

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
December 7, 2021
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen

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

Excused: Cyd LeMone, Council Member
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 Guy Fugal called the meeting to order. All City Council Members were present with the exception of Cyd LeMone and Todd Williams, who were excused.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Eric Jensen.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Andersen.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Jensen moved to APPROVE the Meeting Agenda. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen voting “Aye”.

5) **OPEN SESSION**

There were no public comments.

6) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the November 16, 2021, Meeting.**
- B. **To Consider Approval of Payment Request Number 2 to Geneva Rock Products for the Micro Surfacing 2021 Project.**
- C. **To Consider for Approval Final Payment to J. Lyne Roberts and Sons for the Veterans Memorial Park – Pickleball Court Project.**
- D. **To Consider Approval of Payment Approval Reports for November 18, 2021, and December 2, 2021.**

ACTION: Council Member Bullock moved to APPROVE the Consent Items. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A. **Public Hearing to Consider for Adoption a Resolution (2021-064) Amending the Consolidated Fee Schedule for Fiscal Year 2021/2022; and Providing an Effective Date. *Presenter: Director Roy.***

Finance Director, Denise Roy shared information related to amendments to the Consolidated Fee Schedule for Fiscal Year 2021/2022. She reported that the amendments were related to the Library. The \$1 per day fee for VHS and DVDs had been removed as well as the \$0.10 per day

fine for overdue books. Additionally, there was a change made for lost items. It would simply be the replacement value of the item. Library and Arts Director, Sheri Britsch pointed out that the lost items line item should be named Lost and Damaged Items. The amendment was noted by Council.

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

ACTION: Council Member Jensen moved to ADOPT Resolution (2021-064) amending the Consolidated Fee Schedule for Fiscal Year 2021/2022 and providing an effective date, as amended. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

B. Public Hearing to Consider for Adoption an Ordinance (2021-32) to Apply the C-G (General Commercial) Zone to Approximately 3.6 Acres on Property Currently Zoned R-R (Rural Residential) Zone, Located at Approximately 1130 West State Street. (Mud Hole Neighborhood) (Clean Space Storage, Applicant) Presenter: *Director Cardenas,*

Community Development Director, Daniel Cardenas reported that the request was a rezone for property located at 1130 West State Street, from the R-R (Rural Residential) Zone to the C-G (General Commercial) Zone. The application was for 3.6 acres, which was a portion of the property. Director Cardenas noted that the applicant is Clean Space Storage. He anticipated that there would eventually be storage units on the property. However, the applicant was currently proposing a rezone and not a site plan. The General Plan Designation for the property was West State Commercial. He explained that West State Commercial areas were located in proximity to arterial roadways and highways to provide for the shopping and service needs of the community.

Director Cardenas stated that the item had been presented to the Planning Commission. The Planning Commission forwarded a unanimous recommendation of approval. He noted that an email had been received shortly before the City Council Meeting from a neighbor with concerns about the rezone. The main concerns related to noise levels, lighting, traffic, and overall safety. The neighbor preferred to see a rezone to a single-family zone rather than a commercial zone, but Director Cardenas reminded Council Members that the General Plan Designation was West State Commercial and the applicant had proposed the C-G (General Commercial) Zone.

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

Council Member Andersen believed businesses could provide a buffer zone that would enhance safety in certain areas. Director Cardenas reported that Staff would look further into safety once an application for a site plan is in place. If a commercial zone neighbors a residential zone, certain mitigation efforts would be put in place.

ACTION: Council Member Jensen moved to ADOPT Ordinance (2021-32) to apply the C-G (General Commercial) Zone to approximately 3.6 acres on property currently zoned R-R (Rural

Residential) Zone, located at approximately 1130 West State Street. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

C. Public Hearing to Consider for Adoption an Ordinance (2021-33) to Apply the R1-10 (Single-Family Residential) Zone to Approximately 0.29 Acres on Property Currently Zoned R-R (Rural Residential) Zone, Located at Approximately 1330 North 100 East. (Big Spring Neighborhood) (Robert and Jill Bigelow, Applicants) Presenter: Director Cardenas.

Director Cardenas reported that the Bigelow Family owns a property that is currently in the R-R (Rural Residential) Zone. He shared a zoning map with the Council and explained that the applicant proposed creating a new 0.29-acre lot on property located at approximately 1330 North 100 East. Both the rezone and plat were discussed by the Planning Commission and received a unanimous recommendation of approval. Director Cardenas noted that the intention was to create two lots and rezone the 0.29 acres to the R-1-10 (Single-Family Residential) Zone. He explained that the plat application will not come to City Council because this is a minor plat and could be approved by Staff. However, the rezone request needed City Council approval.

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

ACTION: Council Member Bullock moved to ADOPT Ordinance (2021-33) to apply the R1-10 (Single-Family Residential) Zone to approximately 0.29 acres on property currently zoned R-R (Rural Residential) Zone, located at approximately 1330 North 100 East. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

D. Public Hearing to Consider for Adoption an Ordinance (2021-34) Adopting the Pleasant Grove City Storm Water Management Plan Updated November 2021 to Meet the Requirements of the Utah State Division of Water Quality MS4 Permit. A Draft Copy of the Plan is Available for Review on the City’s Website or at the Public Works Office (323 West 700 South) and Providing an Effective Date. (Pleasant Grove City, Applicant) Presenter: Director Beaumont.

Public Works Director, Marty Beaumont reported that Pleasant Grove was required by the Utah State Division of Environmental Quality to update the Storm Water Management Plan. The plan was established in 2010 and reviewed on an annual basis to ensure that current State standards are met. The update would incorporate all of the new standards from the Utah State Division of Environmental Quality. It would also keep the City in compliance with the MS4 Permit from the State for the discharge of stormwater. The latest draft of the Stormwater Management Plan was available on the City website for review. Director Beaumont noted that Utah Lake was the biggest depository of the stormwater that runs off from Pleasant Grove. It was essential that the water is clean and safe as it goes to the lake.

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

ACTION: Council Member Bullock moved to ADOPT Ordinance (2021-34) adopting the Pleasant Grove City Stormwater Management Plan, updated November 2021, to meet the requirements of the Utah State Division of Water Quality MS4 Permit. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

10) **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Adoption an Ordinance (2021-35) Amending City Code Title 6 Chapter “Storm Drainage” Establishing Obligations of Private Property Owners to Manage the Storm Water Drainage on Their Property; Providing Enforcement Policies and Other Technical Additions in Order to Meet State Storm Water Discharge Requirements; Adding a Requirement for a Land Disturbance Permit Process and Providing an Effective Date. (CITYWIDE) (Pleasant Grove City Applicant) *Presenter: Director Beaumont.***

Director Beaumont reported that per the permit from the State, there were specific things the City is required to manage, especially with regard to illicit discharge coming from any site or property that may enter the stormwater system and ultimately into Utah Lake. A lot of those issues were addressed in the Stormwater Technical Manual but not included in the Ordinance. As a result, Staff updated the Ordinance with requirements from the State. Staff worked with City Attorney, Tina Petersen, to update the Storm Drainage section in the City Code. This would allow the City to address illicit discharges from properties and ensure that Staff could take care of an issue if it was related to the health, safety, and welfare of the public.

There was also the addition of a Land Disturbance Permit section. Previously, there was not a process in place for that. If more than one acre of land is disturbed, a permit is required, which would manage boundaries and ensure that there are no impacts to adjacent properties. It would also ensure that water and other materials are not being moved off-site. Additionally, Staff would be aware of any larger excavations taking place within the City.

ACTION: Council Member Jensen moved to ADOPT Ordinance (2021-35) amending City Code Title 6 Chapter “Storm Drainage” establishing obligations of private property owners to manage the stormwater drainage on their property; providing enforcement policies and other technical additions in order to meet State stormwater discharge requirements; adding a requirement for a Land Disturbance Permit Process and providing an effective date. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

- B. To Consider for Adoption a Resolution (2021-065) Authorizing the Mayor to Sign a Cooperative Agreement with the Utah Department of Transportation (“UDOT”) to Construct and Maintain Storm Water Drainage Facilities in the State Street Corridor Between 1300 West and North County Boulevard in Pleasant Grove, Utah County, Utah and Providing an Effective Date. *Presenter: Director Beaumont.***

Director Beaumont reported that the City has been working with the Utah Department of Transportation (“UDOT”) for a number of years on the widening of State Street from 220 South to 500 East American Fork. Construction of that project will begin in Spring 2023. The Cooperative Agreement would state that Pleasant Grove is willing to accept the runoff storm water from the widening of the road, as there will be additional impervious areas that will increase stormwater flows. The agreement will state that the City will take that increase into the existing stormwater facility at 1300 West. There was a financial aspect of the agreement and the City worked with UDOT to evaluate what the costs will be. It was determined that \$305,500 was the appropriate amount for UDOT to pay for the City to accept the responsibility of handling the additional storm water runoff. Staff recommended that the City Council agree to the Cooperative Agreement.

ACTION: Council Member Andersen moved to ADOPT Resolution (2021-065) authorizing the Mayor to sign a Cooperative Agreement with the Utah Department of Transportation (“UDOT”) to construct and maintain stormwater drainage facilities in the State Street Corridor between 1300 West and North County Boulevard in Pleasant Grove, Utah County, Utah and providing an effective date. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

- C. To Consider for Adoption a Resolution (2021-066) Authorizing the Mayor to Sign a General Service Contract Agreement with PACIFICORP dba Rocky Mountain Power to Provide Electrical Service to the Pump Station Operation at the Manila Creek Pond at or near 751 West 3300 North, Pleasant Grove, Utah; and Providing an Effective Date. *Presenter: Director Beaumont.***

Director Beaumont reported that the next two items are related to a contract that was approved at the last City Council Meeting for the Manila Creek Pond Pump Station. In order to run the pumps, power is needed and the City was working with Rocky Mountain Power to provide service to those pumps. There would be a new power line and power pole that would run across the park on 3300 North and over to the new pump station location. Director Beaumont explained that there would be a transformer at the new pump station as well, which would provide the power. The current item was the Contract Agreement to provide the power and the next item was the easement that was needed to put in the power line that will run to the transformer.

ACTION: Council Member Jensen moved to ADOPT Resolution (2021-066) authorizing the Mayor to sign a General Service Contract Agreement with PACIFICORP dba Rocky Mountain Power to provide electrical service to the Pump Station Operation at the Manila Creek Pond at or near 751 West 3300 North, Pleasant Grove, Utah and providing an effective date. Council Member

Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting "Aye".

- D. To Consider for Adoption a Resolution (2021-067) Authorizing the Mayor to Sign a Right-Of-Way Easement in Favor of PACIFICORP dba Rocky Mountain Power for the Construction, Reconstruction, Operation, Maintenance, Repair, Replacement, Enlargement or Removal of Underground Electric Power Distribution and Communication Lines On, Across or Under Property Owned by Pleasant Grove City, Located at the Manila Creek Pond at Approximately 3300 North and 751 West, Pleasant Grove, Utah and Providing an Effective Date. Presenter: Director Beaumont.**

ACTION: Council Member Bullock moved to ADOPT Resolution (2021-067) authorizing the Mayor to sign a Right-Of-Way Easement in favor of PACIFICORP dba Rocky Mountain Power for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, or removal of underground electric power distribution and communication lines on, across or under property owned by Pleasant Grove City, located at the Manila Creek Pond at approximately 3300 North and 751 West, Pleasant Grove, Utah and providing an effective date. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting "Aye".

- E. To Consider Awarding Cody Ekker Construction the Monson Overflow Piping Project Bid with a Total Bid Price of \$44,792.00 and Authorize the Mayor to Sign the Notice of Award, and Authorize the Mayor to Sign the Notice to Proceed and Agreement Upon Receipt and Approval of Final Contract Documents. Presenter: Director Beaumont.**

Director Beaumont reported that the above item relates to a small 100-foot overflow pipe that was needed for a ditch on the Monson tank site. The pipe would manage flows when the secondary water tank overflows. This would ensure that the flow would not move onto private properties and instead flow into the ditch system. Director Beaumont noted that there had been excellent bids for the project and the lowest bidder was Cody Ekker Construction, with who the City had worked previously. The bid price was \$44,729, which is slightly less than the estimated cost from the Engineer. He noted that it was nice to have a project come in below estimate.

ACTION: Council Member Andersen moved to AWARD Cody Ekker Construction the Monson Overflow Piping Project Bid with a Total Bid Price of \$44,792.00 and authorize the Mayor to sign the Notice of Award, and authorize the Mayor to sign the Notice to Proceed and Agreement upon receipt and approval of final contract documents. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting "Aye".

- F. To Consider for Adoption a Resolution (2021-068) Authorizing the Mayor to Sign a Fiscal Assistance Agreement with Utah Division of Recreation Funding for a Restroom Facility at Battle Creek Park and Providing an Effective Date. Presenter: Director Giles.**

Director Giles reported that the above item relates to an agreement with the Utah Division of Recreation Funding for the funding of \$100,000 for the Battle Creek Trailhead restroom. The agreement outlines the process for submitting invoices and listed a completion date of 2023. He explained that the work on the restroom will likely begin in Spring 2022.

ACTION: Council Member Jensen moved to ADOPT Resolution (2021-068) authorizing the Mayor to sign a Fiscal Assistance Agreement with the Utah Division of Recreation Funding for a restroom facility at Battle Creek Park and providing an effective date. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

- G. To Consider for Adoption a Resolution (2021-069) Approving the City’s Participation in the Utah Opioid Abatement Settlement Fund and Authorizing the Mayor to Execute the Necessary Documents to Effectuate the City’s Participation in the Settlement Agreement and Providing an Effective Date. Presenter: Administrator Darrington.**

City Administrator, Scott Darrington reported that the above item was reviewed during the Work Session. He explained that there had been a settlement with opioid companies and some of the money may trickle down to the City. He noted that instead of authorizing the Mayor to execute the necessary documents, the language should state that the City Administrator and City Attorney would execute the necessary documents instead.

ACTION: Council Member Bullock moved to ADOPT Resolution (2021-069) approving the City’s participation in the Utah Opioid Abatement Settlement Fund and authorizing the City Administrator and/or City Attorney to execute the necessary documents to effectuate the City’s participation in the Settlement Agreement and providing an effective date. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting “Aye”.

- H. To Consider for Adoption an Ordinance (2021-36) Setting the Time and Place of the Regular Meetings of the City Council, Boards, Commissions and Committee Meetings of Pleasant Grove City for the Year 2022 and Providing an Effective Date. Presenter: Attorney Petersen.**

Administrator Darrington reported that every year the meeting schedule for the Council and other boards and commission need to be adopted, this item does this. Council Member Jensen reported that in the past, there have been meetings with neighboring cities. He wondered if there could be more of those in 2022. Administrator Darrington confirmed this but did not believe that needed to be added to the official schedule.

ACTION: Council Member Andersen moved to ADOPT Ordinance (2021-36) setting the time and place of the Regular Meetings of the City Council, Boards, Commissions, and Committee Meetings of Pleasant Grove City for the Year 2022 and providing an effective date. Council

Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting "Aye".

I. To Consider for Adoption a Resolution (2021-070) Adopting the Voter Participation Areas Map ("VPA") as Prepared by the Utah County Elections Office and Providing an Effective Date. *Presenter: Attorney Petersen.*

Administrator Darrington reported that the above item was discussed during the Work Session. He noted that the City would adopt the old map until the County can work through the census data and update the maps. This needed to be done to remain compliant with State law.

ACTION: Council Member Jensen moved to ADOPT Resolution (2021-070) adopting the Voter Participation Areas Map ("VPA") as prepared by the Utah County Elections Office and providing an effective date. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen, voting "Aye".

11) ITEMS FOR DISCUSSION

A. Continued Items from the Work Session, If Needed.

There were no further Work Session discussions.

12) REVIEW AND DISCUSSION OF THE JANUARY 4, 2021, CITY COUNCIL MEETING AGENDA

Administrator Darrington reported that there were a few items on the agenda for the January 4, 2021, City Council Meeting. For instance, the adoption of the agreement for the General Plan and discussion items for the Work Session. He noted that the Pleasant Grove Lions Club had a presentation to share during the meeting. Since the City Council Meeting was still four weeks away, there would likely be additional items added to the agenda.

13) MAYOR AND COUNCIL BUSINESS.

Council Member Andersen commented that the lights looked spectacular in Downtown Park. She was grateful to whoever organized the seasonal events. Mayor Fugal reported that last week, the first meeting of Restore the G had taken place. It was a joint effort between the City and Pleasant Grove High School. There was a lot of work to do and a lot of money to be raised, but he looked forward to seeing the 'G' restored on the mountain. Council Member Andersen felt this was a chance for the City to come together.

14) SIGNING OF PLATS.

No plats were signed.

15) **REVIEW CALENDAR.**

The calendar was not reviewed further.

16) **ADJOURN.**

MOTION: Council Member Jensen moved to ADJOURN the meeting at 6:50 p.m. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Jensen voting “Aye”.

The City Council minutes of December 7, 2021, were approved by the City Council January 4, 2022.



Kathy T. Kresser, MMC

City Recorder

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

