a proposed frontage road in the area of I-15 and other related matters. Council Member LeMone seconded the motion. Vote on motion: Council Member Andersen-Yes, Council Member Rogers-Yes, Council Member Jensen-Yes, Council Member LeMone-Yes, Council Member Williams-Yes. The motion carried unanimously.

10) **ITEMS FOR DISCUSSION**

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

11) **REVIEW AND DISCUSSION OF THE FEBRUARY 21, 2024, CITY COUNCIL MEETING AGENDA**

12) MAYOR AND COUNCIL BUSINESS.

Council Member Rogers's comments include going back to the Referendum initiated by citizens. He provided the following comments:

- The City was able to review the legal opinion released by the City's general counsel. As a City Council, it is important to recognize the powers we do and do not have.
- As a Member of the City Council, he relies on City Staff to provide the best information possible. There are certain things the City Council has to be wary of including the voice of the citizens. When citizens express concerns they may warrant looking into.
- He had an opportunity to read Attorney Petersen's letter regarding the legal opinion of the City on the Resolution. He appreciated Mr. Zonts providing additional information. He was certain that Attorney Petersen had looked at this information and considered it.
- The City Council does not have the power, motion, or resolution to consider anything related to the Referendum.
- As a Council Member he welcomes and is grateful for the voice of the citizens who are willing to come forward.

13) SIGNING OF PLATS.

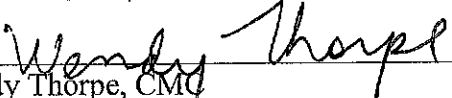
14) REVIEW CALENDAR.

15) ADJOURN.

ACTION: At 7:23 p.m. Council Member William moved to ADJOURN. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

The City Council minutes of January February 6, 2024, were approved by the City Council on

March 5, 2024.



Wendy Thorpe, CMC
City Recorder
(Exhibits are in the Recorder's office.)