

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
January 21, 2020
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone

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

Excused: Todd Williams, Council Member

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 Fugal called the meeting to order and noted that Council Member Williams was excused.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bullock.

3) OPENING REMARKS

The opening remarks were given by Recreation Director, Tyler Wilkins.

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

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

5) **OPEN SESSION**

David Rubert explained that he and his wife had been in the process of building a home at the north end of Pleasant Grove. During the months of October and November 2019, they tried to obtain building permits, but things didn't go well. He received a letter listing the items that needed to change in order for him to obtain the building permits, but it was confusing to him. When he asked staff if they could be annexed into Cedar Hills instead, he was told from multiple people that annexation is a political decision, not an administrative decision. Annexation would require additional paperwork and a fee. Mr. Rubert was told that his application would be on the agenda today, and he was very upset to find that it was not. He stated that his wife told him that the City Attorney told her she couldn't speak about the request at tonight's meeting.

Mayor Fugal apologized to Mr. Rubert about the confusion and stated that he was informed by staff that there were a few other solutions to offer Mr. Rubert before applying for annexation. If those options are not amenable, Mr. Rupert could come back before the City Council. Legally, the Council cannot make a decision tonight because the matter was not noticed. Attorney Petersen noted that with a boundary adjustment, the Council needs to adopt a resolution and hold a public hearing. Both require proper notice.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the January 7, 2020 Meeting.**
- b. **To Consider for Approval Change Order No. 4 and Pay Request No. 6 to Staker Parson Materials and Construction for the Pleasant Grove 1100 N. Road and Storm Drain Project.**
- c. **To Consider for Approval Change Order No. 1 for C&L Water Solutions, Inc. for the FY 2018-19 Sewer Rehabilitation Project.**
- d. **To Consider for Approval Payment No. 7 to Cody Ekker Construction for the 300 East Street and Utility Improvement Project.**
- e. **To Consider Approval of Payment Approval Reports for (January 9 and 16, 2020).**

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

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

There were no appointments.

8) **PRESENTATIONS**

- A) **TO CONSIDER FOR APPROVAL A PROCLAMATION PROCLAIMING FEBRUARY AS CHOOSE KINDNESS MONTH** – *Presenter: Brook Allen, Miss Pleasant Grove.*

Miss Pleasant Grove, Brook Allen introduced her platform, “The Ripple Affect”, which stresses kindness and hope both online and offline. She was happy to live in a city where kindness is a priority. In her experience, it is not difficult to find people who are struggling and oftentimes small acts of kindness make the biggest difference. Ms. Allen shared a few experiences of kindness from her own life. She proposed that February be a month of kindness in Pleasant Grove. She presented each Council Member with a Kindness t-shirt.

Council Member Jensen offered to put Ms. Allen in touch with the Choose Kindness group in Pleasant Grove so that they can work together on this effort.

ACTION: Council Member Jensen moved that the City Council APPROVE a Proclamation to proclaim February as Choose Kindness Month, as presented by Miss Pleasant Grove. Council Member Bullock seconded the motion. The motion passed with the unanimous consent of the Council.

9) **PUBLIC HEARING ITEMS**

- A) **CONTINUED PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-1) AMENDING CITY CODE SECTION 10-11-D-2: CS-2 (COMMERCIAL SALES – 2) ZONE: PERMITTED, CONDITIONAL, AND ACCESSORY USES, BY AMENDING THE CONDITIONAL USE #1151 TOWNHOMES, TWO (2) AND THREE (3) STORIES WITH A GARAGE, MAXIMUM OF SIX (6) DWELLING UNITS PER BUILDING, TO ALLOW A MAXIMUM OF EIGHT (8) DWELLING UNITS ATTACHED PER BUILDING WITH A CONDITIONAL USE PERMIT; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Cardenas *Continued from the January 7, 2020.*

Director Cardenas reported that one of the conditional uses in the CS-2 Zone allows the construction of townhomes up to six units per building. The applicant wants to increase that from six attached units to eight per building. Staff researched developments with six or more attached units in different configurations, which were presented to the Council. One of staff’s concerns was the potential to create small alleyways in the development. The applicant intended to have rear-loaded units and the front setback was only 25 feet. If the units face a neighboring property, it will create a small alleyway in front of the townhomes. To address this, staff suggested including a condition in the Code to require staggering in this instance. The proposed language was as follows:

3. For rear-loaded buildings where 7 or 8 dwelling units are attached in a linear pattern, and the front setback faces a neighboring property line, the building

shall present staggering setbacks with a minimum of 10 feet difference. The dwellings shall be arranged such that 4 interior units have a 10 feet larger setback than the remaining units on both sides. The setbacks are measured from the outside wall.

Staff felt that the proposed language would address the concerns of alleyways and unattractive buildings. The Council discussed a few of the examples of eight-unit buildings and identified aspects that they liked.

The applicant, Joe Salisbury, offered to work with the proposed condition, but his interpretation was slightly different from what staff was presenting. The building he was proposing was more of a zig-zag pattern, which did not quite fit in with the proposed language. His intention was to have more three and four-bedroom units to attract families.

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

ACTION: Council Member Jensen moved that the City Council APPROVE Ordinance 2020-1 amending City Code Section 10-11-D-2: CS-2 (Commercial Sales – 2) Zone: Permitted, Conditional, and Accessory Uses, by amending the Conditional Use #1151 Townhomes, Two and Three Stories with a Garage, Maximum of Six (6) Dwelling Units Per Building, to allow a maximum of eight (8) units per building with a conditional use permit. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, and LeMone voting “Aye”, and Council Member Bullock voted “Nay”. The motion passed 3-to-1.

B) PUBLIC HEARING TO TAKE PUBLIC COMMENT REGARDING AN AMENDMENT TO THE COMPREHENSIVE FEE SCHEDULE TO REFLECT THE LATEST CHANGE IN RECYCLING FEES FROM \$5.90 A MONTH PER CAN TO \$6.60 A MONTH PER CAN, AND TO CONSIDER FOR ADOPTION A RESOLUTION (2020-02) ADJUSTING AND AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR THE FY 2020 BUDGET. Presenter: Administrator Darrington.

Administrator Darrington presented the staff report regarding the resolution to adjust recycling fees from \$5.90 per month per can to \$6.60 per month per can. Before the meeting, he sent information to the Council regarding the changes to the recycling industry over the past year. China was previously taking in most of the world’s recycling, but much of it was contaminated and they were sending it to their own landfills. China had since decided to no longer take outside recycling unless it is less than 1% contaminated. This decision was affecting recycling worldwide. The industry in the United States was trying to come up with solutions to this problem, but until alternatives are found, the cost of recycling was increasing. Staff was proposing to increase the rate of recycling by \$0.70 per can per month. This rate had been at \$5.90 for the last 10 years and they had not increased the rate since the program was instituted in Pleasant Grove. Residents who do not want to pay the increased rate have the ability to opt-out with no additional fee. The recycling fee would be revisited every year with Republic Services.

Council Member LeMone asked where recycling being taken currently. Administrator Darrington stated that Rocky Mountain Recycling takes part in it and other facilities are starting to accept other products. Other cities in Utah have had this same discussion and only one opted to discontinue its recycling program altogether. All other cities chose to pass some of the cost on to the residents.

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

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2020-02 adjusting and amending the Comprehensive Fee Schedule for the FY 2020 Budget. Council Member Bullock seconded the motion. A roll call vote was taken. Council Members LeMone, Jensen, Bullock, and Andersen voted “Aye”. The motion carried unanimously.

10) ACTION ITEMS READY FOR VOTE

- A) CONTINUED ITEM TO CONSIDER FOR ADOPTION A RESOLUTION (2020-01) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN UTAH COUNTY AND PLEASANT GROVE CITY FOR SNOW REMOVAL SERVICES ON CANYON ROAD OUTSIDE OF THE PLEASANT GROVE CITY BOUNDARIES; AND PROVIDING FOR AN EFFECTIVE DATE.**
*Presenter: Director Beaumont *Continued from the January 7, 2020 Meeting.*

Director Beaumont reported that the above item was before the Council because of a previous agreement the City had with the County during the 100 East project. The City agreed to plow 100 East and Canyon Road for the County, which they had been doing for the last year. The County approached the City about continuing to plow Canyon Road two miles outside of the City boundaries. Staff determined that the cost to take on this plowing will be roughly \$7,000, including salt and employee time.

Council Member LeMone asked if this would take away from plowing within the City first. Director Beaumont stated that Canyon Road is a major roadway and it is important to take care of it quickly. He pointed out that it took about two hours to plow that stretch of road.

Council Member Bullock asked why Cedar Hills could not take on this responsibility. Director Beaumont was not sure Cedar Hills has the equipment or staff to take on the additional plowing. Council Member LeMone did not like the idea of having one of the City trucks taken away from the City.

Council Member Bullock asked why they were not asking the County for more than what was proposed and make a little revenue. Director Beaumont explained that they want to maintain a good relationship with the County. The proposed \$7,000 wasn't a bare-bones figure.

Council Member LeMone stated that the County needs to figure this out because it wasn't Pleasant Grove's issue. Safety is key and they owe it to the citizens to plow City roads first. Council

Member Andersen argued that Pleasant Grove residents use Canyon Road every day. Administrator Darrington added that this is the only County road in the middle of a City. If the Council isn't interested in this agreement, the County would have to figure out something else.

ACTION: Council Member Andersen moved that the City Council ADOPT Resolution 2020-01 authorizing the Mayor to sign an Interlocal Cooperative Agreement between Utah County and Pleasant Grove City for snow removal services on Canyon Road outside of the Pleasant Grove City Boundaries; and providing for an effective date. Council Member Bullock seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, and Jensen voting "Aye" and Council Member LeMone voting "Nay". The motion passed 3-to-1.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-03) AUTHORIZING THE MAYOR TO SIGN A LICENSE AGREEMENT WITH PROVO RIVER WATER USERS ASSOCIATION (PRWUA) TO ALLOW INSTALLATION OF FILTERS ON THE TURNOUTS TO PLEASANT GROVE FROM THE ALPINE AQUEDUCT ON PROPERTY OWNED BY PRUWA AT APPROXIMATELY 1038 E. MURDOCK DRIVE, PLEASANT GROVE, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that the proposed agreement would allow the City to install a filter on one of the turnouts of the Alpine Aqueduct at a location where the filter can be flushed and the water put back into the system. The proposed location was on property at 1100 North and Murdock Drive.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2020-03 authorizing the Mayor to sign a License Agreement with Provo River Water Users Association ("PRWUA") to allow installation of filters on the turnouts to Pleasant Grove from the Alpine Aqueduct on property owned by PRUWA at approximately 1038 E Murdock Drive, Pleasant Grove, Utah; and providing for an effective date. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen and LeMone voting "Aye". The motion passed unanimously.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-04) ADOPTING THE MOUNTAINLAND PRE-DISASTER MITIGATION PLAN; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

Director Beaumont explained that Mountainland Association of Government ("MAG") was required by Federal and State regulations to create a Pre-Disaster Mitigation Plan. The mitigation plan typically includes standards that the City was already incorporating. Staff proposed adopting this plan.

ACTION: Council Member LeMone moved that the City Council ADOPT Resolution 2020-04 adopting the Mountainland Pre-Disaster Mitigation Plan; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen and LeMone voting "Aye". The motion passed unanimously.

- D) TO CONSIDER AWARDING CODY EKKER CONSTRUCTION THE FILTERS AND DIVERSIONS PROJECT BID IN THE AMOUNT OF \$774,250 AND AUTHORIZING THE MAYOR TO SIGN THE NOTICE TO PROCEED AND TO SIGN THE AGREEMENT UPON RECEIPT AND APPROVAL OF FINAL CONTRACT DOCUMENTS. *Presenter: Director Beaumont.***

Director Beaumont stated that staff received bids back for the Filters and Diversions Project. Cody Ekker Construction submitted a bid that was 23% lower than the projected engineering costs. It was noted that the City worked with this company before. Staff recommended awarding the bid to Cody Ekker Construction. Director Beaumont noted that the bond amount would be reduced by about \$1 million from the original estimate. The bond amount was reduced because of the low bid from Cody Ekker Construction and a different plan for the filter station on Battle Creek Tank.

ACTION: Council Member LeMone moved that the City Council AWARD Code Ekker Construction the Filters and Diversions Project Bid in the amount of \$774,250, and authorize the Mayor to sign Notice to Proceed and to sign the Agreement upon receipt and approval of final contract documents. Council Member Andersen seconded the motion. The motion passed with the unanimous consent of the Council.

- E) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-05) AUTHORIZING THE MAYOR TO SIGN THE PARTICIPATION AGREEMENT FOR THE UTAH COUNTY OFFICER INVOLVED CRITICAL INCIDENT PROTOCOL; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Chief Roberts.***

Police Captain, Britt Smith presented the updated Critical Incident Protocol. He noted that other agencies will investigate cases involved officers to provide transparency. The new agreement would put two new commanders in place in the County.

ACTION: Council Member Jensen moved that the City Council ADOPT Resolution 2020-05 authorizing the Mayor to sign the Participation Agreement for the Utah County Officer-Involved Critical Incident Protocol; and providing for an effective date. Council Member Bullock seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, and LeMone voting “Aye”. The motion carried unanimously.

11) ITEMS FOR DISCUSSION

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

Staff Business

Library Director, Sheri Britsch reported that the Historic Preservation Commission was working to compile stories from the Women’s Suffrage Movement.

Director Wilkins reported that they recently hosted the Save Ferris Dance for local high schools over the weekend at the Recreation Center. There were about 1,500 in attendance.

Parks Director, Deon Giles reported that they were getting ready for the Budget Retreat and taking the Christmas lights down.

Fire Chief, Dave Thomas thanked the Council for their support during the Kick-Off Dinner. He reported that occasionally, the City departments get together for lunch, and recently the Fire Department had lunch with the Library Department.

Director Cardenas reported that the Community Development Department will be moving to their new location on January 28.

Director Beaumont reported on the status of the Pond Project and stated that new rocks will be going in the next few days. The Public Works Department was working to prepare for the next construction season.

Attorney Petersen indicated that the New Prosecutor was settling in. Josh Bishop was previously the prosecutor for Saratoga Springs.

Administrator Darrington reminded the Council that the Budget Retreat would take place on February 7, although they were still working on solidifying a location. He would be sending out an agenda soon. The Employee Awards Ceremony was scheduled for February 12 at the Recreation Center.

Finance Director, Denise Roy said that the CAFR was up on the City website. She would be sending out the updated fee schedule in the next few days.

HR Director, Kyler Ludwig stated that 69 nominations were submitted for the employee awards ceremony.

12) REVIEW AND DISCUSSION ON THE FEBRUARY 4, 2020 CITY COUNCIL MEETING AGENDA

The aforementioned meeting was briefly discussed.

13) MAYOR AND COUNCIL BUSINESS

Council Member Andersen stated that there have been a lot of conversations about active shooter situations, but it would be helpful to have a walk-through of what they should do if it happened. She suggested doing a walk-through for each department, and possibly have some training and drills. She thanked the snow crews for their work in keeping the streets clear.

14) SIGNING OF PLATS

The following plats were signed:

- Grove Subdivision Plat B
- Webber Subdivision Plat A

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member LeMone moved to adjourn the meeting at 8:03 p.m. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of January 21, 2020, were approved by the City Council on February 18, 2020.

Kathy T. Kresser, MMC
City Recorder

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