

**Pleasant Grove City  
City Council Meeting Minutes  
Regular Session  
March 29, 2022  
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen  
Brent Bullock  
Eric Jensen (excused at 6:15 p.m.)  
Todd Williams

Staff Present: Scott Darrington, City Administrator (excused at 6:36 p.m.)  
Daniel Cardenas, Community Development Director  
Deon Giles, Parks Director  
Tyler Wilkins, Recreation Director  
Tina Petersen, City Attorney  
Kathy Kresser, City Recorder  
Neal Winterton, Public Works Director  
Kyler Ludwig, HR Director  
Mike Roberts, Police Chief  
Denise Roy, Finance Director  
Drew Engemann, Fire Chief

Excused: Cyd LeMone, Council Member  
Sheri Britsch, Library and Arts Director

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

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**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 who was excused.

**2) PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Public Works Director, Neal Winterton.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Bullock.

4) **APPROVAL OF MEETING AGENDA**

As City Administrator, Scott Darrington needed to leave the meeting early, a request was made to have Item 10 C heard before Items 10 A and 10 B.

**ACTION:** Council Member Bullock moved to APPROVE the Meeting Agenda, as modified by moving Item 10C to be heard before Items 10 A and 10 B. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, and Williams voting "Aye".

5) **OPEN SESSION**

Mayor Fugal invited House Representative Jon Hawkins to provide a summary of Legislative activity. Representative Hawkins reported that there were a lot of good things that happened in the legislative session this year. There were a lot of extra funds that they were able to allocate to different funds. He commented that he worked on a few big funding initiatives like bringing the Olympics back to Utah, there was 66 million dollars approved to upgrade the Olympic venues here in Utah. That is without matching grants from Ogden, Provo and Park City. With the matching grants there will be about 90 million dollars of funding.

Another project he helped fund was helping parents understand how to teach their children proper and safe use of technology. This is a big problem within our society, they saw this last week with a girl in Magna that was kidnapped and found in Texas based on a social media relationship that she developed with some stranger. He said that he co-chairs that state committee that is over that and Council Member LeMone works with him on that committee also.

Representative Hawkins commentated that some taxes were cut instead of raising taxes and they will reevaluate before the next session to see if they can reduce taxes more. Council Member Andersen thanked Representative Hawkins for this work on behalf of Pleasant Grove City and the State of Utah.

There were no further public comments. The open session was closed.

6) **CONSENT ITEMS**

- A. **City Council Minutes:  
City Council Meeting Minutes of March 1, 2022, Meeting.  
City Council Meeting Minutes of March 15, 2022, Meeting.**

**ACTION:** Council Member Jensen moved to APPROVE the consent items. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, and Williams 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 an Ordinance (2022-13) Amending City Code Section 10-11E-1-1: The Downtown Village Zone, Permitted Uses, Expanding the Permitted Uses to Include Use #5511 Motor Vehicles, Automobiles (new and used), Permitted only within the Area North of State Street with Frontage to 600 West, and the Area with Frontage to State Street, as shown on the Map Attached to the Ordinance Codified Herein. As well as Use #5512 Motor Vehicles, Automobiles (new and used), Permitted only within the Area North of State Street with Frontage to 600 West, and the Area with Frontage to State Street, as shown on the Map Attached to the Ordinance Codified Herein. (City Wide) (Gary Taylor Applicant) *Presenter: Director Cardenas.***

Community Development Director, Daniel Cardenas, presented the staff report and stated that the above matter involves a Code Text Amendment to include Use #5512 (sale and resale of new and used vehicles) in the Downtown Village Commercial Subdistrict Zone. Director Cardenas stated that five to six years ago the decision was made to exclude the sale of new cars in that zone. Using a zoning map, he identified one auto sales business in the area on the corner of 600 West that was allowed to continue to operate as a legal non-conforming use. Director Cardenas stated that the applicant owns property along State Street and wanted to use it for vehicle sales. That parcel, the City parking lot, and the rest of the area potentially impacted by the passage of the text amendment were identified by Director Cardenas on an aerial map. He noted that cars are illegally parking in the City parking lot area that are advertised for sale, which the City was taking steps to remove. He reported that the Planning Commission recommended 4-to-2 to deny the text amendment. The Planning Commission's findings included the following:

- The area is considered a gateway to the downtown area; and
- Use #5512 is not compatible with the vision the City has for the area.

Council Member Williams asked for clarification on the location of where the vehicles were to be sold. Director Cardenas identified the location on the zoning map. The applicant was not present.

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

Council Members Andersen and Williams voiced opposition to the proposed amendment.

**ACTION:** Council Member Williams moved to DENY Ordinance 2022-13 Amending City Code Section 10-11E-1-1: The Downtown Village Zone, Permitted Uses, expanding the permitted uses to include Use #5511 Motor Vehicles, Automobiles (new and used), permitted only within the area north of State Street with frontage to 600 West, and the area with frontage to State Street, as shown on the map attached to the ordinance codified herein. As well as Use #5512 Motor Vehicles, automobiles (new and used), are permitted only within the area north of State Street with Frontage to 600 West, and the area with frontage to State Street, as shown on the map attached to the Ordinance codified herein, based on the recommendation of denial by the Planning Commission with the following findings:

1. The area is considered the gateway to the downtown area.
2. The proposed amended uses are not compatible with the City's vision for the future of the Downtown Village Zone.

Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Williams voting "Aye". Council Member Jensen was not present for the vote.

Council Member Andersen stated that as part of the early discussions regarding approval of 600 West, a parking lot was to be poured, which also included curb and gutter. She asked that Code Enforcement check the status. Director Cardenas stated that the owner was contacted about the work to be done and Code Enforcement was actively working on the issue.

#### 10) **ACTION ITEMS READY FOR VOTE**

##### **A. To Consider a Proclamation Declaring April 28, 2022, as Arbor Day.**

Park Director, Deon Giles, reported that Arbor Day is normally held on a Saturday but stated that participation has been lacking over the past few years. The ceremony, instead, will be held on Thursday, April 28, 2022, at 8:00 a.m. at Discovery Park. To honor the day, they will plant several trees.

**ACTION:** Council Member Andersen moved to PROCLAIM and DECLARE April 28, 2022, as Arbor Day. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Williams voting "Aye". Council Member Jensen was not present for the vote.

##### **B. To Consider for Adoption a Resolution (2022-018) Authorizing the Mayor to Declare a 2002 Ford Explorer and a 2003 Chevy Trailblazer as Surplus and Directs that they be Disposed of According to the City's Policy for Disposing of Surplus Property and Providing for an Effective Date.**

Public Works Director, Neal Winterton, reported that both vehicles identified above are no longer in service and are considered surplus.

**ACTION:** Council Member Andersen moved to ADOPT Resolution 2022-018 Authorizing the Mayor to declare a 2002 Ford Explorer and a 2003 Chevy Trailblazer as surplus and direct that they be disposed of according to the City's policy for disposing of surplus property and providing for an effective date. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Williams voting "Aye". Council Member Jensen was not present for the vote.

**C. To Consider for Adoption a Resolution (2022-019) Authorizing the Mayor to Sign a Memorandum of Understanding (MOU) between Hale Center Theater, doTERRA LLC, and Pleasant Grove City Regarding Construction of a Performing Arts Theater; and Providing an Effective Date. Presenter: Administrator Darrington.**

City Administrator, Scott Darrington, reported that the proposed Memorandum of Understanding ("MOU") was part of the process to bring Hale Center Theater to Pleasant Grove. doTERRA agreed to donate one or more acres of property to allow for the construction of a Performing Arts Facility to house the Hale Center Theater. The MOU was to formalize that agreement. He reported that there would be a Master Lease Agreement setting forth the details and responsibilities of the parties. Specifically, the MOU commits the City, via the Local Building Authority ("LBA") to issue revenue bonds for \$35,000,000 for the design, engineering, construction, and furnishing of the Performing Arts Facility, the capitalized interest, a debt reserve fund, and costs associated with the issuance of the bonds.

The City, through the LBA, which is composed of the Mayor and City Council Members, will own the facility throughout the life of the bonds. Administrator Darrington stated that there would be an Acquisition Lease Agreement between the LBA and Hale Center Foundation for the Arts and Education ("Hale") that provides that Hale's lease payments be treated as installment purchase payments toward the ownership of the Performing Arts Facility. Once the bonds are paid off, Hale will own the Facility. The LBA will also assist Hale in obtaining professional services to design, engineer, and construct the facility.

Administrator Darrington reported that there will be a Land Lease between the LBA and doTERRA with extremely favorable terms. The understanding was that if Hale defaults, both the LBA and doTERRA would work together to find another patron to take Hale's place. Further, a fund reserve would be set up with one year's worth of payments available, in the unlikely event that was to occur. The Ground Lease was also to provide certain protective covenants to the LBA to protect it and the bond purchaser's ability to seek financial remedies if the overall operation and utilization of the Performing Arts Facility to the extent Hale defaults on the Agreement. Administrator Darrington stated that doTERRA will be providing, as part of the Master Plan, parking spaces, landscaping, and open space areas around the facility.

Administrator Darrington reported that the facility will have a Main Stage Theater with seating for 670 and a flexible space theater that can seat 250. There will be a Performing Arts Education Center, an Operations and Production Center, and office space. The lease payments will cover the revenue bonds, which have semi-annual and annual payment dates, a Capital Repair and Replacement Fund, and a Fund Stabilization for operation. Use of privately raised donations and

contributions was contemplated. The lease with Hale will include a provision to ensure that some of the donated or contributed money is set aside to make the lease payments rather than all being put into the theater. He further stated that the Agreement will also include a provision that the City would be reimbursed for any expenses incurred by the project. He noted that not all of the terms have been fully worked out.

Council Member Andersen asked for more detail regarding how the debt service reserve was to be funded. Administrator Darrington explained that a portion of the bond funding is set aside for that purpose. City Attorney, Tina Petersen, reported that Hale is allowed to build up a certain amount of reserve by paying an amount greater than the lease payment. There was general discussion regarding how the bond payments work and the seating capacity of the theaters.

**ACTION:** Council Member Williams moved to ADOPT Resolution 2022-019 Authorizing the Mayor to sign a Memorandum of Understanding (“MOU”) between Hale Center Theater, doTERRA LLC, and Pleasant Grove City regarding construction of a Performing Arts Theater; and providing an effective date. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Williams voting “Aye”. Council Member Jensen was not present for the vote.

## 11) ITEMS FOR DISCUSSION

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

Police Chief, Mike Roberts, reported that Officer Dennis Green passed his field training by taking the initiative to accelerate the pace. He stated that Officer Green was a great hire. The other two new officers were about one month behind. Both came with less experience. Chief Roberts further reported that he was working with Administrator Darrington and would be working to provide a Mission Statement for the Police Department.

Fire Chief, Drew Engemann, reported on a recent field trip to Pierce Manufacturing in Appleton, Wisconsin, where they performed a pre-check of the new fire engine. The engine had a few small issues but did well. The several-day trip back to Pleasant Grove was eventful in that the pump on the engine began to leak near Casper, Wyoming, and needed to be towed to Salt Lake City. It arrived in Pleasant Grove the previous night and was being checked out. Chief Engemann stated that they would have a ceremony for the new engine once it is ready. He also reported on several fires that were started by young people in dumpsters and trash cans, primarily in rural areas. All the youth involved were apprehended. There were some medical calls as well. Mayor Fugal, who was also on the trip to Appleton, reported that there were over 200 fire apparatuses present. The gathering was very impressive and provided a lot of information about quality control.

Recreation Director, Tyler Wilkins, stated that Recreation Department employee Audrey Christiansen, recently lost her husband, Cory, who died of a heart attack on the way home from a hunting trip. He was a Pleasant Grove youth football coach. His passing will be a great loss to the community.

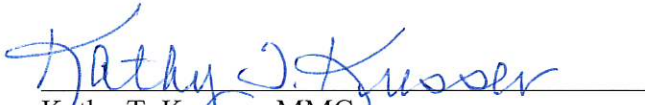
Director Winterton reported that the Pressurized Irrigation System (“PIS”) is scheduled to be turned on May 1, 2022. They also are starting to fill Manilla Pond using the water available from the Canyon. They hope to start pressurizing the system so that any issues can be identified and repaired early. He noted that work was underway in the right-of-way.

Human Resources Director, Kyler Ludwig, reported that the Appreciation Luncheon is scheduled for May 11 rather than May 12.

- 12) **REVIEW AND DISCUSSION OF THE APRIL 12, 2022, CITY COUNCIL MEETING AGENDA**
- 13) **MAYOR AND COUNCIL BUSINESS.**
- 14) **SIGNING OF PLATS.**
- 15) **REVIEW CALENDAR.**
- 16) **ADJOURN.**

**ACTION:** Council Member Bullock moved to ADJOURN the meeting at 6:53 p.m. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, and Williams voting “Aye”. Council Member Jensen was not present for the vote.

The City Council minutes of March 29, 2022, were approved by the City Council on May 3, 2022.

  
Kathy T. Kresser, MMC  
City Recorder

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

