

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
April 9, 2019
6:00 p.m.**

Mayor Pro-Tempore: Todd Williams

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Lynn Walker

Staff Present: Scott Darrington, City Administrator
Denise Roy, Finance Director
Deon Giles, Parks and Recreation Director
Tina Petersen, City Attorney
Mike Roberts, Police Chief
Dave Thomas, Fire Chief
Kathy Kresser, City Recorder
Marty Beaumont, Public Works Director
Daniel Cardenas, Community Development Director
Kyler Ludwig, Assistant City Administrator
Sheri Britsch, Library Director

Excused: Guy L. Fugal, Mayor

The City Council and staff met in the Library, Main Level, at 30 East Center Street.

6:00 P.M. REGULAR CITY COUNCIL MEETING

1) **CALL TO ORDER**

Mayor Pro-Tem Williams called the meeting to order and noted that all Council Members were present. Mayor Fugal was excused from the meeting.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Jensen.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Andersen.

4) **APPROVAL OF MEETING'S AGENDA**

ACTION: Council Member Jensen moved to approve the agenda, as written. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

5) **OPEN SESSION**

Donna Jolley expressed concern with the state of the roads near her home. When David Holdaway was Mayor on 1300 East there were springs coming up under the sidewalk into the road. She got a petition going with the neighbors that were losing dirt under the sidewalk for the City to come and look at what is happening. John Goodman came and put a little dirt under the gutter.

Christy Belt asked if the Public Safety Committee would be given a pre-tour of the Police and Courts Building like they did with the Fire Station. Administrator Darrington stated that they had not scheduled a pre-tour. Currently, they were not allowing anyone to walk through the building because of the tile was just completed. Mayor Pro-Tem Williams suggested reserving the first tour at 12:00 p.m. for the Public Safety Committee.

Ms. Belt commented that she likes the new roads and sidewalks on 100 East but wondered when they would be doing the finish on the road. Director Beaumont reported that the plan was to be done by the middle of June.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for February 8, 2019 Budget and Planning Retreat
City Council Minutes for March 12, 2019 Special Meeting
City Council Minutes for March 25, 2019 Special Meeting**
- b. **To Consider for Approval Payment Request #2 for the Pleasant Grove Boulevard and 220 South/550 South Project for Hidden Park Electric Company, Inc.**
- c. **To Consider Approval of Payment Approval Reports for (March 27 and April 4, 2019).**

ACTION: Council Member Jensen moved to APPROVE the Consent Items. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

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

- A) **TO CONSIDER FOR APPROVAL THE APPOINTMENT OF DREW ARMSTRONG AS A DESIGN REVIEW BOARD (DRB) MEMBER.**

Administrator Darrington noted that Drew Armstrong was not present but they would still like to move forward with the appointment.

ACTION: Council Member Jensen moved that the City Council APPROVE the appointment of Drew Armstrong as a Design Review Board (DRB) Member. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

B) TO CONSIDER FOR APPROVAL THE APPOINTMENT OF CHRIS AND KRISTEN SCHOW AS HISTORIC PRESERVATION COMMISSION MEMBERS.

Laurel Cunningham, Chair of the Historic Preservation Commission, introduced Chris and Kristen Schow to the Council and gave their background.

ACTION: Council Member Andersen moved that the City Council APPROVE the appointment of Chris and Kristen Schow as Historic Preservation Commission Members. Council Member LeMone seconded the motion. The motion carried with the unanimous consent of the Council.

C) TO CONSIDER FOR APPROVAL THE APPOINTMENT OF TYLER WILKINS AS THE RECREATION DIRECTOR.

Administrator Darrington explained that the Council decided to split the responsibilities of Parks and Recreation and appoint a new Recreation Director. After interviewing many candidates, Tyler Wilkins was offered the position.

Tyler Wilkins stated that this was a dream job for him and he was excited to begin. He grew up in Pleasant Grove and his mother used to work at the Old Recreation Center. The next few months would be busy getting the pool ready, as well as preparing spring and summer programs.

ACTION: Council Member Williams moved that the City Council APPROVE the appointment of Tyler Wilkins as the Recreation Director. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

D) ADMINISTER THE OATH OF OFFICE.

City Recorder, Kathy Kresser, administered the Oath of Office.

8) PRESENTATIONS

A) PRESENTATION OF OUTSTANDING PROGRAM AWARD TO MIRIAM TOMLINSON FOR THE FUNSHINE EARLY LEARNING CENTER.

Derrick Ryker, from American Fork City, gave a brief background of the Utah Recreation and Parks Association and noted that Director Wilkins recently completed his term as President. At their recent conference in St. George, the Association chose to award the Outstanding Program Award to Funshine Early Learning Center in Pleasant Grove.

Curtis Dickson, current President of URPA, presented the award to Miriam Tomlinson with the Funshine Early Learning Center.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2019-6) AMENDING PLEASANT GROVE CITY CODE SECTION 10-19-3 E: MINIMUM SETBACKS FOR SIGNS, AND SECTION 10-19-6 D: LOCATION STANDARDS FOR SIGNS, IN ORDER TO ALLOW FOR COMMERCIAL SIGNS TO BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY IN A LANDSCAPE MEDIAN. (DANIEL THOMAS, APPLICANT) *Presenter: Director Cardenas.***

Director Cardenas presented the staff report regarding a proposed Code amendment to allow commercial signage in a public right-of-way. The current Code outlines guidelines for signage size, colors, materials, setback, and location, including language that prohibits commercial signage in public right-of-ways. Director Cardenas stated that the applicant was the developer of Valley Grove. Two roads in the development have already been constructed and dedicated to the City, and there was a median in each of the roads. The applicant was exploring the option of putting signage in the medians to identify the development. The proposal would add the following language to the Code: “all signage is prohibited from being located within the City’s right-of-way; however, the City Council may grant a waiver of this restriction in the Interchange Subdistrict only, provided the sign is in a landscape median”. Staff researched this and could not find another city that had this kind of allowance in their ordinance. There was no precedent for this. The Planning Commission forwarded a recommendation of denial with a vote of 5-to-1. The main reason they recommended denial was because of the potential legal issues that could arise from having the proposed language in the Code. There were also concerns with safety, liability, and free speech.

The applicant, Daniel Thomas, expressed appreciation to staff and the Planning Commission for working with him on the application. He understood his request does not conform to the ordinance. He was going through the process to see what could and could not be done. The Planning Commission suggested that a development agreement may be a better option. The purpose of putting signs in the median was to do something more attractive than a concrete median. He was not interested in putting in trees and landscaping that would have to be maintained by the City. He said that there were many examples of signage in medians on private roads.

Attorney Petersen reported that Utah State Code grants cities broad powers over the property that they own. However, the City may only use taxpayer-supported property for corporate purposes, not commercial purposes. That was the primary legal concern with this request. Even if the sign was donated to the City, they would have to find a corporate purpose in it, and she did not see one. There were also concerns about free speech. She advised against adopting the proposed language.

Mayor Pro-Tem Williams opened the public hearing. There were no public comments. Mayor Pro-Tem Williams closed the public hearing.

Mr. Thomas indicated that he would be willing to remove the name of the development company from the sign and include something welcoming people to Pleasant Grove. Attorney Peterson said that a “Welcome to Pleasant Grove City” sign would probably be appropriate.

There was a brief discussion about the sign in Daybreak. Director Cardenas stated that the developer did not vacate that portion of the road to the City. All of the medians and roundabouts in that area are still private property.

Director Beaumont stated that there was also a liability concern if vehicles hit the sign. He questioned who would be responsible for repairs to the sign and liability. The sign the applicant wanted to install was set back far enough that it wasn't an issue of view obstruction, but he was still concerned about someone hitting the sign. Mr. Thomas stated that St. Johns Property is already maintaining public property in the roundabout in the development. They were fully responsible for maintenance and liability. Attorney Petersen commented that the City could still be liable, even if the developer assumed all responsibility and held the City harmless, the City would be included in any litigation.

Council Member LeMone was concerned about a private corporation putting their message on public property and that it could set an unwanted precedent. She also did not want the City Council to be responsible for judging who can and cannot have signage on public property.

Council Member Walker was opposed to the proposal for safety reasons.

Council Member Andersen liked the idea of having a "Welcome to Pleasant Grove City" sign in the proposed location. She asked if any of the concerns could be avoided with a development agreement. Attorney Petersen stated that they could not. The road would still be public property. She noted that the current Pleasant Grove City signs are not located in medians.

Council Member Jensen would like a sign there as well, but he was concerned about the precedent it would set. He also did a lot of research on the proposal and there were valid reasons why cities do not allow it. The specific language proposed was also of concern because it puts the City Council at risk.

Mayor Pro-Tem Williams supported St. Johns Property and the Valley Grove Development because they had brought good economic development into the City. However, he struggled with the proposed Code text.

ACTION: Council Member Jensen moved that the City Council DENY the proposed Ordinance 2019-6 amending Pleasant Grove City Code Section 10-19-3 E: Minimum Setbacks for Signs, and Section 10-19-6 D: Location Standards for Signs, in order to allow for commercial signs to be located within the public right-of-way in a landscaped median. Council Member Walker seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted "Aye." The motion carried unanimously.

Council Member LeMone wanted to be sure there was a plan in place to beautify the area because it is the gateway into the City. Mr. Thomas confirmed that there was a conduit there if the City wants to do landscaping or lighting in the median.

B) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2018-2019 BUDGET AMENDMENT TO REFLECT ACTUAL AND ANTICIPATED EXPENDITURES. *Presenter: Director Roy.*

Director Roy explained that whenever they make changes that were not covered in the original resolution when the budget was adopted, staff needs to come to the Council for an amendment. The major amendments were for the Valley Vista Trails Phase II, the Public Safety Building, CARE Tax Fund for Discovery and Downtown Park, the Battle Creek Springs project, and a few small storm water projects.

Mayor Pro-Tem Williams opened the public hearing. There were no public comments. Mayor Pro-Tem Williams closed the public hearing.

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-013) ADJUSTING AND AMENDING THE ACTUAL AND ANTICIPATED EXPENDITURES FOR FISCAL YEAR 2018-2019; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Roy.*

ACTION: Council Member LeMone moved that the City Council ADOPT Resolution 2019-013 adjusting and amending the actual and anticipated expenditures for Fiscal Year 2018-2019; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voted “Aye.” The motion carried unanimously.

B) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-014) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY FOR TRCC TAX FUNDS TO ASSIST IN THE RECONSTRUCTION OF THE DISCOVERY PARK; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Administrator Darrington.*

Administrator Darrington explained that staff applied for a County grant from the TRCC Fund, which is from taxes generated by hotel rooms and restaurants in Utah County. Staff approached the County Commissioners about increasing their usual grant, and they agreed to \$200,000. Per the agreement, the City would front the money for the project and then send an invoice to the County for reimbursement.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2019-014 authorizing the Mayor to sign an Interlocal Agreement between Utah County and Pleasant Grove City for TRCC Tax Funds to assist in the reconstruction of the Discovery Park; and provide for an effective date. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting “Aye.” The motion carried unanimously.

C) TO CONSIDER FOR APPROVAL A PROCLAMATION DECLARING APRIL 27, 2019 AS ARBOR DAY. *Presenter: Director Giles.*

Director Giles reported that they will be holding the Arbor Day event at Discovery Park on April 27 at 8:00 a.m. They will be replacing nine trees. Director Giles read the Proclamation.

ACTION: Council Member Andersen moved to APPROVE a Proclamation declaring April 27, 2019 as Arbor Day. Council Member Jensen seconded the motion. The motion carried with the unanimous consent of Council.

D) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-015) AUTHORIZING THE MAYOR TO SIGN AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN THE BUREAU OF RECLAMATION AND PLEASANT GROVE CITY FOR VALLEY VISTA TRAIL PHASE II; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Giles.*

Director Giles reported that this is a similar agreement to the one they signed with Metropolitan Water at the previous meeting. There was a small section north of Robert Bingham's property that the trail would cross the Jordan Valley Aqueduct. The proposed agreement would allow them to cross that aqueduct.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2019-15 authorizing the Mayor to sign an Easement Encroachment Agreement between the Bureau of Reclamation and Pleasant Grove City for Valley Vista Trail Phase II; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, Walker, and Williams voting "Aye." The motion carried unanimously.

E) TO CONSIDER FOR ADOPTION A RESOLUTION (2019-016) AMENDING THE PERSONNEL POLICIES AND PROCEDURES PREVIOUSLY APPROVED BY THE CITY COUNCIL, SPECIFICALLY AMENDING SECTION VIII "TERMINATION OF EMPLOYMENT", SECTION D "GLOSSARY OF TERMS", AND SECTION X "EMPLOYMENT CLASSIFICATIONS"; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Attorney Petersen.*

Attorney Petersen explained that she and Mr. Ludwig had been working on a number of changes to the Personnel Policies and Procedures, and most of the proposed changes were technical in nature. There were changes to the glossary of terms about work hours and overtime. There were also changes to responsibilities, overtime pay, holiday pay, and comp time.

There was a brief discussion regarding holiday pay for on-call employees.

ACTION: Council Member Walker moved that the City Council ADOPT Resolution (2019-016) amending the Personnel Policies and Procedures previously approved by the City Council, specifically amending Section VIII "Termination of Employment", Section D "Glossary of Terms", and Section X "Employment Classifications"; and providing for an effective date. Council Member

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

11) **ITEMS FOR DISCUSSION**

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

12) **REVIEW AND DISCUSSION ON THE APRIL 16, 2019 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting agenda was briefly discussed.

13) **MAYOR AND COUNCIL BUSINESS**

Council Member Jensen commented on the events from the previous Saturday at Discovery Park and said it was a great opportunity for the children to say goodbye to the old park. Council Member LeMone asked if people could still buy pickets through May 11. Administrator Darrington said that they had extended picket sales through the length of the build.

Library Director, Sheri Britsch, stated that the PG Players production will run from April 19 to May 6. They were also looking for speakers for Memorial Day.

Council Member Andersen reported on the Follow the Flag event in Ogden. She also expressed appreciation for the volunteers that helped with Discovery Park and the committee that had given their time to plan everything.

14) **SIGNING OF PLATS**

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member Jensen moved to adjourn the meeting at 7:59 p.m. Council Member Walker seconded the motion. The motion carried with the unanimous consent of the Council.

The minutes of April 9, 2019 Council Meeting were approved by the City Council on May 21, 2019.

Kathy T. Kresser, MMC
City Recorder

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