

**Pleasant Grove City
City Council Meeting Minutes
Work and Regular Sessions
March 6, 2018
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone (arrived at 5:17 p.m.)
Lynn Walker
Todd Williams

Staff Present: Scott Darrington, City Administrator
Denise Roy, Finance Director
Dave Thomas, Fire Chief
Mike Smith, Police Chief
Kathy Kresser, City Recorder
Daniel Cardenas, Community Development Director
Marty Beaumont, Public Works Director
Sheri Britsch, Library and Arts Director
Tina Petersen, City Attorney

The City Council and staff met in the Library at 30 East Center Street, Pleasant Grove, Utah.

5:00 P.M. WORK SESSION

A) CITY COUNCIL AND STAFF WILL REVIEW AND DISCUSS ITEMS ON THE AGENDA.

City Administrator, Scott Darrington, reviewed the manner in which the meeting would proceed. City Attorney, Tina Petersen, explained that the purpose of the Work Session was to have discussion only. All official business and policy decisions should occur during the Regular Session. Staff would help guide the flow of the meeting to ensure that the appropriate level of discussion takes place in each type of meeting. Staff and the elected officials subsequently reviewed the agenda for the Regular Session.

Finance Director, Denise Roy, reported that Public Work Director, Marty Beaumont, has been working with the County on the 100 East Project and the bid has come in over engineering's estimate. The City will need to reallocate funds to complete the project. Director Beaumont explained that \$650,000 was allocated to the 100 East Project for the water line. As staff went further into the project details, they decided to add in the 2600 North replacement from 180 West to Canyon Road. Staff hoped the contractor would give them a better deal for both parts of the

project, which was the reason for the budget amendment. Director Beaumont described the differences of opinion between staff and the contractor regarding total project costs. He explained that \$500,000 was allocated for a filter station on the City's pressure irrigation turnouts on 1100 North; however, the design work for the project had not begun. Therefore, staff was proposing to shift the funds to the 100 East Project.

In response to a question from Council Member Jensen, Director Beaumont reviewed the detouring that will take place during this year's construction season. He noted that the design for 1100 North is presently at about a 70% level and staff plans to put a hold on it when they reach around 85%.

Attorney Petersen stated that the Council would be accepting an annexation petition from Sid and Karen Smart for a piece of property that is currently in Utah County's jurisdiction. As part of that item, they will also be scheduling a public hearing for May 1. She also noted that Jerald Jacobs owns 0.71 acres in the area but he does not want to annex his property at this time. Administrator Darrington noted that if the property owner does not want to be annexed into Pleasant Grove, the City will have a choice as to whether to force the annexation. There was subsequent discussion regarding utility hookups to the property in question.

Attorney Petersen discussed the Indigent Defense Commission (IDC) at the State of Utah. She explained that it had been determined that the manner in which most cities and counties were providing funding for indigent defense did not meet the goals of the 6th Amendment. A fund was set up for indigent defense and the current balance is approximately \$3 million. Pleasant Grove has consistently spent more on indigent defense than cities of a similar size because we do have a system that meets the goals of effective indigent defense. As a result, Attorney Petersen would be asking for a 75/25 matching grant to help offset the costs of the public defenders. Most other cities either pay a flat fee or per case load, which the IDC has determined disincentivizes public defenders from zealously defending the interests of their clients because they are overworked and underpaid. Pleasant Grove is different in the sense that they have always been on an hourly billing cycle. In 2017, the City paid about \$117,000 to public defenders. Comparatively, Springville spent \$47,000 and they had 461 cases, whereas Pleasant Grove had 511 cases. Attorney Petersen stated that staff will be submitting a joint grant application with Lindon City because they share the same public defenders and judge. Staff anticipates that a response on the application will be received in May.

It was noted that Items 10D and 10E were stricken from tonight's agenda. There was discussion regarding the address listed in Item 10B. Clarification on the matter would be included in the motion for that item.

Council Member Williams posed the question of what actions the City can take to protect children from school shootings and other violence that may occur. Attorney Petersen suggested this topic be listed as a discussion item on the March 27 agenda. Police Chief, Mike Smith, reported that he has worked with the State School Board to put together a program to address this issue. He stated that it is up to the discretion of the school district in terms of what aspects of the program they want to implement.

At the Mayor's request, Director Beaumont provided updates on the 700 South Utility Improvement Project as well as the Walker Tank and Pump Station Projects. There was subsequent discussion regarding the City Spring Cleanup Days.

ACTION: Council Member LeMone moved to close the work session at 5:42 p.m. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

6:00 P.M. REGULAR CITY COUNCIL MEETING

1) CALL TO ORDER.

Mayor Fugal called the meeting to order and noted that all Council Members were present.

2) PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Hayden McCullom.

3) OPENING REMARKS.

The opening remarks were given by Mike Carter.

4) APPROVAL OF MEETING'S AGENDA.

Administrator Darrington noted that Items 10D and 10E were removed from the agenda. An appointment to the Planning Commission also needed to be made.

ACTION: Council Member LeMone moved to approve the agenda with the aforementioned changes. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

5) OPEN SESSION.

Mayor Fugal invited Bobbi Jo Blake to introduce herself. Ms. Blake has lived in Pleasant Grove for nine years and has children who attend school in the Alpine School District. She graduated from the J. Reuben Clark Law School at BYU and has always been active in the community. She looked forward to serving on the Planning Commission.

Mayor Fugal opened the Open Session.

Mike Carter was present representing Tabitha's Way. He distributed a handout to the Mayor and Council detailing his organization's accomplishments in 2017. Their location in northern Utah County was opened in July 2016. The highlights addressed in his report were as follows:

- Provided food assistance to thousands of families in the area;
- Received a significant amount of volunteer help;

- Local citizens and groups have been generous in making food donations; and
- Donated food to other organizations who also fight food insecurity.

Looking to the future, the goal of Tabitha's Way is to create a No Hunger Zone - a specific area where no one never has to face hunger or food insecurity because neighbors (citizens, businesses, schools and other organizations) have taken emotional and financial responsibility to assure that never happens. Mr. Carter concluded by thanking the community for its support and invited them to continue participating in the efforts of Tabitha's Way.

Council Member LeMone asked Mr. Carter what the City can do to better support Tabitha's Way. Mr. Carter reported that they can always use more volunteers. Council Member LeMone asked if people could find more information on volunteering on the City's website or Facebook page. Mr. Carter answered affirmatively. Council Member LeMone suggested that information be distributed through the City's communication channels as well.

Council Member Williams asked Mr. Carter to describe the organization's efforts in helping people find jobs. Mr. Carter explained that part of their mission is to help individuals achieve self-reliance. Tabitha's Way refers clients to various job services agencies and helps provide professional clothing for job interviews.

Mr. Carter presented the Utah State flag from 1896, which was the first year of Utah's statehood. He provided a brief historical overview of the piece and explained that his intent is to frame it and donate it to the City. The Council expressed gratitude to Mr. Carter for his generosity.

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

6) CONSENT ITEMS

- a) **City Council Minutes:
City Council Minutes for the February 6, 2018 Meeting.**
- b) **To Consider for Approval Partial Payment No. 4 and Change Order No. 2 to Newman Construction for the 700 South Utility Improvement Project.**
- c) **To Consider for Approval Payment No. 7 to Dry Creek Structures, LLC for the Walker Tank and Pump Station Project.**
- d) **To Consider Approval of Payment Approval Reports for (February 22, 2018).**

ACTION: Council Member Jensen moved to approve the consent items. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

7) BOARD, COMMISSION, COMMITTEE APPOINTMENTS

There were no appointments.

8) PRESENTATIONS

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2017/2018 BUDGET AMENDMENT TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES FOR THE 100 EAST WATER LINE, IN THE AMOUNT OF \$500,000, WITH THE FUNDING SOURCE BEING A REALLOCATION OF FUNDING FROM 1100 NORTH CUP DIVERSION FILTER TO 100 EAST WATER LINE PROJECT.**

Director Beaumont stated that a couple of weeks earlier, the Council discussed a bid that was received by Utah County for the reconstruction of 100 East. The City was in the process of trying to replace utilities under that right-of-way with the same contractor, in conjunction with the project. The bid came back about two weeks earlier, and the utilities were included as additive alternates. The additive alternate for the water line, specifically, came in higher than engineering's estimated cost. Director Beaumont guesstimated that this was the case mainly because of the busyness of the road, traffic control, and the narrowness of the right-of-way. Staff was proposing to move \$500,000 from the 1100 North CUP division filter to the 100 East water line project to cover the difference, as the 100 East project is higher priority at this time.

Council Member Walker asked how many contractors bid on the project. Director Beaumont noted that the City received four bids and Kilgore was the lowest bidder. Council Member Jensen asked if any other filtration projects have taken place in the City. Director Beaumont responded in the negative. Council Member Williams asked if there is any other way to fund the 100 East Water Line Project without moving funds from the 1100 North project. Director Beaumont stated that there is no other way to move funds around in the current budget year.

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

10) **ACTION ITEMS READY FOR VOTE**

- A) **TO CONSIDER FOR ADOPTION A RESOLUTION (2018-012) ADJUSTING AND AMENDING THE REVENUES AND EXPENDITURES OF THE 2017/2018 FISCAL YEAR BUDGET FOR THE 100 EAST WATER LINE, IN THE AMOUNT OF \$500,000, WITH THE FUNDING SOURCE BEING A REALLOCATION OF FUNDING FROM 1100 NORTH CUP DIVERSION FILTER TO 100 EAST WATER LINE PROJECT AND PROVIDING FOR AN EFFECTIVE DATE.**
Presenter: Director Beaumont.

ACTION: Council Member Andersen moved to adopt a Resolution (2018-012) adjusting and amending the revenues and expenditures of the 2017/2018 Fiscal Year Budget for the 100 East Water Line, in the amount of \$500,000, with the funding source being a reallocation of funding from 1100 North CUP Diversion Filter to 100 East Water Line Project and providing for an

effective date. Council Member Williams seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker and Williams voting “Aye”. The motion carried unanimously.

B) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-013) ACCEPTING A PETITION FROM SID AND KAREN SMART FOR ANNEXATION OF CERTAIN REAL PROPERTY (35.20 ACRES) LOCATED AT APPROXIMATELY 900 WEST 3300 NORTH, TO BE ANNEXED FROM UTAH COUNTY INTO PLEASANT GROVE AND DESIGNATING THE ZONING OF A-1 (AGRICULTURE) ZONE. (MANILA NEIGHBORHOOD) *Presenter: Attorney Petersen.*

Attorney Petersen stated that the City has received an application from the Smart family to annex a piece of property. She corrected the address listed on the agenda and noted that the western coordinate is actually 900 West. Staff reviewed the petition and determined that it meets all of the requirements of Utah State Code 10-2-403. Adopting the resolution was the first step in the process. The Council would also need to set a public hearing date of May 1, 2018.

ACTION: Council Member Williams moved to adopt a Resolution (2018-013) accepting a petition from Sid and Karen Smart for annexation of certain real property (35.20 acres) located at approximately at 900 West 3300 North to be annexed from Utah County into Pleasant Grove and designating the zoning of A-1 (Agriculture) Zone. Council Member Andersen seconded the motion. A voice vote was taken with Council Members Andersen, Jensen, LeMone, Walker and Williams, voting “Aye”. The motion carried unanimously.

Director Beaumont questioned the acreage amount of the subject property. Attorney Petersen clarified that the exact acreage will be included in the ordinance.

C) TO CONSIDER FOR ADOPTION A RESOLUTION (2018-014) OF THE PLEASANT GROVE CITY COUNCIL AUTHORIZING APPLICATION FOR FUNDING FROM THE UTAH INDIGENT DEFENSE COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen stated that the proposed resolution authorizes the City Attorney to apply for a grant from the Utah Indigent Defense Commission (IDC) for the purpose of offsetting the City’s costs associated with providing indigent defense services. Pleasant Grove provides these services under a model that is preferred by the IDC whereas many communities do not. As such, the City has experienced significantly higher costs compared other cities of similar size.

ACTION: Council Member Andersen moved to adopt a Resolution (2018-014) of the Pleasant Grove City Council authorizing application for funding from the Utah Indigent Defense Commission; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Andersen, Williams, Jensen, LeMone and Walker voting “Aye”. The motion carried unanimously.

D) TO CONSIDER FOR APPROVAL A REQUEST FOR A FINAL SUBDIVISION PLAT CALLED CLEAR LAKE WAREHOUSE CONDOMINIUMS PLAT “A” AMENDED THAT INCLUDES 12 CONDOMINIUM UNITS WITHIN TWO BUILDINGS, ON PROPERTY LOCATED AT 564 WEST 700 SOUTH IN THE M-D (MANUFACTURING DISTRIBUTION) ZONE. (SAM WHITE’S LANE NEIGHBORHOOD) (Ryan Litke Applicant) *Presenter: Director Cardenas*

**Note: The above item was stricken from the agenda.*

E) TO CONSIDER FOR APPROVAL A REQUEST FOR A FINAL SUBDIVISION PLAT CALLED CLEAR LAKE WAREHOUSE CONDOMINIUMS PLAT “B” THAT INCLUDES 12 CONDOMINIUM UNITS WITHIN TWO BUILDINGS, ON PROPERTY LOCATED AT APPROXIMATELY 550 WEST 700 SOUTH IN THE M-D (MANUFACTURING DISTRIBUTION) ZONE. (SAM WHITE’S LANE NEIGHBORHOOD) (Ryan Litke Applicant) *Presenter: Director Cardenas*

**Note: The above item was stricken from the agenda.*

11) ITEMS FOR DISCUSSION

A) ROAD FUNDING. *Presenter: Administrator Darrington.*

Note: Item 11C was discussed before 11A.

Administrator Darrington reviewed two different options that the Council decided on with regard to road funding. Two weeks earlier, the City held a public open house at the Recreation Center, for which invitations were sent to every citizen in the community. Administrator Darrington reported that 60 to 80 people showed up for the Open House and productive discussions took place. Attendees also had a chance to fill out comment cards to specify their preference of Option 1 or Option 2. In addition, the same survey was posted on the City’s website. The City received 42 comment cards at the Open House and 56 online responses. Administrator Darrington reported that the feedback from the survey varied significantly. The data sample was small, considering that Pleasant Grove has approximately 38,000 residents, of which 15,000 are registered voters.

Council Member Williams remarked that those who voted for Option 1 wanted to fully fund the roads, whereas those who voted for Option 2 wanted higher residential rates. He stated that the City needs to be sensitive to the needs of citizens living on fixed incomes when making a decision. However, overall the citizens have been clear in stating that they want to fund the roads.

Administrator Darrington pointed out that neither Option 1 nor Option 2 will fund the full \$3.8 million needed for roads. He reported that the City does not fully fund any of its utility funds, including water, sewer, and storm drain. However, there is legislation currently being considered by the State Legislature that could potentially make additional road funding available. He gave brief updates on SB 136 and stated that currently the bill had passed at the Senate and was forwarded to the House. If it does pass, staff was anticipating that it would bring an additional \$300,000 or \$400,000 of revenue to the City that could be earmarked for transportation. The City would see those funds whenever the County implements the tax.

Administrator Darrington stated that the Council will not be adopting a rate tonight and recommended they hold a public hearing on March 27. At the following meeting scheduled for April 10, the City Council could either have further discussion or adopt the final rate.

Council Member Jensen reported that the City had received a lot of public feedback on the item to this point. He stated that the options may not be perfect, but it gets the City moving forward. He discussed the importance of being wise stewards of the citizens' money. He explained that in past discussions he has preferred Option 2; however, any time those numbers are changed it affects other categories. Administrator Darrington concurred and stated that much of the feedback has been to charge residents more and businesses less; however, if the City plans to stay true to the Road Study, they cannot do that. Council Member Jensen's preference was for Option 2 because it is more balanced.

Council Member Andersen asked if there was a way to create a third option by combining elements from both options. Administrator Darrington presented a chart depicting a breakdown of each category (residential and commercial) in both Options 1 and 2, and the justification of fees based on the number of trips. There was subsequent deliberation on the data shown in his presentation. Mayor Fugal, as well as Council Members LeMone and Walker expressed their preference for Option 2.

At the request of Council Member Andersen, Josh Walker from the Chamber of Commerce came forward to discuss feedback received from businesses regarding the Road Fee. He reported that they are concerned with the higher rates, especially smaller shops. Administrator Darrington clarified that the businesses fee will be tiered based on the size of the business and the number of trips it will generate. Mr. Walker noted that the majority of businesses favor Option 2. Administrator Darrington noted that he has emailed the presentation to all of the business owners.

B) POTENTIAL REZONE OF PROPERTY. *Presenter: Council Member LeMone.*

Council Member LeMone presented an aerial map of the subject property. She explained that after a "for sale" sign was posted in the area, some citizens expressed concern because the property is zoned commercial, however, it abuts a residential neighborhood. She explained that the property in question is set too far back for a commercial use and questioned if the area would be a candidate for a potential rezone.

Community Development Director, Daniel Cardenas, reported that presently the density allows a maximum of 10 units per acre. For every 1,000 square feet of commercial that can be developed, three residential units can be built. He explained that currently there is not a site plan proposal for the commercial portion of the subject property.

In response to a question from Council Member Williams, Council Member LeMone explained that some residents had expressed concern that the property would develop similar to the Bella Grace project. She explained that this type of project does not fit in the area and wants to preserve the surrounding single-family neighborhoods.

There was further deliberation on the type of development that could take place based on the current zoning and whether a rezone should be considered. Council Member Andersen questioned whether the discussion pertained to permitted uses in the transitional area or parcel boundary lines. Council Member LeMone stated that the discussion pertained to the latter. She expressed a desire to respect the landowners that have been in the area with regard to commercial development that could negatively impact their properties. Council Member Andersen noted that she is a homeowner in the area in question and the entire area is developed residentially. She stated that someone could potentially convert one of the homes across the street into a business, and she understood the residents' concerns.

Administrator Darrington summarized the discussion that had taken place to this point and reviewed the intent of each section of land on the aerial map shown at the beginning of the presentation.

C) DISCUSSION AND DIRECTION FROM COUNCIL REGARDING THE MAG CONCEPT REPORT – CITY SOFT MATCH FUNDING AMOUNT FOR 2600 NORTH RECONSTRUCTION PROJECT. *Presenter: Director Beaumont.*

Note: Item 11C was discussed before 11A.

Director Beaumont explained that staff has moved forward in submitting a concept report to the Mountainland Association of Governments (MAG). Through their transportation improvement program, a City may request funding for a regionally significant project; one such example was the 100 East Project. As staff reviewed the needs of the City, they decided to submit reports for two different projects that included a signal at 1800 North and 100 East and reconstruction of 2600 North. Director Beaumont explained that reconstruction will take place from 180 West to the Pleasant Grove City boundary. MAG prioritizes projects based on a review process provided by the Technical Advisory Committee (TAC), of which Pleasant Grove has member representation. Director Beaumont explained that the 2600 North Reconstruction Project ranked high during TAC's review process. As part of the project, the municipality submitting the report is responsible for 6.77% of the project funding, and MAG covers the rest. Director Beaumont subsequently reviewed the process of submitting a concept report to MAG.

Director Beaumont stated that in total, the project ended up costing \$4.8 million due to significant elevation on the south side of the road. Staff was proposing a two-phased approach with the project, with Phase I taking place from 180 West to 900 West. Director Beaumont reported that Phase II will take place in two years. The cost estimates of Phases I and II are \$2.8 million and \$1.9 million, respectively. The purpose of the discussion was for the Council to provide direction to staff on the matter.

Council Member LeMone asked about the start date for Phase I. Director Beaumont noted that the funding will become available in the fall of 2021. Council Member Andersen asked why the project would be split into two phases. Director Beaumont explained that it would be difficult to obtain funding for the entire project up front. There was subsequent discussion regarding the acquisition of property that may need to take place along the road. A traffic light currently is not warranted for the road but may be at some point in the future.

12) **REVIEW AND DISCUSSION ON THE MARCH 27, 2018 CITY COUNCIL MEETING AGENDA.**

The aforementioned meeting agenda was briefly reviewed and discussed.

13) **NEIGHBORHOOD AND STAFF BUSINESS.**

Staff and the elected officials discussed the logistics of where meetings will be held while the elevator is installed. Library and Arts Director, Sheri Britsch, gave updates on the status of the project.

14) **MAYOR AND COUNCIL BUSINESS.**

Council Member Jensen discussed the “Choose Kindness” social media initiative and challenged all to post a quote on kindness to their various social media pages.

Council Member Walker announced that Artie Adams, a farmer and orchard owner in Pleasant Grove, passed away earlier in the day. Mr. Adams was 94 years old.

15) **SIGNING OF PLATS.**

There were no plats signed.

16) **REVIEW CALENDAR**

There were no additional calendar items.

17) **ADJOURN**

ACTION: Council Member Jensen moved to adjourn. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:35 p.m.

The minutes of the March 6, 2018 City Council meeting were approved by the Council on March 27, 2018.

Kathy T. Kresser, City Recorder, MMC

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