

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
May 3, 2022
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: 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
Kathy Kresser, City Recorder
Neal Winterton, Public Works Director
Kyler Ludwig, Human Resources Director
Mike Roberts, Police Chief
Denise Roy, Finance Director
Sheri Britsch, Library and Arts Director

Excused: Dianna Andersen, Council Member
Tina Petersen, City Attorney
Drew Engemann, Fire Chief

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 at 6:00 p.m. All City Council Members were present with the exception of Dianna Andersen who was excused.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Assistant City Manager, Kyler Ludwig.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Bullock.

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 Bullock, Jensen, LeMone, and Williams voting “Aye”.

5) **OPEN SESSION**

Mark Bezzant was present as a private citizen and as Chairman of the Metropolitan Water Board. He acknowledged the exceptional work of Finance Director, Denise Roy, and City Recorder, Kathy Kresser, who both assist them in the work of the Metropolitan Water Board. Both do a marvelous job. He also complimented the City Council, Mayor, and City Administrator for their excellent choice in selecting New Public Works Director, Neal Winterton. Mr. Bezzant looked forward to working with Mr. Winterton on matters pertaining to the Metropolitan Water Board and Pleasant Grove Irrigation. He noted that in his capacity as a private citizen/taxpayer, the taxes are money well spent based on the services provided in the community. He commented that the City has many good employees who serve the City.

Rachael Davis, a resident, expressed concern about people driving on the Murdock Trail, near 350 North, and asked if barriers could be placed. She had seen cars cross the trail to get to their homes and was told to talk with City Council about her concerns. Mayor Fugal stated that such activity should be reported to the police. Ms. Davis was informed that staff would look into the issue.

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

6) **CONSENT ITEMS**

- A. **City Council Minutes for the March 29, 2022, Meeting.**
City Council Minutes for the April 14, 2022, Meeting.
- B. **To Consider Approval of Payment Request No. 4 for Skyline Electric for the 1800 North 100 East Signal Project.**
- C. **To Consider Approval of Payment Request No. 3 for J. Lynn Roberts and Sons for the Manila Pond Booster Station.**
- D. **To Consider Approval of Payment Request No. 1 for Cody Ekker Construction, Inc. for the 1100 North Street and Utility Improvement Project.**
- E. **To Consider Approval of Payment Approval Reports for April 21, 2022.**

ACTION: Council Member Jensen moved to APPROVE the Consent Items. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Bullock, Jensen, LeMone, 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 a Resolution (2022-023) Amending the FY22 Budget Comprehensive Fee Schedule by Providing a Reasonable Fee for Culinary Water Utility Connections that Have Inoperable Meters Resulting in a Zero Usage and Billing for Sewer Services when the Property is Actually Using Culinary Water and Providing an Effective Date. *Presenter: Director Roy.***

Public Works Director, Neal Winterton, reported that the Utility Fee to process the sewer wastewater has been calculated based on average water use from November through March. The meters were not monitored during the winter months. He noted that when the meters are checked for the winter period, the readings sometimes reveal inoperable meters that show zero water consumption where water was known to have been provided. He stated that a zero-finding leaves them with no way to bill for sewer services. When a meter is installed, because there is no history of water use, the initial amount billed was 6,000 gallons. Using that as guidance, Director Winterton stated that the recommendation was to recover the cost of the undocumented water use and sewer services for those with inoperable meters and bill half that amount, or 3,000 gallons for that period. He stated that when an inoperable meter is discovered, it is investigated and resolved.

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

Council Member Williams stated that the proposal was a good compromise until the water meter can be fixed. Director Winterton, when asked about other cities' practices, noted that many cities use the previous winter's bill. This amount was deemed to be a good compromise as they would be able to recover at least a prorated amount of the normal charge. The following year, the customer would be charged the standard amount.

ACTION: Council Member Williams moved to ADOPT Resolution 2022-023 Amending the FY22 Budget Comprehensive Fee Schedule by providing a reasonable fee for culinary water utility connections that have inoperable meters resulting in a zero usage and billing for sewer services when the property is using culinary water and providing an effective date. Council Member Jensen seconded the motion. The motion passed unanimously with Council Members Williams, LeMone, Jensen, and Bullock voting "Aye".

B. Public Hearing to Consider for Adoption of an Ordinance (2022-14) Applying the General Commercial Zone (C-G) to Approximately 0.90 Acres of Property Zoned The Grove – Mixed Housing (GRV-MH), Located at 672 West 220 South, and Providing an Effective Date. (Sam White’s Lane Neighborhood) (J D Brisk Applicant) Presenter: Director Cardenas.

Community Development Director, Daniel Cardenas, presented the staff report and stated that the above matter was a request for rezoning 0.90 acres of land located at 672 West 220 South. He showed Council an aerial view of the property and several photos of the area taken in 1997 and 2006 showing the commercial use of the property and an absence of residential units. Director Cardenas reported that the area, which currently houses recreational vehicles and a health and wellness center, is now surrounded by mixed housing developments. He also pointed out fencing located between the residences and the commercial building and stated that the applicant wanted the property to be used for commercial purposes. Director Cardenas also advised the matter had been before the Planning Commission and although there was some concern expressed by the neighbors, the rezone received unanimous approval.

Council Member Williams asked about a driveway through the property leading to the residential housing. Director Cardenas advised the driveway was for secondary emergency access to the residential areas. He commented the commercial building was present before any of the housing was built, and when residences were being built, this emergency access route was provided with a crash gate. Council Member Williams asked about what commercial uses would be allowed in that area. Director Cardenas described that the uses would be as listed for the zone. He noted there would be no industrial or manufacturing uses, and he understood the applicant was wanting to use the land for offices. Council Member Bullock asked what the height requirements for the building would be in the new zone if the current building were torn down and rebuilt. Director Cardenas stated that he would provide that information.

Mayor Fugal then opened the public hearing.

Ron Beeson advised that his neighbor, whose residence faces the subject property was out of State and asked him to appear on her behalf. He stated that the nearby business, north of the Strawberry Villas, made a lot of noise early in the morning, and the concern was about the type of business to be placed there and any resulting visibility or noise effects on her property. Council Member Williams inquired about the status of the driveway gate. Mr. Beeson stated that the gate was locked, and the access had been required of the developer, so the residents had two emergency accesses to their properties. Director Cardenas stated that the gate used was a crash gate.

There were no further public comments. The Mayor closed the public hearing and invited the City Council to either continue the discussion regarding this item or he would entertain a motion if no further discussion was necessary.

The City Administrator noted, for clarification, that the current building had the status of a legal non-conforming use in the current zone, and the applicant was seeking to have the zone changed to commercial. Director Cardenas advised the maximum building height for the General Commercial (CG) Zone was 65 feet, and four stories (approximately 45 to 50 feet) for The Grove

- Mixed Housing (GRV-MH) Zone. He also stated that there was General Commercial (CG) zoning in the surrounding area. There was general discussion regarding how the emergency access came into being.

Council Member Jensen expressed concern about the ability of a fire truck to access the emergency driveway. General discussion was held about the parcel and what conditions would be required when the property was developed.

ACTION: Council Member Williams moved to ADOPT Ordinance 2022-14 applying the General Commercial Zone (C-G) to approximately 0.90 acres of property zoned The Grove – Mixed Housing (GRV-MH), located at 672 West 220 South, and providing an effective date. Council Member Jensen seconded the motion. Vote on motion: Council Member Bullock-Nay, Council Member Jensen-Aye, Council Member LeMone-Aye, Council Member Williams-Aye. The motion passed 3-to-1.

10) **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Adoption a Resolution (2022-024) Adopting the Pleasant Grove City Tentative Budget for the Fiscal Year Beginning July 1, 2022, and Ending June 30, 2023, which Includes the Comprehensive Fee Schedule; and Providing for an Effective Date. *Presenter: Director Roy.***

Director Roy presented the Tentative Budget for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, including the Comprehensive Fee Schedule. She advised the Council of differences in this year’s Budget. She referenced page 2 and stated that per Code, the City is required to have an Executive Budget Summary, which was added. She stated that the list of proposed Capital Projects was on two pages for better visibility. The Fee Schedule began on page 31. She reported that a proposed public hearing would take place on August 2 along with consideration of the Certified Tax Rate for 2023. A public hearing and adoption of the budget would take place on August 16.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-024 Adopting the Pleasant Grove City Tentative Budget for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, which includes the Comprehensive Fee Schedule and providing for an effective date. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Williams, LeMone, Jensen, and Bullock voting “Aye”.

A request was made that the August dates be included in the motion, which was agreed to by the Council. It was determined that there should be a re-vote to include those dates.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-024 adopting the Pleasant Grove City Tentative Budget for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, which includes the comprehensive Fee Schedule; with the public hearings to be held on August 2, and 16, 2022, and providing for an effective date. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Williams, LeMone, Jensen, and Bullock voting “Aye”.

- B. To Consider for Adoption a Resolution (2022-025) Authorizing the Pleasant Grove City Parks Director to Submit an Application for the 2022 Utah County Commission Municipal Recreation Grant for Improvements to be Made to the Chrisville Park, Mahogany Park, Veterans Park, Kiwanis Park, Hill Park, and Discovery Park and Providing an Effective Date. *Presenter: Director Giles.***

Parks Director, Deon Giles, reported that they were to upgrade and replace the old benches and trash receptacles at the various park sites. They would also be adding a table to the south concrete pad at Discovery Park. He reported that the benches would be the same style as the ones that were installed recently.

ACTION: Council Member Bullock moved to ADOPT Resolution 2022-025 Authorizing the Pleasant Grove City Parks Director to submit an application for the 2022 Utah County Commission Municipal Recreation Grant for improvements to be made to the Chrisville Park, Mahogany Park, Veterans Park, Kiwanis Park, Hill Park, and Discovery Park, and providing an effective date. Council Member LeMone seconded the motion. The motion passed unanimously with Council Members Williams, LeMone, Jensen, and Bullock voting “Aye”.

- C. To Consider for Adoption a Resolution (2022-026) Authorizing the Mayor to Sign Addendum #3 to the Cooperation Agreement for the Non-District Use of District Lands with the Metropolitan Water District of Salt Lake and Sandy and Pleasant Grove City (Applicant) for the Installation of a Solar Powered Street Light within the SLA Corridor on Grove Creek Drive and Providing for an Effective Date. *Presenter: Director Winterton.***

Director Winterton reported that the above matter was to add an addendum to include a solar-powered streetlight to be installed on Grove Creek Drive to deter crime in accordance with the existing Cooperation Agreement with the Metropolitan Water District of Salt Lake and Sandy and Pleasant Grove City.

ACTION: Council Member LeMone moved to ADOPT Resolution 2022-026 Authorizing the Mayor to sign Addendum #3 to the Cooperation Agreement for the Non-District Use of District Lands with the Metropolitan Water District of Salt Lake and Sandy and Pleasant Grove City for the installation of a solar-powered streetlight within the SLA Corridor on Grove Creek Drive and providing for an effective date. Council Member Jensen seconded the motion. The motion passed unanimously with Council Members Williams, LeMone, Jensen, and Bullock voting “Aye”.

- D. To Consider for Adoption a Resolution (2022-027) Authorizing the Mayor to Declare a 1998 Dodge Pickup Truck, a 2002 Ford Truck, and Two 1997 Freightliner F70 Trucks 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. *Director Winterton.***

Director Winterton reported that all of the vehicles, with the exception of the 1998 pickup truck, were associated with the VW Grant Replacement that required each to have holes drilled in the

blocks and scrapped. He reported that the 1998 pickup truck was to be sent to auction.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-027 Authorizing the Mayor to declare a 1998 Dodge pickup truck, a 2002 Ford truck, and two 1997 Freightliner F70 trucks 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. Council Member Bullock seconded the motion. The motion passed unanimously with Council Members Williams, LeMone, Jensen, and Bullock voting "Aye".

E. To Consider Awarding the New Pickleball and Tennis Courts at the Discovery Park Bid 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 Winterton.*

Administrator Darrington reported that the above item was addressed during the Work Session. Two bids were received with the recommended bid amount being \$1,189,265, from S&L, Inc. The second bid was from Jaylin Roberts & Sons for approximately \$150,000 more.

Council Member Williams raised an issue pertaining to public use of the tennis courts at the high school that are owned by the City. Administrator Darrington stated that he met with the coach at the high school who wanted to keep the courts locked when not in use to prevent vandalism. Administrator Darrington commented that the City has keys to four of the courts.

Council Member Williams stated that there should be a sign on the four courts indicating that they are open to the public and directions on how to obtain the key. Administrator Darrington stated that such a sign is already posted. There was discussion about who is allowed to use the tennis courts. Administrator Darrington stated that staff would review the signage issue, so that use of the courts is more obvious.

Council Member Bullock asked why the courts at Discovery Park are not locked up. He had seen people on the courts with motorcycles and skateboards. Administrator Darrington stated that there is no recreation office in the area to sign out keys. He noted that the key issue is easier to resolve at the high school because there is a nearby Recreation Center. He offered to have staff explore potential options to protect the courts.

ACTION: Council Member LeMone moved to AWARD S&L, Inc. the Discovery Park Tennis Court Rehabilitation Project in the amount of \$1,189,265 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 Jensen seconded the motion. Vote on motion: Council Member Bullock-Nay, Council Member Jensen-Aye, Council Member LeMone-Aye, Council Member Williams-Aye. The motion passed 3-to-1.

ITEMS FOR DISCUSSION

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

Recreation Director, Tyler Wilkins, reported that staff is busy preparing for the start of season programs, getting staff in place, managing the various activities, and getting the various sites ready. He stated that pool readiness included repairs and lifeguard training. He noted that Lindon City helped train some of their lifeguards.

Parks Director, Deon Giles, indicated that they had a lot of volunteers help plant flowers and work on the grass. They were also busy getting the water turned on and pressured up. They were ready to begin sprinkler checks. UTOPIA had problems that they were working through. He reported that Arbor Day was celebrated the previous Thursday by planting trees at Discovery Park.

Director Cardenas reported on the progress of the General Plan work. They finished collecting data from the public. He noted that there were 5,000 visits to the website and 500 surveys were completed. The next Advisory Committee Meeting was scheduled for May 19 at 5:00 p.m. The data gathered since the last meeting would be presented.

Council Member Williams asked Director Cardenas to share the one thing he found surprising about the process. Director Cardenas stated that there are always requests for better roads, but he was surprised that people expressed appreciation for how the commercial and residential spaces were being divided in the City with commercial businesses on one end and residential on the other.

Mayor Fugal thanked the Public Works Department for the great job they did on the recent City Clean-up Event. Director Winterton stated that staff was efficient in managing the 30 bins. The event went well with many citizens expressing thanks. He reported that the Pressurized Irrigation ("PI") System was up and running. There were 70 leaks, which was more than normal and likely the result of work that UTOPIA is doing. Director Winterton stated that the Well Project was going well. Good water samples were received, and they were looking for a good production amount.

Council Member Jensen inquired about the general condition of the wells. Director Winterton responded that some wells were good while others had low water tables and were inoperable and need maintenance. Overall, the supply and future use looked good. Council Member Williams suggested that the upcoming clean-ups be finalized since the trucks are busy in the spring and fall. He noted that there is competition among neighboring cities for use of the trucks.

Human Resources Director, Kyler Ludwig, announced that an Employee Appreciation Lunch was scheduled for May 11. He expected all to attend with Council to do the cooking.

Administrator Darrington reported that fundraising events will take place this year to support the Restore the G Project. He noted that a lot of work was being done behind the scenes by the Mayor, with contractors and donors. The aluminum strips were to be removed and possibly sold as mementos. He stated that the "G" site will begin to look different and suggested the Council direct

questions to the Restore the G Project website for information and ways to donate. He noted that there was a documentary video on the history of the “G” on the City’s website.

11) **REVIEW AND DISCUSSION OF THE MAY 17, 2022, CITY COUNCIL MEETING AGENDA**

Administrator Darrington reported that a boundary adjustment with Cedar Hills would be on the next agenda. It was likely that more items would be added.

12) **MAYOR AND COUNCIL BUSINESS.**

13) **SIGNING OF PLATS.**

14) **REVIEW CALENDAR.**

15) **ADJOURN AS THE PLEASANT GROVE CITY COUNCIL.**

ACTION: Council Member Jensen moved to ADJOURN the City Council meeting at 7:19 p.m. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Bullock, Jensen, LeMone, and Williams voting “Aye”.

16) **CONVENE AS THE PLEASANT GROVE CITY REDEVELOPMENT AGENCY.**

(See Pleasant Grove City Redevelopment Agency Meeting Minutes of May 3, 2022)

17) **CLOSED MEETING TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY (UCA 52-4-205(1)(d)).**

ACTION: Council Member Williams moved to GO INTO CLOSED MEETING at 7:30 p.m. to discuss the Purchase, Exchange, or Lease of Real Property (UCA 52-4-205(1)(d). Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Bullock, Jensen, LeMone, and Williams voting “Aye”.

18) **ADJOURN.**

ACTION: Council Member Williams moved to ADJOURN the Closed Meeting at 8:40 p.m. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Bullock, Jensen, LeMone, and Williams voting “Aye”.

ACTION: At 8:42 p.m. Council Member Jensen moved to adjourn the meeting. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Bullock, Jensen, LeMone, and Williams voting “Aye”.

The City Council minutes of May 3, 2022, were approved by the City Council on May 17, 2022.


Kathy T. Kresser, MMC
City Recorder



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