

**Pleasant Grove City  
City Council Meeting Minutes  
Work Session  
September 15, 2020  
4:30 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  
Jake Larson, Fire Captain  
Denise Roy, Finance Director

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

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**4:30 P.M. WORK SESSION**

Mayor Guy L. Fugal called the meeting to order and welcomed all in attendance.

**1) COMMUNITY SERVICE AWARD**

Mayor Fugal honored Kyle and Carrie Fox for their years of service and commitment to the City. Mr. Fox expressed his gratitude for the Council's support and for allowing them to do something beneficial for the community. Mayor Fugal described his discussions with the U.S. Forest Service and its support for their work. Mr. and Mrs. Fox were presented with a certificate and a photograph was taken with the Council.

Council Member Anderson reported that during earlier in the year, the City found itself in an interesting situation. She stated that the flag brought the citizens of Pleasant Grove together and she thanked the Fox's for their work.

Council Member LeMone applauded the Foxes for bringing their idea to fruition. She stated that when the first flag was unfurled, it was a beautiful patriotic moment for the City. She expressed her hope that the flag remains for many years and the Council will support them in keeping it raised.

Mr. Fox recognized and thanked the volunteers who assisted with the project.

**2) PRESENTATION ON POTENTIAL DEVELOPMENT PROJECT IN THE GROVE –**  
*Presenter: City Administrator Darrington*

City Administrator, Scott Darrington introduced Truett Chamberlain from Berkshire Hathaway Home Services and Melissa Nelson from Re/Max Equity. The owner/developer is in Texas and was available by telephone to answer any questions. Mr. Chamberlain partnered with Melissa Nelson in a co-brokerage endeavor where they represent the proposed buyer of 20 acres off of the Pleasant Grove Boulevard exit, just south of the R&R Barbeque. Administrator Darrington explained that the Council would not be approving the project tonight. The project is still conceptual in nature and if the Council is interested in the project, additional steps will need to be taken.

The buyer wishes to develop and build the Rush Complex which is a proposed 73,000 square foot indoor facility that includes bowling, miniature golf, and an arcade. Another component of the project is Big Shots, which is a competitor to Top Golf. The Council was provided with documents that include proposed renderings. Mr. Chamberlain estimated that the project will take 12 to 14 months to complete. The owner will also serve as the builder. He owns a construction company and has been in business for 18 years.

The proposed document was summarized and includes the proposed exterior, the proposed interior layout, and the actual renderings of another Rush Complex currently under construction at Jordan Landing. Renderings and floor layouts of the proposed Big Shots were included in the packet provided to the Council. Mr. Chamberlain noted that it is expected that Big Shots will open 40 new locations across the United States in the next five years. The developer and Big Shots have already approved a Big Shots location in St. George and they have broken ground on that project. Big Shots caters to a wide range of potential patrons. He explained that the business model for Big Shots is slightly different than that of Top Golf in that Big Shots uses doppler radar via a chip in their golf balls, which can measure the height, length, and velocity of the ball. This allows play to be simulated on the screen.

A market research study was conducted regarding the competition with Top Golf and any impact on this project. The study concluded that there were enough demographics to support Big Shots. The project also includes eating, drinking, and socializing aspects. Alcohol will be limited to distinct areas. Mr. Chamberlain also noted that the project includes meeting rooms that cater to all ages. He pointed out that larger companies may want a different venue for business meetings and corporate events, with the proposed facility as a new option for businesses.

Mr. Chamberlain highlighted the benefits of the proposed development to the City, including increased retail traffic. It was estimated that approximately 800,000 people will visit Big Shots annually, with estimated annual revenue from food and beverage at \$6 million. He pointed out that this does not include retail purchases. It was anticipated that the customer base will draw from a 40-mile radius. The hours of operation for the completed project will be from 9:00 a.m. to 12:00

midnight. They will discuss compliance with light and sound ordinances with Administrator Darrington and the staff. The completed project was expected to add 120 jobs to the community.

The Council was provided with an actual rendering of the Big Shots facility being constructed in St. George. The two facilities will encompass 12 to 14 acres. They are proposing office building development for the remaining six acres. Mr. Chamberlain reported that several companies have approached them about the potential of locating in the building.

In response to an inquiry regarding economic impact, Mr. Chamberlain clarified that the numbers are based on the Vero Beach flagship Big Shots. The numbers were scaled down to account for differing demographics between Vero Beach and Pleasant Grove. The Rush Complex in Syracuse has been in existence for approximately 10 years. The proposed project will be the first location to house both the Rush Complex and Big Shots, which creates a synergistic location. The project must face north or east because of the direction of the sun. They do not want patrons hitting golf balls in the direction of the setting sun as it makes it difficult to keep track of them. The intent was for the project to face northeast parallel to Pleasant Grove Boulevard.

Council Member LeMone asked if the Rush Complex in Syracuse is comparable due to its age. Mr. Chamberlain reported that he has visited that facility with his children and had a very positive experience. The Big Shots project in St. George is at the structural stage and they hope to have walls and roof installed within the next few months.

Administrator Darrington reported that they will start working with the owner and developer on the project as they prepare their applications, which will then move to the Planning Commission. It was clarified that the Rush Complex complies with the current Code. Big Shots will require Code changes in order to move forward. The owner and developer have already met with staff to address potential issues. Mayor Fugal stated that they are looking for a venue that will bring people to the area. He pointed out that restaurants will go a long way toward achieving that goal. There was consensus amongst the Council that they were agreeable to seeing more details regarding this proposed project. It was reiterated that this is not an approval of the project.

### **3) REPORT FROM JUSTICE COURT – *Presenter: Judge Randy Birch***

Judge Randy Birch presented an overview of the Justice Court system. He explained that it is based on the Utah Constitution that there will be one court off record, meaning there are no formal appeals. He expressed his appreciation for the Justice Court system. He reported that when he started practicing law there was a District Court, Circuit Court, and a Justice Court. In approximately 1989, the Circuit Court and Justice Courts were merged, which gave the Justice Court more power and authority. In his courtroom, they handle misdemeanors, Vehicle Code infractions, domestic violence, assault, and drug use.

Judge Birch reported that the jurisdiction of the Justice Court is within the City limits; the County has its' own Justice Court. He was appointed by the City Council approximately 1½ years ago. Currently, judges must sit for retention every six years. There are currently 81 judges sitting in 123 courts throughout the State. Since his appointment, they have hired clerks and staff who are exceptional.

He expressed his love for his job and stressed the great atmosphere and stated that it is a great place to work.

Judge Birch addressed the impact of COVID-19 on the Justice Court and stated that they have not held in-person proceedings for many months. He was unaware of any other courts in Utah County that have been given permission to conduct in-person hearings. Just today, Wasatch County was approved to conduct proceedings in person. He was looking to obtain Pleasant Grove's approval soon.

Council Member LeMone asked why in-person proceedings cannot take place if they can properly socially distance within the courtroom. Judge Birch stated that because the County is still classified as "red", according to the State Court Administrators Office, they are simply not allowed to conduct in-person proceedings.

Council Member Bullock added that the decision regarding whether a court may open comes from the Judicial Council. Therefore, the Judge has no discretion in the matter. Judge Birch added that the Judicial Council is standing by its orders that no in-person hearings will be allowed while a court is within a jurisdiction classified as "red." It was noted that this has delayed justice by delaying capital murder cases and cases in general.

There was an eight-page checklist of what the court must address before being allowed to open. The checklist must be submitted to the Administrative Office of Courts ("AOC"). Until the County certifies that this area is stable and/or reducing in COVID-19 cases, there is nothing for the Judicial Council to approve. In the interim, proceedings were being conducted by video. The hope was to move to the next level shortly. They were already conducting temperature and self-checks and working hard to keep the cases moving along. Once they are upgraded to "yellow," they will be allowed to have some face-to-face proceedings, with certain restrictions such as social distancing and directing pedestrian traffic within the courthouse, to name a few.

#### **4) STAFF BUSINESS**

Fire Captain Jake Larson provided the Council with an update regarding the Battle Creek #2 fire. As of earlier in the day, it was 38% contained and has affected 188 acres. Containment lines were in place. 100 personnel were working the fire and addressing hotspots within the containment line. There would continue to be smoke in the area for the next few days. The Type 3 team was expected to leave at the end of the week at which time it would be turned over to another local team. It was noted that Pleasant Grove units were involved from Saturday to Monday with a team of three. 34 to 35 homes were evacuated along 1400 East.

Council Member LeMone stated that her understanding was that the Battle Creek #1 fire was human-caused, but they could not determine whether it was intentional. Captain Larson confirmed that was the case and stated that a federal investigator was present at the beginning of the fire. They have not received a final cause report.

Council Member Williams inquired as to whether it was known if the fire was started on Pleasant Grove or federal property. Captain Larson reported that the origin was on the border, although it was determined that it started on the Pleasant Grove side of the property line. Pursuant to the agreement

with the State, when the initial call came in, State fire personnel took control and firefighting efforts were taken over by the State. Pleasant Grove will not incur any of the costs associated with fighting the fire. In response to an inquiry, Captain Larson stated his belief that the final investigative report must be requested. He pointed out that currently, campfires are prohibited in the area.

Captain Larson also updated the Council on other fires in the City, including a house fire on Sunday. The cause of the fire was undetermined but it originated in the garage. The house was significantly damaged, and the loss was estimated at approximately \$300,000. When fire personnel arrived, the home was fully involved. Many of the personal contents suffered water and smoke damage, but much was salvageable. The family was displaced and staying with relatives nearby. Mayor Fugal noted that with the assistance of mutual aid, there was an aggressive attack on this fire. Captain Larson reported that they have a crew currently in Butte Falls, Oregon that was involved in structure protection.

Mayor Fugal thanked Police Chief Mike Roberts for his assistance with traffic control around the fire. There was discussion regarding the difficult logistics with traffic and evacuations from the area. In response to an inquiry, he stated that he would be fully staffed in October after a recent hire is trained.

Chief Roberts reported on a dangerous call received recently regarding a reckless driver trying to run vehicles off the road. The vehicle was reported to be driving on the lawns of homeowners. Officer Garcia was able to locate the vehicle and, with the help of Sargent Adamson, followed the vehicle pursuant to policy when they saw the vehicle attempt to hit a female pedestrian. At that point, they gave pursuit where the vehicle continued to drive on lawns and attempt to strike pedestrians. The vehicle crossed into the American Fork City limits, where American the Fork Police Department picked up the pursuit.

The vehicle struck an outdoor dining area at Tangies, narrowly missing two families. Ultimately, the driver hit a dead end and was taken into custody. He was charged with 16 counts of attempted murder. Chief Roberts stated that there was good collaboration between the agencies. Officers involved in the pursuit were recognized.

## 5) ADJOURNMENT

**ACTION:** Council Member Williams moved to adjourn the Work Session at 5:36 pm. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council Work Session Minutes of September 15, 2020, were approved by the City Council on October 6, 2020.

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Kathy T. Kresser, MMC  
City Recorder

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