

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Wednesday, January 17, 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
Chase Gustman, Deputy 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
David Packard, Human Resources Manager

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 Recreation Director, Megan Zollinger.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Rogers.

4) **APPROVAL OF MEETING AGENDA**

City Administrator, Scott Darrington, reported that no changes were proposed to the agenda.

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

5) **OPEN SESSION**

Bob Scott a Pleasant Grove resident, reported that the City Council has not done the following:

- Revealed the cost of the 40-acre plat that he asserted over 25 years is \$66,200,000 including the donation and interest;
- Identified what buildings are to be put on the reserved 10 acres; and
- Shared specific information about what is being developed.

Mr. Scott reported that the interest on the 25-year loan totals \$8 million and not the \$5 million claimed. The interest is enough to pay every man, woman, and child in Pleasant Grove \$1,740. He was a principal sponsor of the referendum because the City Council did not share information with them such as site details, site plans, maps, winning bid details, Requests for Proposals (“RFP”) information, indexes, ordinances, and resolutions. He was able to find the information on the internet. He claimed that the City Council information packets are not always available at meetings, which leaves the audience with only what is provided in the agenda. The final straw for him was the City raising the bond in the dead of winter with a clause providing 30 days to contest it. The public hearing was held the day before the 30-day period was to expire. The City then put forth a proposed tax increase. He claimed that the tax increase was about the park and not Police and Fire services as represented. Residents had the choice to be upset and not re-elect City Council Members or pursue a Referendum. They were able to defeat the Property Tax Referendum and vote out one City Council Member who supported the bond. In the future, he hoped the City Council would make the public aware of major decisions that have a long-term impact. He also asked that more information be made available on the City’s website.

John St. Clair asked what the City Council learned from the Referendum. His takeaway was that the City Council has problems with prioritization, perception, and communication. In terms of prioritization, with the 2022 \$68 million bond people wanted some of the money put into roads. It is a need versus want discussion as to whether the site needs to be developed or if it could be developed in phases. With regard to perception, he stated that the City has a Road Plan that he refuted. He stated that there is no Road Plan that shows exactly when each street in the City will be repaved, resurfaced, fixed, or updated. If such information was available, everyone would know exactly when a street will be repaved. Until that type of information is made available, the City does not have a Road Plan. He also commented on the City’s lack of communication. He

commented that the Park Project is one example of poor communication. Over a one-year period, he reviewed the City's Facebook page, the PG Pulse Newsletters, and the Community Connection website and stated that he was unable to find any information until the tax letter was sent out in July of 2023. For significant items such as that, proactive steps are needed including Townhall Meetings, focus groups, surveys, and e-mail notices. He did not see any of that demonstrated.

Lon Lewis was present to share his views on the Referendum and hoped the City Council understood what transpired. He explained that the Referendum allowed citizens to challenge the tax increase. He voted against it because it should have been for pay increases for emergency personnel and not involve non-essential services. Had the City separated those items and made it clear that the tax increase was to go toward emergency services, he would not have had an issue. He was not willing to support a tax increase for non-essential elements of the bond. He stated that the City needs to be more transparent. The majority vote went against what the City felt its needs were. He also suggested that information be disseminated so that the public is well informed.

John James Meyer commented that there are major concerns in the City and challenges that need to be addressed. The biggest issue was that there was no transparency with the bond. The debt security and funding document for the \$36 million bond for the Cook Family Park and the Cemetery expansion, identifies sales taxes as the funding source. The City now claims that property tax payments are to be used. The City defunded the Police and Fire Departments and the Library and instead chose to fund a park. He also claimed that the money was spent before it was obtained. According to City documents, the cost of the bond will be \$58 million. If that had been known, everyone would have voted against it. Mr. Meyer did not know how the Council could defund the Police Department and take money away from the roads, which are in desperate need of repair. The park was chosen over Roads, Police, and Fire which he considered unconscionable.

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

6) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the January 2, 2024, Meeting.**
- B. **To Consider Approval of Payment Request No. 3 for Kilgore Contracting for the 900 West Surface Restoration Project.**
- C. **To Consider Approval of Payment Reports for December 28, 2023, and January 11, 2024.**
- D. **To Consider Approval of Payment Request No. 1 for HydroVac Excavation for the Pressurized Irrigation Meters Installation Project.**

ACTION: Council Member Andersen moved to APPROVE the Consent Items. Council Member Jensen 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 a Resolution (2024-03) Adjusting and Amending the Actual and Anticipated Expenditures for Fiscal Year 2023/2024; and Providing for an Effective Date. Presenter: Director Roy.

Administrator Darrington reported that over a period of years, the City has put General Fund money into the Road Fund. The initial goal was to set aside \$3.8 million yearly for road revenue, which has been increased to \$4.5 million due to the proactive policies the City Council lobbied for or enacted. Some of the funds are restricted to road work only. Currently, approximately \$600,000 in General Fund money is being held in the Road Fund. As the City Administrator, he recommended that the same amount be put back into the General Fund to give the City Council greater flexibility with regard to its use. At any time, the City Council can move all or a portion back into the Road Fund if desired. He noted that the budget transfer back to the General Fund is on the Agenda for adoption.

Mayor Fugal opened the public hearing.

John James Meyer stated that it is inconceivable that the City Council is defunding roads. If the money is returned to the General Fund it will never be put back to roads. After asking Administrator Darrington a specific question, he was advised by Mayor Fugal that no discussion is permitted during public hearings. The money is to be used for something else. Mr. Meyer commented that the roads in Pleasant Grove are in poor condition and need repair. He asked what happened to the \$6.5 million bond for roads and if an Audit could be conducted to determine how that money was spent.

Bob Scott reported that the \$596,964 being returned to the General Fund represents the entire amount allocated by the City to roads. That money is to be used to pay the bond. \$2.6 million is needed every year to pay off the bond. Next year they will likely see that the returned money was used to pay the bond. If the transferred money is to be used to pay the bond, the City should be honest and acknowledge it.

Carl Cooney commented that roads have been discussed for many years and the fee issue has been through the courts. Money for roads is now being returned to the General Fund. He had not been involved in the issue for a long time for health reasons but it did not seem that anything had changed. He considered what was proposed to be a step backward. During the election, he never saw roads shorted until now for a park. He understood that the bond had passed and that certain funds had been allocated and spent. He agreed that the City Council is not being transparent,

which has resulted in misinformation. City roads are still being neglected and citizens want them fixed. Six years ago, the City Council requested money for roads and he supported taking from the General Fund to pay for them.

Chris Walsh stated that he is a single-issue voter on roads and to pull money from the roads to go to the General Fund was fiduciarly irresponsible. He has lived in Pleasant Grove for less than 10 years and has had to replace multiple parts on his car, including tires, because of the roads. Citizens pay when road maintenance is not a priority. He stated that roads should be a priority and urged the City Council to not spend the money elsewhere.

Lon Lewis stated that if the City Council and Mayor would acknowledge what the transfer is for the citizens would better understand the reasoning behind it. He wondered why it was necessary to move the money and if was being moved for the Park or the interest.

Michael Ray reported that when he first moved to Pleasant Grove 10 years ago, the City Council was pushing funding through to construct the City Building, which he did not support. The City has done many great things for his family. They love the City and plan to stay. He reminded the City Council Members that they are elected to serve the public. He did not vote for any of the incumbent City Council Members and was proud of that distinction because of what he considers dishonesty. He asked that they think about the message that is sent when they move \$600,000 and suggested they find a way to be fiscally responsible. If serving the citizens of Pleasant Grove is not the City Council's top three priorities, he asked that they resign.

John St Clair stated that during the Signature Gathering Campaign in protest of the tax increase, they spoke to thousands of City residents. Most agreed that the City roads need to be fixed and did not prioritize the Park. Roads were identified as the largest City asset and what increases property values. The City should be more creative than just moving money from the Road Fund to the General Fund and look at expenses and alternatives, such as phasing.

Jel Hazleton commented that if the tax increase had been separated between Emergency Services and the Park, she likely would not gotten involved. She met with 300 to 400 people who expressed concern about roads, a lack of transparency, and the feeling that their voices were not being heard. She also noted that for some, the increase was financially difficult. Everyone understands that money is limited but the City needs to prioritize and remember that roads are a priority. She stated that Council Member Jensen is well-liked because he is respectful, even if there is disagreement. Residents are also excited that Council Member Rogers was elected to serve on the City Council.

Carrie Coon was concerned with how things were being done. She stated that Pleasant Grove is known for having terrible roads and people are very concerned. It was of concern that money was being directed away from road repairs.

Tyler Powell commented that the City Council has misread the residents. The Referendum vote was a message and taking \$600,000 from roads is contrary to the desires of the residents. He stated that he would not contribute to mismanagement. He voted for Council Member Rogers and hoped to see change. He encouraged the City Council to look at the Referendum no vote as a reality check. He did not want to contribute to a City that continues to run as it has been. He also wanted

to make sure that the needs of citizens were addressed but did not feel that the City Council was listening.

Jacob Zons recalled a \$3.8 million study that was done seven years ago to determine what was needed to maintain City roads. He was certain that costs have increased since then, which makes it likely that much more is needed. Some of the roads have not been maintained in 30 years. If the City needs money for other things, it should be taken from another source. Before a vote is taken, he suggested that additional meetings be held to discuss the matter further. There are other potential methods to consider to obtain the needed funding. He commented that if the increased property tax had been only for roads, it would have passed and he would have supported it. Mr. Zons wished that all state and local governments would change their beliefs back to the basics and reduce taxes.

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

Mayor Fugal thanked the speakers for their comments and opened the discussion to the City Council and Staff. He asked that Administrator Darrington first provide background information on the proposed Resolution. He commented that the City Council has been dealing with this issue for several years and has done its best.

Administrator Darrington asked that the City Council identify questions to be addressed based on their own thoughts or issues raised during the public hearing.

- Council Member Andersen asked that the issues mentioned during the public hearing regarding the quarter-cent sales taxes and the County be addressed and explained.
- Council Member Williams asked that the reasons why the City Council should act now be explained.

Overview of Road Funding

Administrator Darrington reported that the County recently enacted a quarter-cent sales tax increase that was to be directed specifically to Transportation. The funding source is slightly different than Class C Road Funds and the City's Transportation Utility Fee. All three revenue sources are restricted funds. Class C Road Funds can pay for things such as sidewalks, employee time, and road-related activity. Transportation Utility Fee funds can be used only for road maintenance, which is how it was fashioned by the City Council. The Transportation quarter-cent sales tax money can be used a bit more broadly to include trail work. As a City Administrator, he recommended that the quarter-cent sales tax money be limited to road funding. There had not yet been much discussion about that specific funding source as it just began two weeks ago. He noted that it is the genesis of road funding.

Rationale for and Discussion of the Transfer of General Fund Money

The reasoning behind moving the money to the General Fund from the current road funds is as follows:

- Depending on future legislation, the \$600,000 could be locked up for an extended period of time.
- To move it now would give the City Council the flexibility to use it for other departmental needs.

The priority of how the funds are used is based on a recommendation from staff to the City Council, which determines how the money is to be spent. It is not easy for the City Council to make those determinations as there are conflicting demands from the public on how the money is to be spent. Some want all of the money to go toward roads while others want it to go toward parks or indoor recreation. The City Council has to make sense of the conflicting positions and decide the most appropriate course of action. The speakers at the public hearing expressed the opinion that roads should be the number one priority over every other service the City provides.

Administrator Darrington suggested the following:

- He recommended the \$600,000 include funding for Public Safety, the Library, the Park, the Swimming Pool, or the Community Development Department. Specific details regarding how the money is allocated have not yet been fully addressed.
- In light of the failed Referendum and after viewing the City's expenses, projected activities, and services, Staff acknowledged a budget gap of \$730,000. This \$600,000 could help fill that gap.
- It is important to note that all of the gap is not a result of the Park bond. The majority of the shortfall comes from the following Public Safety changes:
 - An increase in police salaries;
 - The hiring of an additional Fire Fighter; and
 - Funding to support an additional Librarian.
- One option was to use the transferred money to cover additional Public Service and Library costs with the remainder going toward the Park. Another option for using this one-time money could include incorporating it into the budget for next year. Nothing had been decided as budget discussions were set to begin shortly.

Rationale For Taking Transfer Action Now

Administrator Darrington explained that it is important that the \$600,000 be moved sooner rather than later to ensure that the City Council maintains flexibility in its use versus having the funds locked into the Road Fund via a legislative decision. He noted that the State Legislature often dictates to cities how they should spend City money and as the City Council is a representative of the local government it should decide how tax dollars are spent and not the Legislature. If the State controls how local money is spent, it is possible that in the future, there will be disagreements about whether the funding meets the needs of City residents. He stressed the importance of local control.

Administrator Darrington stated that it is unclear what future legislation may bind the City Council; however, the requirement for the installation of water meters is a great example of State

action binding how City funds are used. Fortunately, Pleasant Grove City is in the financial position to take advantage of the 70% cost savings offered by the State. That savings represents \$750,000 per year.

In addition, the Transportation Utility Fee, which was put in place by the City Council to provide an ongoing source of funding for road work, has been reinstated. That matter was litigated during which time the City did not charge a fee and held the money already collected in trust. Pleasant Grove's position has been upheld on Appeal by the State Supreme Court. Once that ruling was final and before the fee was reinstated, the City Council reduced the fee by 20% to decrease the burden on the general public. The fee could have remained at the higher rate, which would have brought money in more quickly, however, the City Council considered the financial burden on taxpayers to be a greater need. The fee funds that were held in trust and the future payments, which are substantial, are now available for road funding.

When asked what was meant by saying that the \$600,000 was built up over time, Administrator Darrington stated that between 2013 and 2016, a prior City Council created a yearly allocation of \$125,000 of General Fund money to be put into the budget for roads. Additional funding has been added periodically with a final addition of \$250,000 last year. This brought the total to approximately \$600,000. Over the past few years, there have been discussions about moving the money back to the General Fund and at one point, a portion was allocated to be used to cover personnel costs. While it remains in the General Fund, the money has been used for engineering and road design work.

Budgetary Considerations and Decision-Making

Over the last nine months, the City has over \$2 million to use for roads. The Transportation Utility Fee was deemed legal in March and yielded \$1.2 million. The quarter-cent sales tax increase adds \$750,000. This information serves as a trigger to move the General Fund money back into the General Fund for other uses. Administrator Darrington stated that the City is better served by taking the \$600,000 General Fund money out of the Roads Fund to be used for other needed services. The \$2 million is restricted money that can only be used for roads.

Administrator Darrington explained that roads are not the only obligation the City has. Infrastructure such as water and sewer, requires a portion of funding to come from sources other than the City. If outside funding was not available, individual water and sewer bills would be around \$150 per month. Although utility rates increase each year, the rate charged never fully covers present and future anticipated costs because of the political pressure against raising rates. Decisions are made routinely regarding what can be funded.

The City Council is faced with making decisions that are not always popular and there will always be conflicting opinions about how the money is spent. This weighs on the City Council and he hoped the public understands that roads are only one of the factors to be considered.

Administrator Darrington reported that a public hearing was held on August 1, 2023, regarding the proposed tax increase. About 25 residents were present with about 15 speaking. The next day, 450 residents were present for the ground-breaking at the Park. He assumed that a large majority

of those present were in support of the Park. He explained that the Referendum on the property tax increase and how that money should be spent went forward and the citizens defeated the tax increase. He stated that two of the City Council members who actively advocated for the tax increase were re-elected after the Referendum vote. He reported that the City Council must do its best judgment to keep the City running. It is Staff's job to look at all of the issues to properly advise the City Council on action to be taken.

Transparency Comments

Administrator Darrington reported that the City has held several public meetings on the Park and discussed the proposed property tax increase. The February 2023 agenda included the property tax increase to be discussed. Discussions included the funding requirements and identified projects that required funding. All were open public meetings. The City has fully complied with the public notice requirements. He explained that the City cannot borrow \$36 million without holding a public hearing. The tenure of the Council Members was discussed. Administrator Darrington stated that the City Council has consistently put more money toward roads than any other City Council in the past. They initially put \$200,000 to \$300,000 per year toward roads and that amount has now increased to \$4.5 million. Last year, \$11.5 million was put toward roads. It was reported that the largest road project ever done in Pleasant Grove was approved for 2024. The City Council has listened to the residents and taken definitive action. For that reason, he was confident in recommending taking advantage of an opportunity to take General Fund money back from roads to cover other services.

Council Member Williams asked that the breakdown of the bond funding be described.

Breakdown of Bond Money

Administrator Darrington reported that the City initially purchased 40 acres of property to build a storm drain basin. Council Member Lee Jensen and City Engineer Degen Lewis were the driving force behind purchasing all 40 acres. At the time, he expected it to cost the City too much. Council Member Jensen stated that the City would need all the property at some time in the future. It was purchased for \$3 per square foot in 2012 with the intent to construct the storm drain basin and expand the cemetery. Also discussed were soccer fields and a traditional park.

A generous donation from a Pleasant Grove resident of \$5 million to build a Park changed things. He reported that there have been comments that only the \$5 million should be used to build a Park. He commented that had the City informed the donor that the City did not plan to contribute to the construction of the Park, the offer would likely have been withdrawn. City Council Meetings were held and they began with the Storm Drain Basin and the Park and explored other options. The Cemetery expansion was always considered as it is adjacent to the area. Work was done for nearly two years to develop various concept plans. The determination was ultimately made regarding what would be included. The Engineering Design Analysis was used to identify the required amount of funding.

The \$36 million was broken down as follows:

- \$3 million for the Cemetery expansion;
- \$3.2 million for road improvements around the area of 600 West, 800 North, and 400 North;
- Curb, gutter, and sidewalk;
- \$11.2 million for the Storm Drain Detention Basin;
- \$7 million toward building a channel from the southern portion of the City to Utah Lake;
- \$2 million in storm drain costs; and
- \$10 million for the Park on behalf of the City.

The decision to obtain the bond funding before the tax vote was based on the volatile economic picture at the time, specifically rising interest rates. By bonding in March instead of August, \$3 million was saved in interest payments. Administrator Darrington acknowledged that interest costs should be considered but it is likely that the bond will be refinanced at a lower interest rate in the future.

Mayor Fugal reported that given the comments that the City Council is taking money away from roads, information about what is being done needs to be clarified. He was pleased that Administrator Darrington clarified that this City Council has done more for roads than any other City Council. He invited Director Winterton to provide a summary of road work in Pleasant Grove.

Discussion of Road Work

Director Winterton reported that he has been with Pleasant Grove for nearly two years and has been able to look at the road history through a fresh set of eyes. He spent 23 years in Public Works in Orem City where he participated in similar discussions. He reported that all cities experience something similar. He stressed the importance of recognizing that the City's budget cannot be compared to Orem or any other city. Orem's sales tax revenue, per capita, is triple what Pleasant Grove's sales tax is. That impacts the General Fund. Orem's goal over time was to simply bring businesses in to create that tax revenue. The result is that it takes a long time to drive through the heart of Orem City.

Director Winterton displayed a list of 2024 road projects that are currently out to bid. The list of 105 roads will cost approximately \$3.7 million and is to be done this summer. It does not include roads that were completed one to two years ago or those that have been worked on as a result of utility projects. The work is to assist in accomplishing the Three-Year Road Plan that was enacted in 2020 and much more. He commented that some of the road work that was anticipated previously was halted because of COVID-19. The information will be posted to the City's website and the material will be covered during the Budget Session.

Director Winterton reported that the City does not currently have a map that shows every road in the City with a year attached to when work will be completed. Such a map would be disingenuous. He explained that several factors are taken into consideration with regard to when and where work is to be done. The City Council prepares a budget every year and the Public Works Department plans future work by coordinating with master planning efforts. They also predict utility work that may be required. They work with other agencies such as UDOT. Staff and the City Council determine if work can be done based on the cost of materials and labor and the budget.

Director Winterton stated that he and Finance Director, Denise Roy, obtained information on Class C Road Funding between 2008 and 2022. He explained that the low flat line reflects money spent and remains flat until 2018 and 2019 when efforts were made to increase the amount put toward roads. He described the impact COVID-19 had on the slope of the curve. This information includes Mountainland Association of Governments (“MAG”) funds as well. He stated that the City has an obligation to match funds. MAG also did not pay for utility or work described as betterment. He described how taxpayer money paid into MAG is allocated to various cities.

Director Winterton reported that this year, the City will spend \$8.5 million, and possibly more, on roads. Road bond money must be spent on roads and that money is being used for ongoing projects. He provided information about the impact on funding during the pendency of a 10-year bond that addressed about 75% of Class C Roads. He reviewed the money to be obtained through the Transportation Utility Fee money and the quarter-cent sales tax funds. That money has not yet been allocated. Director Winterton was asked if the current budget anticipates the General Funds being allocated to roads. He explained that because he prepared these figures six to eight months ago, he would have to double-check them and report back.

There was discussion regarding how the current road work is to be performed and sidewalk costs. The cost of repair or reconstruction was acknowledged as being more expensive now because of the current market and labor costs. A comment was made that Pleasant Grove has 125 to 130 miles of road and for a long time, very little maintenance was done. The intent was to show that the roads are considered important. Director Winterton agreed to provide updated maps showing the work that has been and will be done including surface treatments. The cost per square mile will be kept in perspective at \$16/per lineal foot for preservation and \$250/lineal foot to reconstruct and rebuild the road. Director Winterton stated that at the meetings he will explain the rationale behind site selections. He stated that once the project is bid it is still up to Public Works to manage. The budget and planning session were scheduled for February 9, 2024, at 9:00 a.m. in the Fire Training Room.

General Comments

There was general discussion about where the City Council and Staff live, with most residing in Pleasant Grove. Council Member LeMone was disappointed with audience members who she saw snickering, talking, and laughing during staff’s presentation. She stated that the City Council listened to the public comments in a respectful manner and she would appreciate the same level of respect to be reciprocated. She hoped to have respectful interchanges going forward.

Mayor Fugal was pleased to see residents present and disclosed the following:

- The City Council does not respond to what is said at an open public hearing. The City Council listens to comments but does not debate.
- Roads have been discussed for years. The City Council meets twice per month and roads have been addressed often.
- The City Council is working hard to get the roads fixed and to ensure that other community services are available.

- There are great roads in the community. The main roads in Pleasant Grove are completed and the focus is on work in subdivisions. The City has made significant progress. He expressed appreciation to City staff.
- City Council Meetings are open to the public but are often sparsely attended. He invited the public to get involved and attend meetings.

Council Member Jensen thanked the audience for the comments and acknowledged that some were offered in anger or frustration. He stated the following:

- A meeting was held several years ago regarding roads and whether money should be taken from other services such as the Library, Recreation, and Parks to go toward roads. At that time, over 60% of citizens were unwilling to do so.
- He stated that he does not serve on the City Council because of ego. He has been in public service for more than 34 years and loves serving his community. He enjoys taking on issues that are important to the community.
- Council Member Jensen was sorry that Mr. Powell did not feel he could donate his money but stated that that was his decision. He explained that General Fund money is not Road money. Road funds come from Class C Road Fund, Transportation Utility Fees, and the quarter-cent sales tax fee.
- In 2014 through 2016, the City Council put more money toward roads. Although \$195,000 does not sound like a lot, it was at the time. In 2017, that amount was increased to \$324,000. In 2018, it increased again to \$424,000. In 2019 through 2022, the amount was reduced to \$346,000 because there were needs in other areas as described previously by Administrator Darrington. The funding is flexible so that needs can be met. In 2023, the \$346,000 was propped up by the 2022 property tax of \$250,000. We are now up to \$600,000, which comes from the General Fund.
- Every year, The City Council goes through the process of creating a budget. Departmental needs are specifically evaluated.
- The quarter-cent tax fund likely only offsets what is being done on roads.
- He commented on the \$4.72 million that was voted down. Council Member Jensen spoke to many frustrated residents. Many have since indicated that they wish they had voted differently.
- Last year, money was set aside for the Park. We heard tonight that over two-thirds of that money will go toward infrastructure. That is important for the City and the purchase of the pipe plant.
- Council Member Jensen was disturbed by the allegation that the City Council defunded Police and Fire. He noted that large amounts of funding were directed there. In 2022, property tax increases all went to Public Safety. A portion of the 2023 property tax will likewise go to Public Safety.
- He was proud of each of the nine departments in the City. He also expressed appreciation to the City Council which makes the difficult decisions.

Council Member Andersen provided the following comments:

- She agreed with Council Member Jensen's comments and stated that each City Council Member comes with different strengths. She has served since 1991. She has seven

children, six of whom live in Pleasant Grove and are in different economic situations. She stated that she cares deeply about the community.

- As Council Member Jensen stated, the funding for roads has not been at the expense of other departments. She encouraged the public to talk with the Police and Fire Chiefs to learn that defunding has not taken place. Public Safety is important because the cannibalization of public safety officers is occurring across the State where cities are offering more money for employees with more than 10 years of experience. Salaries must remain competitive.
- Council Member Andersen supported having conversations about where money is spent and the proposed bond.
- She was grateful for the quarter-cent sales tax from the County, which is designated for roads in the amount of \$750,000. That funding source will offset the need to use General Fund money as a bridge until additional funding becomes available.
- With regard to bond funding, two-thirds will go toward infrastructure, Public Safety, and the Library.
- She agreed that the City needs to do a better job of educating and communicating with the public. She was very comfortable approving the budget amendment.

Council Member Rogers reported that this is a difficult vote for him. He has communicated with some of the Directors and City Administrator in evaluating the status of the City. He provided the following comments:

- He has the benefit of being ignorant to much of what has gone on recently but had heard that there can be difficulties with long-serving City Council Members. He was not sure that was the case here.
- He stated that the City's Administrator and Directors are competent. The City Council Members also care about Pleasant Grove and are competent. He stated that as he has become acquainted with Members of the City Council he has come to trust the information he is provided with.
- He struggled with the fact that a majority of citizens were opposed to the tax increase and 3,533 voted against it.
- Whether it is a slim or large majority, it is a majority. People may wish they had voted differently. He asked that going forward, residents come to the City Council for information. He expected voters to have information regarding the issue they are voting on. He stated that he cannot ignore the voice of the people. It is a difficult decision because he respects the Directors and understands the reasons for the proposed amendment. He also understands his role, which is to uphold the voice of the people.
- Providing information about the history of the roads has been very helpful. They are fortunate that Director Winterton came from Orem as he is very competent.
- He questioned whether the City Council listened to the citizens during the election.

Council Member LeMone provided the following comments:

- The vote did not involve the majority of residents but rather the majority of voters. She reported that Pleasant Grove has over 40,000 residents.

- The City Council needs to listen to voters but they are not the majority of residents. The turnout was 25%. She explained that they were not voting for a budget amendment and did not want their property taxes to be increased to fund a Park. She clarified that they were not voting for the \$600,000 to be transferred back to the General Fund. She noted that the City Council is doing what the voters want and not going forward with the property tax increase. She stated that the voters did not vote on a budget amendment.
- Once the vote was heard by the City Council, changes were made to the budget.

Council Member Rogers appreciated Council Member LeMone's point of view.

ACTION: Council Member Andersen moved to ADOPT Resolution 2024-03 Adjusting and Amending the Actual and Anticipated Expenditures for Fiscal Year 2023/2024; and Providing for an Effective Date. Council Member Jensen seconded the motion. Vote on motion: Council Member Andersen-Yes; Council Member Rogers-No; Council Member Jensen-Yes; Council Member LeMone-Yes; Council Member Williams-Yes. The motion passed 4-to-1.

B. Public Hearing to Consider for Adoption an Ordinance (2024-1) Amending City Code Title 11 Chapter 7 "Plan and Plat Requirements" Updating the Current Review Process for Subdivisions and Enacting Subsection 7 Establishing New Standards for the Application, Review, and Approval Process for Proposed New Residential Subdivisions, Single-Family, Duplexes and Townhomes Only, and Providing for an Effective Date (Pleasant Grove City, Applicant). *Presenter: Director Cardenas.*

Community Director, Daniel Cardenas, reported that the proposed ordinance formalizes the procedural changes mandated by the passage of SB-174 pertaining to standardization of the review and approval processes for new residential subdivisions for single-family, duplexes, and townhomes. State Code sets forth the specific requirements to be uniformly followed. Currently, each jurisdiction is allowed to determine its own process of review and approval. For Pleasant Grove, if an application for a residential subdivision is received, staff reviews the application and when it is at the final plan stage, presents it to the Planning Commission for a recommendation. If the subdivision consists of three or fewer lots, once approval is granted by the Planning Commission, it is forwarded to the City Engineer for approval. If the subdivision consists of more than three lots, once a public hearing is held and a recommendation of approval is given by the Planning Commission, the matter is forwarded to the City Council for action. The proposed ordinance modifies that process to place final approval for all residential subdivisions involving single-family, duplexes or townhomes, with the Planning Commission or, alternatively, the City Engineer or Community Development Director.

The proposed process meets all State requirements and is tailored as follows:

- The Permit Administrator has two days to initially review the application for completeness and notify the applicant in writing of the determination. If the application is found to be incomplete, it will not be accepted.
- If the application is determined to be complete, it is considered accepted when the fee is paid. This action triggers the time allowances for reviews.

- The first review must be completed within 15 days and final reviews must be done within 20 days. The application can be reviewed a maximum of four times. The City has revised its internal procedures and staff is confident that it can work within this time frame. The average number of reviews at the present time is five.

The City will now require an applicant to submit a Preliminary Subdivision Plat as part of the application. In addition, an 18-page document identifying each requirement has been created and will be distributed to assist in the process. If, after the four reviews, the applicant and staff do not agree, there is an appeal process and the matter will be heard by the City's Hearing Officer. If an engineering issue is involved, the applicant is to select one engineer and the City selects another. The two engineers then agree on a third engineer to establish a panel to jointly make the determination. The cost of the appeal is split equally between the applicant and the City. If the applicant is still dissatisfied, a District Court hearing is the next step. Director Cardenas commented that for the most part, residential subdivisions meet or do not meet the zoning requirements. The ordinance has been reviewed by the City Attorney and the Planning Commission has reviewed and recommended approval of the proposed ordinance.

A question was raised regarding whether the proposed ordinance impacts townhomes in The Grove Zone. City Attorney, Tina Petersen, reported that townhomes are not allowed in The Grove Zone, and apartments, which are allowed, do not fall within the categories addressed by the proposed ordinance. To have townhomes in The Grove Zone, the zoning would need to be changed. She added that minor changes may be needed if the Legislature modifies the law in any respect. There is a requirement that the ordinance be adopted by February 2024.

Mayor Fugal opened the public hearing.

Jacob Contes asked to see more affordable housing properties and three-family homes allowed in Pleasant Grove.

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

ACTION: Council Member Jensen moved to ADOPT Ordinance 2024-1 Amending City Code Title 11 Chapter 7 "Plan and Plat Requirements" Updating the current review process for Subdivisions and enacting Subsection 7 Establishing New Standards for the Application, Review, and Approval Process for Proposed New Residential Subdivisions, Single-Family, Duplexes, and Townhomes only, and providing for an effective date. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Andersen, Rogers, Jensen, LeMone, and Williams voting "Yes".

10) ACTION ITEMS READY FOR VOTE

- To Consider for Adoption a Resolution (2024-04) Authorizing the Mayor to Appoint a Member Representative to the Central Utah 911 Board and Providing for an Effective Date. *Presenter: City Administrator Darrington.***

Administrator Darrington reported that Council Member Jensen has faithfully served on the

Central Utah 911 Board for three or four years. The Board sent out notice asking about the status of representation. Council Member Jensen was willing to have someone else serve, if interested. Council Member Williams expressed interest in the position. The proposed Resolution addresses the change in representation.

ACTION: Council Member Jensen moved to ADOPT Resolution 2024-04 Authorizing the Mayor to Appoint a Member Representative to the Central Utah 911 Board and providing for an effective date. 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.

B. To Consider for Adoption a Resolution (2024-05) Authorizing the Mayor to Execute a Master Agreement for Professional Services with Ridgeline Consultants, Inc. for Engineering Services on a Project Specific Basis. Presenter: Administrator Winterton.

Director Winterton reported that the above Resolution involves the City Council entering into a Master Agreement between the City and the Consultant. Ridgeline Consultants, Inc. is an engineering firm and the agreement gives the City additional bid options for services. These types of Agreements are beneficial to the City as it expands the competitive bidding environment to provide the best possible options for the City.

ACTION: Council Member Andersen moved to ADOPT Resolution 2024-05 Authorizing the Mayor to Execute a Master Agreement for Professional Services with Ridgeline Consultants, Inc. for Engineering Services on a project-specific basis. Council Member Rogers 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. To Consider for Adoption a Resolution (2024-06) Authorizing the Mayor to Declare 1 Desktop Lenovo M715, 1 Desktop HP ProDesk 400, 1 Elitebook745 Laptop, 1 Lenovo A475 Laptop, 2 Surface 3 Laptops, 1 Surface Pro 7, 2 Surface Pro 6, 1 Surface Pro 5, 1 Lenovo T495 Laptop, 1 Lenovo P72, and 1 Surface Laptop 2 Computers as Surplus and Direct that they be Disposed of According to the City's Policy for Disposing of Surplus Property. Presenter: Assistant to the City Administrator Brower.

Assistant Administrator Brower reported that the City's IT consultant recommended that all of the equipment listed be disposed of as surplus according to the Computer Rotation Schedule. Administrator Darrington stated that, per the policy, the computers listed will be made available to employees at market price.

ACTION: Council Member Williams moved to ADOPT Resolution 2024-06 Authorizing the Mayor to Declare 1 Desktop Lenovo M715, 1 Desktop HP ProDesk 400, 1 Elitebook745 Laptop, 1 Lenovo A475 Laptop, 2 Surface 3 Laptops, 1 Surface Pro 7, 2 Surface Pro 6, 1 Surface Pro 5, 1 Lenovo T495 Laptop, 1 Lenovo P72, and 1 Surface Laptop 2 computers as surplus and direct

that they be disposed of according to the City's Policy for Disposing of Surplus Property. 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.

11) **ITEMS FOR DISCUSSION**

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

12) **REVIEW AND DISCUSSION OF THE FEBRUARY 6, 2024, CITY COUNCIL MEETING AGENDA**

13) **MAYOR AND COUNCIL BUSINESS.**

Council Member Jensen reported that the Gala, a bow-tie event, will take place on February 8, 2024. There will also be a sign-up for a business event for Utah Valley University on April 10, 2024, from 8:00 a.m. to 1:00 p.m. An e-mail will be sent out by Administrator Darrington.

Council Member Rogers reported that he was approached by three senior citizens in the community who indicated that they were having issues with rent in a rent-controlled subsidized location. They asked that he be aware of it. Housing is getting expensive and there is a concern that they will be priced out of the market. One complex is rent-controlled. He was told that leases are not being renewed but they are allowed to stay with a rent increase. He suggested that they be directed to Utah Legal Services and possibly file a Complaint with the Federal Housing Authority ("FHA"). The County should also be made aware. It was noted that the Senior Center may also be able to assist.

14) **SIGNING OF PLATS.**

15) **REVIEW CALENDAR.**

16) **ADJOURN.**

ACTION: At 8:28 p.m. Council Member Williams moved to ADJOURN. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, LeMone, Rogers, and Williams voting "Yes".

The City Council minutes of January 17, 2024, were approved by the City Council on February 6, 2024.



Wendy Thorpe, CMC
City Recorder

(Exhibits are in the Recorder's office.)