

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Tuesday, January 2, 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
Tina Petersen, City Attorney
Deon Giles, Parks Director
Wendy Thorpe, City Recorder
Drew Engemann, Fire Chief
Neal Winterton, Public Works Director
Megan Zollinger, Recreation Director
David Packard, Human Resources Manager
Kyler Brower, Assistant to the City Administrator
Keldon Brown, Police Chief
Denise Roy, Finance Director
Daniel Cardenas, Community Development Director
Sheri Britsch, Library 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 6:00 p.m. and welcomed those present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Williams.

3) OPENING REMARKS

The opening remarks were offered by Council Member Andersen.

4) **APPROVAL OF MEETING AGENDA**

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

5) **TO CONSIDER FOR APPROVAL THE APPOINTMENT OF WENDY THORPE AS THE NEW CITY RECORDER.**

ACTION: Council Member Jensen moved to APPROVE the appointment of Wendy Thorpe as City Recorder. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

6) **ADMINISTRATION OF THE OATH OF OFFICE TO CITY RECORDER, WENDY THORPE.**

Former City Recorder, Kathy Kresser, administered the Oath of Office to City Recorder Wendy Thorpe. She was congratulated by Mayor Fugal.

7) **ADMINISTRATION OF THE OATH OF OFFICE TO COUNCIL MEMBERS CYD LEMONE, ERIC JENSEN, AND NEWLY-ELECTED CITY COUNCIL MEMBER STEVE ROGERS WHO WILL SERVE FOUR-YEAR TERMS IN THEIR RESPECTIVE OFFICES.**

City Recorder Thorpe administered the Oath of Office to City Council Members, Steve Rogers, Eric Jensen, and Cyd LeMone respectively. Photographs were taken.

ACTION: Council Member Jensen moved to ADJOURN the meeting to take a five-minute recess. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

8) **OPEN SESSION**

Scott Robinson, a Pleasant Grove resident, asked for future City Council action to address air quality issues. He reported that the Wasatch Front has the 26th worst air quality in the world, with the next closest being Seattle at 56th. Pleasant Grove's recent air quality has been moderate. Last September, 75 cities in Utah signed the 16th annual Idle Free Declaration with Governor Cox to make Utah an idle-free state. It was reported that 10 seconds of idling uses more gas than is required to re-start a car and requested that Pleasant Grove consider displaying the "Turn Your Key, Be Idle Free" signs at all City buildings, schools, and public locations where vehicle idling is common. Putting such signage up would be a simple change. He also suggested that the City purchase more vehicles that are green to improve air quality.

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

9) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the December 5, 2023, Meeting.**
- B. **To Consider Approval of Payment Request No. 6 for Staker Parson Material and Construction, a CRH Company for the Pleasant Grove 2600 North Roadway Improvement Project.**
- C. **To Consider Approval of Payment Request No. 1 for Jay Lyne Roberts & Sons, Inc. for the Chlorination System Installation Atwood Well and Gibson Well, Anderson Well, and Adams Well Project.**
- D. **To Consider for Approval Payment Request No. 2 and Change Order No. 1 for Kilgore Contracting for the 900 West Surface Restoration Project.**
- E. **To Consider for Approval Payment Request No. 5 for S & L, Inc. for the Discovery Park Tennis Court Rehabilitation.**
- F. **To Consider Approval of Payment Reports for December 14 and 19, 2023.**

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

10) **BOARD, COMMISSION, COMMITTEE APPOINTMENTS**

- A. **Nomination and Appointment of Mayor Pro-Tempore.**

ACTION: Council Member Jensen moved to APPOINT Council Member Williams as Mayor Pro-Tempore for 2024. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting “Yes”.

City Attorney, Tina Petersen, reported that State law allows the appointment of a Mayor Pro Tempore at any regularly noticed meeting. It has been the practice of Pleasant Grove City to appoint this position at the beginning of the calendar year so that there is no question of who will be responsible for the meeting in the absence of the Mayor. If both the Mayor and the Mayor Pro Tempore are absent, Council Members shall elect a Mayor Pro Tempore for that one meeting.

11) **PRESENTATIONS**

There were no presentations.

12) **PUBLIC HEARING ITEMS**

There were no public hearings.

13) **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Adoption a Resolution (2024-01) Authorizing the Mayor to Execute a Traffic Control and Pedestrian Safety Participation Agreement with Spectrum Academy, located at 867 South and 800 West Pleasant Grove, Utah; and Providing an Effective Date. *Presenter: Attorney Petersen.***

Attorney Petersen reported that for several years, Spectrum Academy, located at 700 South and about 800 West, has had a traffic issue with its pick-up and drop-off location. Although the school has a long driveway, increased student use at pick-up/drop-off times adversely impacts passing traffic. The proposed Agreement set forth in the proposed Resolution was negotiated by Public Works Director, Neal Winterton, and defines the responsibilities of the City and the School to use the crosswalk more safely as follows:

- The City has agreed to install flashing yellow lights for the school safety zone and to train a crossing guard.
- The School has agreed to provide a crossing guard whenever necessary and not use the flashing lights longer than an hour per day. The School will also pay \$11,756.90 for the Americans Disability Act (“ADA”) ramp and sidewalk from the ramp to the connection to the west.

Attorney Petersen explained that the Agreement is unusual in that what is proposed is not normally required. True official crossing zones are governed by State statute; however, Spectrum Academy is a charter school and this specific crossing does not meet all statutory requirements. The Agreement between the City and the School makes the crossing safe for pedestrians and vehicular traffic.

Council Member Rogers inquired about specific costs the School will bear. Attorney Petersen responded that the school would reimburse the City for the cost of the already installed sidewalks. Public Works Director, Neal Winterton, reported that currently, one section of private property is without a sidewalk where the ADA ramp crosses. The City has obtained the owner’s permission to place the connection to the west with the cost being borne by the School. There is also an additional portion of private property that requires additional work. Discussions were ongoing with the property owner but currently, there is no Easement Agreement in place.

Council Member Andersen asked if the proposed Agreement would address the backlog of vehicles off of 700 South during the day. Director Winterton reported that the inefficiency of portions of the crossing itself and the untrained nature of those directing traffic contribute to the problem; however, as part of the proposed Agreement, the school has agreed to take certain steps to make the area more efficient. He reported that the road is a City road and by State statute, the City is responsible for the safe operation of traffic. Working with the school in this manner benefits both the City and the School by making the area safer. Had this location been a gas station, the City would have required these items upfront.

Attorney Petersen reported that schools, per State statute, were exempt from many development requirements. Although the City does have control over traffic safety requirements, often during

development, the school represents that much of the student body will be online, which negates the need for increased traffic safety mechanisms and allows for reduced parking requirements. Once built, more students appear in person than what was represented which causes traffic issues for pick up and drop off. The City has had the same issue at a few other charter schools in the city.

When asked if the school is aware of the cost to complete the sidewalks, Director Winterton stated that the one sidewalk cost was included in the Agreement; however, the area that is owned by Stratton that was discussed earlier for which the Easement Agreement is not yet established, is typically the responsibility of the property owner and not the School or the City and is not part of this Agreement. With regard to the number of students who require the use of an ADA ramp, Director Winterton stated that the school has been asked to provide use data. It reveals that most students enter and exit from a different location to the west. Although the goal is to have the students use sidewalks, the City cannot require the private business to install them. Ongoing discussions continue with the Strattons about this issue. It was noted that a representative verbally indicated that the property owner supports that action.

Mayor Fugal inquired about the new road through North County and if a four-way stop was being considered at the intersection of 1300 West and 700 South. He was advised that currently there is a two-way stop that may likely be signalized.

ACTION: Council Member Jensen moved to ADOPT Resolution 2024-01 Authorizing the Mayor to Execute a Traffic Control and Pedestrian Safety Participation Agreement with Spectrum Academy, located at 867 South and 800 West Pleasant Grove, Utah; and providing an effective date. Council Member Williams 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 a Resolution (2024-02) Authorizing the Mayor to Execute the “First Amendment to Interlocal Agreement 2022-673” between Utah County, Utah, and Pleasant Grove City for the 1300 West Roadway Realignment Project and providing for an effective date. Presenter: Director Winterton.

Director Winterton presented the above item and stated that the contract needs to be amended to obtain additional funds. The local office verbally authorized the City to proceed to obtain the funding. The proposed Resolution codifies that verbal agreement.

ACTION: Council Member Andersen moved to ADOPT Resolution 2024-02 Authorizing the Mayor to execute the “First Amendment to Interlocal Agreement 2022-673” between Utah County, Utah, and Pleasant Grove City for the 1300 West Roadway Realignment Project and providing for 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.

C. To Consider Awarding Geneva Rock Products, Inc. the Bid for the 2024 Pavement Preservation Project in the Base Bid Amount of \$3,175,116.50 and Authorize the Mayor to sign the Notice of Award. Presenter: Director Winterton.

Director Winterton reported that the above matter is identified as part of the future and current road expenditures being done by the City. On an aerial photo, he identified the street area and explained that the projects are generally scheduled in a manner so that the work areas are close together to keep mobilization costs to a minimum. Utilities in the area are also evaluated to ensure that they are working properly. Separate future contracts will be required as follows:

- A Tree Trimming Contract (item 13D below) as the equipment to be used on this property needs clearance along the right-of-way; and
- A contract to lay asphalt leveling courses through the streets is to be worked on before the start of the actual project work.

The proposed project represents a large commitment on the part of the City Council to preserve the roads and is the largest project in terms of area and cost that Pleasant Grove has completed without additional funds from another source.

Council Member Jensen asked about road preservation and if the proposed contract includes all work to be done such as including crack and surface sealants. Director Winterton reported that it does not. He would, however, provide a street map showing completed and pending projects. He noted that this project does not include separate utility projects that require road work or other projects such as 1160 North, 500 North, 1000 South, and 2000 West. There were approximately \$8 million in total projects that included this project, the tree trimming and asphalt leveling contracts were to be completed this summer. Council Member Jensen commented that the project includes many of the roads in the Old Town area as well as those recently discussed. It will involve significant work and dedication.

Director Winterton described the work to be done and reported that they will be laying a chip seal that will be covered by a micro surface. The advantages include not needing the placement of new cement collars around utilities and eliminating the need for vibratory equipment. The cost of new collars alone on 900 West was around \$200,000 and the use of vibratory equipment can cause disruptions in the utilities. The estimated timeframe for completion of the work was late spring to early or mid-summer.

A portion of the project is included in the current three-year road plan. He hopes to present a finalized report for all the road work at the upcoming budget and planning meeting in February. The bid went out early, which resulted in competitive bidding. The City Council discussed roads that have already been replaced or repaired and the impact on quality of life. It was reported that the City Council does not have the authority to specify when roads are worked on as they are done according to a methodical plan. It was also agreed that road work will be an ongoing issue because of use, infrastructure, and the effects of weather.

ACTION: Council Member Andersen moved to AWARD Geneva Rock Products, Inc. the Bid for the 2024 Pavement Preservation Project in the base bid amount of \$3,175,116.50 and Authorize the Mayor to sign the Notice of Award. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Rogers, Jensen, LeMone, and Williams voting "Yes".

- D. To Consider awarding the Preservation Tree Trimming project in the Base Bid amount of \$36,995.00 and authorize the Mayor to sign the Notice of Award. Presenter: Director Winterton**

Director Winterton presented the above item and stated that the trees need to be trimmed before the equipment is brought to the project site.

ACTION: Council Member LeMone moved to AWARD Rivendell Tree Experts the Bid for the 2024 Pavement Preservation Tree Trimming Project in the base bid amount of \$36,995.00 and Authorize the Mayor to sign the Notice of Award. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Rogers, Jensen, LeMone, and Williams voting "Yes".

- E. To consider the request of Scott Flora for a 4-lot Final Residential Subdivision Plat called Bullock subdivision plat 'B' on 0.99 acres, approximately located at 1025 North 600 West in the R1-8 (Single-Family Residential) Zone. Presenter: Director Cardenas**

Community Development Director, Daniel Cardenas identified the property and the surrounding streets. The property fronts onto 600 West and currently has a single-family dwelling. The applicable zoning is R1-8 with each lot having a single-family dwelling on a minimum area of 8,000 square feet. The applicant is proposing a four-lot subdivision with a flag-lot. Lot #3 will face 600 West with Lots 4, 5, and 6 being located behind it. The common stem road coming off 600 West is a 25-foot-wide private easement road that also serves as the access for the utilities for Lots 4, 5, and 6. The setback from the road to the existing home meets the minimum 10-foot requirement. Director Cardenas noted that the zoning map references general property lines but may not be precisely accurate.

The application was reviewed by the Planning Commission and received a unanimous recommendation for approval. Director Cardenas reported that this type of development will become more common for deep lots as the City is running out of developable land.

ACTION: Council Member Williams moved to APPROVE the request of Scott Flora for a four-lot Final Residential Subdivision Plat to be called Bullock Subdivision Plat 'B' on 0.99 acres, approximately located at 1025 North 600 West in the R1-8 (Single-Family Residential) Zone. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

14) ITEMS FOR DISCUSSION

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

- Later this week, emails will be sent regarding the required training. The City is a member of the Utah Local Government Trust and has access to its Kantola Platform Training materials. The City will require periodic training on harassment; cybersecurity; diversity, equity, and inclusion; and defensive driving, which will keep them safe and help keep costs down. Employees have until the end of March to complete the training.
- Forms were being distributed to the City Council and employees pertaining to the designation of overtime and comp time; conflicts of interest; and secondary employment.

Public Works Director, Neal Winterton, reported on the following:

- Due to the lack of snow, it is too early to get alarmed about the water situation. This, however, is the first time in a long time that there has been no snow for Christmas. They received only one call over Christmas, which pertained to a water heater needing the reset button pushed. He looked forward to the new year.

Fire Chief, Drew Engemann, reported on the following:

- Many fire trucks, EMS crews, and hospital personnel from the surrounding communities were at the Fire Station the previous week for an after-action review and planning meeting due to a recent event involving a vehicle that ran into an occupied apartment complex. He recounted the details of the incident when the driver of a truck experienced a medical emergency, ran a signal, and plowed into an apartment building, damaging three different apartment units. A man in the apartment was in bed asleep at the time of the accident and was pushed into the next room. He ended up being pinned underneath the truck. The truck driver continued to have his foot on the gas, causing the tires to spin and smoke. The Fire Department responded along with four other community emergency personnel. It took 10 minutes to get the truck driver and an additional 20 minutes to get the trapped person out from under the truck. During this time, Building Department personnel arrived to assess the safety of the structure. There was concern that fire was present because of the smoke, which was generated by the tires rotating. The trapped victim was initially conscious but later fell unconscious. He was transported to a nearby hospital and then life-flighted to Utah Valley Hospital and received two units of blood during the flight. Cardiopulmonary Resuscitation ("CPR") was required once the patient arrived at Utah Valley Hospital. Hospital personnel indicated that had the victim not arrived when he did, he surely would not have survived. He sustained significant injuries and remains hospitalized but is doing well. Chief Engemann commended all involved.
- The Department assisted in a rapid burning fire in Orem where a vacant home that was possibly under construction caught fire.
- There was a recent call about a two-month-old child choking and not breathing. The father was unable to clear the obstruction. Officer Green arrived on scene before the paramedics and gave the child six blows which dislodged a penny. The baby was fine. He congratulated Officer Green.
- The new ambulance will be taken to be shown in St. George.
- One full-time employee will be going part-time.

- The Department remains busy with call numbers rising.
- Due to recent experience, he commented that Utah has very good roads.

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

- The City is in the process of filling a part-time position at which point they will be fully staffed. Kara Kresser is now the New Building Assistant and Christina Gregory is the New Land Use Assistant. Both are full-time and stationed at the front counter.
- Director Cardenas and Attorney Petersen are working on an Ordinance containing the procedure to approve single-family, duplex, and townhome residential subdivisions. The proposed ordinance will set forth the State-mandated requirements pursuant to Senate Bill 174 and streamline the review and approval process. Currently, if three or fewer lots are in a subdivision, the application will go to the Planning Commission and then to staff as an administrative decision. A subdivision with four or more lots requires City Council approval. Once the ordinance is adopted, final plat applications for most residential units will no longer go to the City Council.

Finance Director, Denise Roy, reported on the following:

- The Audit is complete.

City Attorney, Tina Petersen, reported on the following:

- Staff is working to close on the bonds for the Hale Center Theater. The hope was that the Finance Underwriters would grant approval soon.
- They are also working on a unique Government Records and Management Act (“GRAMA”) request received regarding the Police Department.

Assistant to the City Administrator, Kyler Brower, reported on the following:

- The Legislative Session begins in approximately two weeks. Staff will keep track of the activities.

City Administrator, Scott Darrington, reported on the calendaring items as follows:

- The State of the Cities Meeting is scheduled for Wednesday, January 10, 2024, at lunchtime at Walker Farms in Lindon. Mayor Fugal will be one of the speakers. City Council Members and Directors were invited to attend.
- Updates for the Fitness Fair will be sent to the City Council Members.

15) **REVIEW AND DISCUSSION OF THE JANUARY 17, 2024, CITY COUNCIL MEETING AGENDA**

Administrator Darrington reported that the next City Council Meeting is scheduled for Wednesday, January 17, 2024.

16) MAYOR AND COUNCIL BUSINESS.

Mayor Fugal reported on the following:

- Council assignments have been provided with a request that they be reviewed by the City Council Members with feedback.
- Council Member Jensen has served as the representative on the County Dispatch (Central 911 Executive Board) for the past two years. The Mayor asked if anyone else was interested in taking on this responsibility. Council Member Jensen stated that the meetings are held once a month either in person or through Zoom. The County has 15 to 16 Dispatchers and the Committee discusses 911 issues. Council Member Williams expressed a willingness to serve.
- The Fox Hollow Board has City Council representation including Jay Fugal, Steven Chipman, and Danielle Gough. The Chair position needs to be filled. It was agreed that Jay Fugal be recommended for the position. He expressed a willingness to serve. It was noted that on occasion the City Recorder is asked to appear at the meeting to take minutes.

Council Member Jensen reported that the Chamber's Award Gala is scheduled to take place on February 8, 2024, at 6:00 p.m. It is a Black-Tie event. The venue will be announced.

Council Member Andersen welcomed Council Member Rogers. She is grateful for all City Staff does and knows how hard they work.

Council Member Rogers appreciated the warm welcome he received from the City Council and staff and looked forward to the next four years.

Council Member Williams welcomed Council Member Rogers and stated that the Council has done many good things this past year. His new assignment is Community Development and he was excited for the future with new development. There was discussion about a possible new restaurant.

Council Member LeMone reported that the recent emergency plane landing in Spanish Fork involved a 23-year-old Pleasant Grove resident who was nine hours away from getting his Pilot's License. He was flying with his brother when the plane cabin filled with smoke. He called his Instructor who advised him of emergency steps. Fortunately, the Spanish Fork Airport was available for landing. The plane landed on its rear wheels and both men got out safely before the plane exploded seconds later. Council Member LeMone reported that this event, plus the ones reported by Chief Engemann show what amazing people live in Pleasant Grove. She also received confirmation that when a veteran wants his name engraved on the cemetery wall, there is no fee.

Mayor Fugal looked forward to the coming year.

17) SIGNING OF PLATS.

Councilmembers signed the plat for a 4-lot Final Residential Subdivision Plat called Bullock subdivision plat 'B' on 0.99 acres, approximately located at 1025 North 600 West in the R1-8 (Single-Family Residential) Zone.

18) **REVIEW CALENDAR.**

19) **ADJOURN.**

ACTION: At 7:39 p.m. Council Member Williams moved to ADJOURN. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

The City Council minutes of January 2, 2024, were approved by the City Council on January 17, 2024.



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