

**Pleasant Grove City  
City Council Meeting Minutes  
Regular Session  
March 31, 2020  
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen  
Brent Bullock  
Eric Jensen  
Cyd LeMone  
Todd Williams

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

The City Council and staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah.

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*Please Note: City Council and Staff members participated electronically or telephonically.*

*The session was broadcast live via YouTube at the following link:*

<https://www.youtube.com/user/PleasantGroveCity>

*Public comments were accepted during the Regular Business Session, either by personal presence at the anchor location mentioned above or through the comment session in the YouTube website.*

**6:00 P.M. REGULAR CITY COUNCIL MEETING**

**1) CALL TO ORDER**

Mayor Fugal called the meeting to order. A roll call was taken and all Council Members participated electronically.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Assistant City Administrator Kyler Ludwig.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Andersen.

4) **APPROVAL OF MEETING AGENDA**

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

5) **OPEN SESSION**

There were no citizens present at the meeting. Mayor Fugal invited residents who were participating electronically to submit comments at any time. Administrator Darrington explained that they would note the comments and read them at the end of the meeting. For the public hearing item, the Council would delay making their final decision until the end of the meeting to allow the public time to make comments.

6) **CONSENT ITEMS**

- a. **City Council Minutes:**  
**City Council Minutes for the February 7, 2020 Planning and Budget Retreat.**
- b. **To Consider Approval of Payment Request No. 2 for Cody Ekker for the PI Filters and Diversions Project.**
- c. **To Consider Approval of Payment No. 4 and Change Order No. 1 for C&L Water Solutions for the FY 2018-19 Sewer Rehabilitation Project.**
- d. **To Consider Approval of Payment Approval Reports for March 19 and 26, 2020.**

Director Beaumont clarified that the Council would be approving Change Order #2 rather than Change Order #1 as listed on the agenda.

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

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

There were none.

8) **PRESENTATIONS**

There were none.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-4) AMENDING CITY CODE SECTION 10-15-41, STREET FRONTAGE IMPROVEMENTS, ADJUSTING THE THRESHOLD REQUIREMENTS FOR WHEN THE STREET FRONTAGE IMPROVEMENTS ARE REQUIRED, THE CRITERIA FOR APPROVING EXCEPTIONS, AND MODIFYING THE CURRENT REQUIREMENTS FOR THE WAIVER OF PROTEST; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Cardenas*

Community Development Director, Daniel Cardenas gave a brief history of the ordinance regarding street frontage improvements. The most recent revision of the ordinance was in 2016. Recently, a resident had concerns about the requirements and the Council instructed staff to look into the ordinance again. Since July 2016, there had been 11 applicants for a remodel or addition to the home, which triggered street improvement requirements. Only five individuals actually installed the street improvements. When looking at the ordinance again, staff proposed to change Exception 7, which currently allows an exception, with approval from the City Engineer, if the property is more than 300 feet from existing street improvements. Staff proposed to change this to allow an exception if the property is not directly adjacent to existing curb, gutter, and sidewalk improvements. Staff also proposed to eliminate the Waiver of Protest, since it had not been utilized in recent years, and a Waiver of Protest may negatively impact a property owner trying to sell their property. The Planning Commission reviewed the application and recommended keeping Exception 7 as written, and eliminating the Waiver of Protest.

Council Member Bullock asked if this was coming before the Council because of one citizen's unique problem. Administrator Darrington stated that the ordinance was brought to the Council's attention because of that citizen, but this no longer applies to their situation. They resolved the issue in another way. Council Member Bullock did not see a need to change the existing ordinance.

Director Beaumont explained that street improvements can be very expensive and there are times when a resident chooses not to move forward because it would become too costly to improve the home and install street improvements. It is true that the City would like to have connected sidewalks and drainage but this might not be the most effective way of getting that. Council Member Bullock stated that they only assume people are not making improvements because of the cost of street improvements, because they do not have data to support that. Administrator Darrington indicated that applicants have told staff that they are pulling their application for that specific reason. This was a policy decision for the Council. Staff would do whatever the Council directs.

Council Member Williams leaned toward the advice of the Planning Commission to remove the Waiver of Protest but leave Exception 7 as written.

Council Member LeMone expressed concerns with the ordinance as a whole. It seemed that the City was penalizing residents for wanting to improve their properties. Director Cardenas stated that this was the only tool the City has to get street improvements in areas where that they do not

currently exist. Administrator Darrington again stated that this was a policy decision. They could be more accommodating to residents that want to make improvements. This was not a perfect system but it was the tool that they had. They could create special assessment areas, which would allow the City to work with residents to get the street improvements in and have them pay the City back over time. The City had done a few of those in the last 15 years.

Council Member Bullock did not see this requirement as a penalty and simply as a mechanism to get street improvements.

Administrator Darrington read a statement from Planning Commissioner Peter Steele explaining the Commission's position on the issue.

Mayor Fugal opened the meeting to the public and stated that they would read public comments aloud at the end of the meeting. The Council would delay making a motion on this item until public comments are received.

*NOTE: The Council continued with the remainder of the meeting and returned to the discussion after Item 10E.*

HR Director Ludwig stated that there were no public comments submitted regarding the above item.

Council Member Williams requested that the proposed language be shown overhead. He was in favor of eliminating the Waiver of Protest. With respect to Exception 7, he did not have a preference between staff's recommendation and the Planning Commission's recommendation.

Administrator Darrington stated that the issue was discussed with the City Council a few months earlier, and their direction to staff was to loosen up the requirements. That was done with the proposed amendment to Exception 7. This was not something staff felt was necessary but it would be more favorable to property owners.

The City Council discussed the proposed Exception 7 language and the option of a special assessment area.

**ACTION:** Council Member Williams moved that the City Council ADOPT Ordinance 2020-4 amending City Code Section 10-15-41, Street Frontage Improvements, adjusting the threshold requirements for when the street frontage improvements are required, the criteria for approving exceptions, and modifying the current requirements for the Waiver of Protest; with the elimination of the Waiver of Protest and accepting staff's recommended amendment to Exception 7; and providing for an effective date. Council Member Bullock seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting "Aye". The motion carried unanimously.

10) **ACTION ITEMS READY FOR VOTE**

- A) **TO CONSIDER FOR APPROVAL A RESOLUTION (2020-016) AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL COOPERATIVE AGREEMENT FOR PUBLIC WORKS EMERGENCY MANAGEMENT MUTUAL AID BETWEEN VARIOUS GOVERNMENT AGENCIES, SERVICE DISTRICTS, AND STATE AGENCIES AND PLEASANT GROVE CITY TO PROVIDE MUTUAL PUBLIC WORKS ASSISTANCE AFTER A NATURAL OR MAN-MADE DISASTER; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Beaumont.*

Director Beaumont reported that Public Works has their own form of agreement that allows other public works agencies throughout the State to work together to provide mutual aid. This type of agreement allows the entities to share resources when necessary. The agreement would require the City conduct at least one annual emergency exercise with Public Works staff and the City. He felt this would be beneficial to the community.

**ACTION:** Council Member Jensen moved that the City Council ADOPT Resolution 2020-016 authorizing the Mayor to sign an Interlocal Cooperative Agreement for Public Works Emergency Management Mutual Aid between various government agencies, service districts, State agencies, and Pleasant Grove City to provide mutual public works assistance after a mutual or man-made disaster; and provide for an effective date. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

- B) **TO CONSIDER AWARDING THE BID FOR THE PRV PROJECT BID PLUS ITEM #6 OF THE ADDITIVE ALTERNATE TO CODY EKKER CONSTRUCTION IN THE AMOUNT OF \$421,948.00 AND AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF AWARD AND TO SIGN THE NOTICE TO PROCEED AND THE AGREEMENT UPON RECEIPT AND APPROVAL OF FINAL CONTRACT DOCUMENTS.** *Presenter Director Beaumont.*

Director Beaumont briefly described the PRV Project. The purpose of the project was to replace some aging infrastructure and PRVs in critical areas. Six bids were received with Cody Ekker Construction being the low bidder. The City has worked with Cody Ekker Construction in the past, and staff recommended approval of the bid. Director Beaumont noted that the bid included additive six, but excluded item seven.

**ACTION:** Council Member Williams moved that the City Council AWARD the bid for the PRV Project bid plus Item #6 of the additive alternate to Cody Ekker Construction in the Amount of \$421,948.00 and authorizing the Mayor to sign the Notice of Award, the Notice to Proceed, and the agreement upon receipt and approval of final contract documents. Council Member Bullock seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

- C) **TO CONSIDER AWARDING THE BID FOR THE 1300 WEST ROAD IMPROVEMENT PROJECT TO GENEVA ROCK PRODUCTS IN THE AMOUNT OF \$321,377.80 AND AUTHORIZE THE MAYOR TO SIGN THE NOTICE OF AWARD AND TO SIGN THE NOTICE TO PROCEED AND THE AGREEMENT UPON RECEIPT AND APPROVAL OF FINAL CONTRACT DOCUMENTS.** *Presenter: Director Beaumont.*

Director Beaumont explained that the bid was for the reconstruction of 1300 West Proctor Lane between Pleasant Grove Boulevard and 100 South. The City was working in partnership with the McKay Christensen project and it was estimated that their portion of the project cost was \$80,000 to \$90,000. The project would include the reconstruction of the entire road section, including curb and gutter along the Proctor Property. Five bids were received with Geneva Rock being the low bid. Staff recommended approval.

**ACTION:** Council Member Andersen moved that the City Council AWARD the bid for the 1300 West Road Improvement Project to Geneva Rock Products in the amount of \$321,377.80 and authorize the Mayor to sign the Notice of Award, the Notice to Proceed, and the agreement upon receipt and approval of final contract documents. Council Member LeMone seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

- D) **TO CONSIDER FOR ADOPTION A RESOLUTION (2020-017) DECLARING AS SURPLUS THE ENTIRETY OF PARCEL 14:025:0203 AND PORTIONS OF TWO PARCELS OF REAL PROPERTY (A PORTION OF PARCEL 14:25:0180 CONSISTING OF APPROXIMATELY 552 SQUARE FEET AND A PORTION OF PARCEL 14:25:0179 CONSISTING OF APPROXIMATELY 3,906 SQUARE FEET) LOCATED AT APPROXIMATELY 701 AND 780 WEST STATE STREET, PLEASANT GROVE, UTAH COUNTY, UTAH; AND PROVIDING FOR AN EFFECTIVE DATE.** *Presenter: Director Beaumont.*

*NOTE: Items 10D and 10E were discussed simultaneously.*

Director Beaumont reported that the first item was to surplus the subject properties and the second was to sell those properties to UDOT with a right-of-way contract. The need for the action came from the future widening of State Street between 220 South in Pleasant Grove and 500 East in American Fork. He presented the Concept Plan for the future widening and identified the subject properties. UDOT would be responsible for the maintenance and upkeep of the properties and roadways.

**ACTION:** Council Member Williams moved that the City Council ADOPT Resolution 2020-017 declaring as surplus the entirety of Parcel 14:025:0203 and portions of two parcels of real property (a portion of Parcel 14:25:0180 consisting of approximately 552 square feet and a portion of Parcel 14:25:0179 consisting of approximately 3,906 square feet) located at approximately 701 and 780 West State Street, Pleasant Grove, Utah County, 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, LeMone and Williams voting “Aye”. The motion carried unanimously.

- E) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-018) AUTHORIZING THE MAYOR TO SIGN AN OFFER TO PURCHASE RIGHT-OF-WAY AND RIGHT-OF-WAY CONTRACTS WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) REGARDING THREE PARCELS OF PROPERTY (#14:025:0179, #14:025:0203 AND #14:025:0180) LOCATED AT APPROXIMATELY 780 AND 701 WEST STATE STREET FOR THE PURPOSE OF WIDENING AND OTHER RELATED HIGHWAY IMPROVEMENTS TO STATE STREET; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Beaumont.***

*NOTE: Items 10D and 10E were discussed simultaneously.*

**ACTION:** Council Member Williams moved that the City Council ADOPT Resolution 2020-018 authorizing the Mayor to sign an Offer to Purchase Right-of-Way and Right-of-Way Contracts with the Utah Department of Transportation (“UDOT”) regarding three parcels of property (14:025:0179, 14:025:0203, 14:25:0180) located at approximately 780 and 701 West State Street for the purpose of widening and other related highway improvements to State Street; and providing for an effective date. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone and Williams voting “Aye”. The motion carried unanimously.

*NOTE: The Council returned to Item 9A.*

## **11) ITEMS FOR DISCUSSION**

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

Library Director, Sheri Britsch reported that curbside pickup began the previous Thursday. Only 16 people came, but they had not advertised it well. The previous day they had 36 people come for curbside pickup with 204 items checked out. They would be advertising in the City’s newsletter. The Library staff was also doing online story time, offering home school lessons, and started a Library Instagram account.

Recreation Director, Tyler Wilkins reported that the Recreation Center was closed, but they were cleaning and making repairs that they would normally do in August. Their instructors were offering online fitness classes and they received a great response from the public. Funshine Preschool would be done for the rest of the year, and they would be announcing that later this week.

Parks Director, Deon Giles stated that the custodial team was busy with large projects, including the Recreation Center floor and the Senior’s Kitchen. At the cemetery, they split up the crew so they each had their own office to work from. They were still having funerals, although the numbers were limited. Parks and trails were very busy so the department shifted its schedule to maintain

the trails when they were less likely to interact with the public. Council Member LeMone asked about the median clean-up. Director Giles responded that the contractor was supposed to come in at the end of March. He had not been to that part of town in some time, so he wasn't sure if it had been done. He would check on it and report back to the Council.

Police Chief, Mike Roberts reported on the department's daily operations. The Police Station had been closed to the public and they currently were not offering fingerprinting or tours. Every employee that could work from home was doing so. Patrols were split into four shifts consisting of two day shifts and two night shifts. None of the shifts overlap. There had been an increase in domestic violence calls and they were encouraging officers to handle most calls telephonically or from their vehicles to the extent possible. Central Dispatch was on total lockdown and they had split their crew as well. Officer Martin had accepted a position with South Salt Lake City, so they would be losing him in a few weeks.

Fire Chief, Dave Thomas reported that things were going well for the Fire Department. Strict guidelines were in place to keep their employees healthy. There had been a small increase in call volume, but it was primarily from individuals who were sick and unsure what they had. Employees were treating from the doorstep to the extent as possible. Chief Thomas reported that some employees were sick and staying away, which created hardships.

Director Cardenas explained that staff was approached by a company about the potential installation of a communication tower at Veterans Memorial Park. He presented an image that identified the proposed location for the tower. The proposed location was determined to meet all requirements of the existing City Code regarding communication towers. The Planning Commission would consider the Conditional Use Permit, but the City Council would enter into a contract with the company. If they entered into an agreement, there would be some revenue for the City. He asked if the Council would like him to continue working with this applicant. After some discussion regarding the design of the tower, the Council agreed to move forward with the application. They seemed to lean toward the clock tower design. Mayor Fugal expressed concerns about the towers at Discovery Park and hoped that they wouldn't make the same mistakes with this tower.

Director Beaumont reported that the Water Department was working with two crews, three days each. They needed to finish the filter project up Battle Creek Canyon, which would require them to close the canyon for a few weeks. Irrigation begins on April 15, so they needed to start that project soon. Spring Cleanup was scheduled for April 17-25. Unless they received more strict requirements from the County or State, they would proceed with the cleanup as planned. They would implement additional safety measures this year. If the City chose not to have the cleanup, they could offer a dump pass for residents that want it. The Council discussed other options for increasing the safety of their employees.

Finance Director, Denise Roy reported that they have employees working from home to ensure that payroll continues. Accounts Payable will be done every other week for a while.

City Attorney, Tina Petersen reported that the Legal Department was participating in social distancing. Due to a statewide order, all traffic cases would be continued to October 1 or later. The only cases they were handling now were protective order hearings and domestic violence



cases, and those were done telephonically other misdemeanor cases were being continued to after June 1, 2020.

HR Director Ludwig reported that they received a public comment from Tamara Oborn about the meeting in general. She wrote, "I watched the work session. I'm grateful for our City leaders and how well this unique and never-before-seen situation has been handled. Thank you." There were no public comments regarding the public hearing item.

The Council thanked Mr. Ludwig for setting up the virtual meeting for the Council, staff, and public to participate.

Administrator Darrington commended the department heads for taking COVID-19 seriously early on. They were protecting employees and doing well with social-distancing. They were working on cross training in the event that a department head became ill and someone else had to step in.

12) **REVIEW AND DISCUSSION ON THE APRIL 14, 2020 CITY COUNCIL MEETING AGENDA**

The aforementioned meeting was briefly discussed.

13) **MAYOR AND COUNCIL BUSINESS**

Council Member Andersen echoed Administrator Darrington's comments. She was pleased to see how the City was moving forward and services were continuing. Her hope was to have no deaths in Pleasant Grove.

Council Member Jensen commented on the challenges the business community was facing. Small businesses were hurting, but they were finding ways to overcome.

Council Member LeMone encouraged everyone to stay home and stay safe. She thanked staff for adapting to the current needs of the City.

Council Member Williams was very pleased with the way the City had responded to the crisis. He was confident that they could get through it together.

Mayor Fugal appreciated everyone's efforts in keeping the City running. He reported that the Forest Service was planning to leave Tibble Fork open as long as groups do not congregate there.

14) **SIGNING OF PLATS**

15) **REVIEW CALENDAR**

16) **ADJOURN**

Council Member Williams moved to adjourn the meeting at 8:54 p.m. Council Member Andersen seconded the motion. The motion carried with unanimous consent of the Council.

The City Council minutes of March 31, 2020 were approved by the City Council on April 14, 2020.

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Kathy T. Kresser, MMC  
City Recorder

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