

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
June 7, 2022
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
Deon Giles, Parks Director
Kathy Kresser, City Recorder
Neal Winterton, Public Works Director
Kyler Ludwig, Human Resources Director
Mike Roberts, Police Chief
Drew Engemann, Fire Chief
Sheri Britsch, Library and Arts Director
Aaron Wilson, City Engineer

Excused: Daniel Cardenas, Community Development Director
Tina Petersen, City Attorney
Denise Roy, Finance Director

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.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Fire Chief, Drew Engemann.

3) OPENING REMARKS

The opening remarks were offered by Council Member Todd Williams.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Andersen moved to APPROVE the Meeting Agenda, as published. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

5) **OPEN SESSION**

Rich Guernsey, a 30-year resident, expressed his appreciation for the wonderful amenities, including the new pickleball courts in the City that made his multi-generational family reunion at Veterans' Memorial Park a success. He commented that Pleasant Grove is a great place to live. He was opposed to the State-mandated secondary water metering requirements and reported that he owns a five-acre apple and peach orchard. When the City got secondary water 20 years ago, he spent \$15,000 on a sprinkler system for the orchard and watered it from the secondary water system rather than flooding the property with the irrigation system. He noted that sprinkler irrigation uses about 1/10th of the water a flood irrigation system does. He consequently linked the extra water back to the City.

When he heard about metering the secondary water use, he was concerned that if he were charged a normal residential rate to continue to use secondary water on his orchard the cost would be too expensive. He approached both Pleasant Grove Irrigation Company and the City and indicated that he wanted his water back and would be flood irrigating due to cost. He was then informed that with the development that had occurred, there was no way to get irrigation water to his property, which forced him to use the secondary water system. He suggested that when determining rates for the secondary water system, consideration be given for alternative rates with similar properties.

Mayor Fugal reported that this issue was raised by farmers and others in the area and stated that it was likely that a different rate would be charged for rural farm property. Mr. Guernsey stated that he and a neighbor had their land designated as Residential Agricultural Overlay ("RAO") to keep maintain the rural farm atmosphere.

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

6) **CONSENT ITEMS**

- A. **City Council Minutes for the May 17, 2022, Meeting.**
- B. **To Consider Approval Payment Request No. 4 for J. Lynn Roberts and Sons for the Manila Pond Booster Station Project.**
- C. **To Consider Approval of Payment Request No. 2 for Cody Ekker Construction, Inc. for the 1100 North Street and Utility Improvement Project.**
- D. **To Consider Changer Order No. 2 and Payment Request No. 2 for Cody Ekker Construction for the 800 North Storm Drain Project.**

E. To Consider Approval of Payment Approval Reports for May 19 and June 2, 2022.

ACTION: Council Member Jensen moved to APPROVE the Consent Items, as published. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

7) BOARD, COMMISSION, COMMITTEE APPOINTMENTS

A. To Consider the Appointment of Marty Beaumont and Craig Veenker as Metropolitan Water District of Pleasant Grove Board Members.

Mayor Fugal reported that Marty Beaumont and Craig Veenker were to be appointed as Board Members of the Metropolitan Water District of Pleasant Grove. He thanked them and stated that they will be assets serving on the Board. Mr. Beaumont was pleased to be serving the City in that capacity role and stated that during his time in Public Works Department he was passionate about and recognized water as a very important resource. He thanked the Council for the opportunity to serve.

ACTION: Council Member Bullock moved to APPROVE the appointment of Marty Beaumont and Craig Veenker as Metropolitan Water District of Pleasant Gove Board Members. Council Member Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

8) PRESENTATIONS

There were no presentations.

9) PUBLIC HEARING ITEM

**A. Public Hearing to Consider for Adoption of an Ordinance (2022-15) to Apply the General Commercial Zone (C-G) to approximately 2.60 acres of property zoned Rural Residential (R-R), located at 1230 West State Street. (MUD HOLE NEIGHBORHOOD) (Classic Jack Real Estate Holding, Applicant)
*Presenter: Engineer Wilson.***

City Engineer, Aaron Wilson, reported that the proposed action was part of a continuation of past rezones along State Street to extend the commercial area. The property is located directly south of Mount Mahogany Elementary and across the street from Christensen Truck Sales. He indicated that Christensen Truck Sales approached the City with proposed conceptual developments that would be feasible with a zoning change.

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

ACTION: Council Member Williams moved to ADOPT Ordinance 2022-15 to apply the General Commercial Zone (C-G) to approximately 2.60 acres of property currently zoned Rural Residential (R-R), located at 1230 West State Street. (Mud Hole Neighborhood). Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

10) ACTION ITEMS READY FOR VOTE

- A. To Consider the Request of Robert Isaac Bingham to be Exempted from the Installation of Infrastructure and Connections for the Required Pressurized Irrigation Systems (Secondary Water) on Approximately 2.73 Acres of Property Zoned Single-Family Residential (R1-20), Approximately Located at 1585 North Murdock Drive. (BIG SPRING NEIGHBORHOOD) *Presenter: Engineer Wilson.***

Engineer Wilson presented the above item and stated that the request addressed a situation that has existed for some time. He reported that the City owns Wade Springs from which the applicant has water rights to use more water than he could use. The applicant had been voluntarily donating the excess water back to the City. Engineer Wilson indicated that the petition if approved, would resolve any past issues with the applicant's legitimate water rights, would document his rights, and relieve him of all City requirements regarding the pressurized irrigation system for the identified property.

ACTION: Council Member Bullock moved to APPROVE the request of Robert Isaac Bingham to be exempted from the installation of infrastructure and connections for the required pressurized irrigation systems (secondary water) on approximately 2.73 acres of property zoned Single-Family Residential (R1-20), approximately located at 1585 North Murdock Drive (Big Spring Neighborhood). Council Member Williams seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

- B. To Consider the Request of Amplify Worx, LLC for a Two-Lot Final Subdivision Plat, called Sunny Cove Estates Plat 'B' on 12.15 Acres, Approximately Located at 2150 North 270 East in the R1-20 (Single-Family Residential) Zone. (BIG SPRING NEIGHBORHOOD) *Presenter: Engineer Wilson.***

Engineer Wilson reported that the above matter was heard previously by the City Council and was approved as a single subdivision. The applicant now wishes to have the project phased. Staff reviewed the request and determined that Plats B and C need to be brought before the Council based on the fact that the project has been before the Council for final action and phasing requests made by the applicant.

ACTION: Council Member Williams moved to APPROVE the request of Amplify Worx, LLC for a two-lot Final Subdivision Plat, called Sunny Cove Estates Plat 'B' on 12.15 acres, approximately located at 2150 North 270 East in the R1-20 (Single-Family Residential) Zone. (Big Spring Neighborhood). Council Member Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

- C. To Consider the Request of Amplify Worx, LLC for a Five-Lot Final Subdivision Plat, called Sunny Cove Estates Plat 'C' on 8.79 Acres, Approximately Located North of 2150 North and East of 270 East in the R1-20 (Single-Family Residential) Zone. (BIG SPRING NEIGHBORHOOD) Presenter: Engineer Wilson.**

Engineer Wilson reported asked that the discussion regarding Item B apply to this item as well. An additional condition also needed to be added to the motion to require the applicant to obtain approval from the canal companies for the necessary easements. He noted that this condition was part of the original subdivision plat approval.

ACTION: Council Member Jensen moved to APPROVE the request of Amplify Worx, LLC for a five-lot Final Subdivision Plat, called Sunny Cove Estates Plat 'C' on 8.79 acres, approximately located north of 2150 North 270 East in the R1-20 (Single-Family Residential) Zone (Big Spring Neighborhood), with the condition that applicant obtain written approval from the canal companies for the necessary easements. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

- D. To Consider the Request of Jackson Jones for a Six-Lot Final Subdivision Plat, Called Loader Estates Plat 'B' on 2.00 Acres, Approximately Located at 1018 East 300 South in the R1-9 (Single-Family Residential) Zone. (SCRATCH GRAVEL NEIGHBORHOOD) Presenter: Engineer Wilson.**

Engineer Wilson reported that the above item involved the continuation of an existing subdivision plat. The applicant previously received approval of a single lot with a leftover parcel but had since decided it was time to finish the development in its entirety. Engineer Wilson noted with this change, the roadway would be finished and there would be better connectivity in the area. Staff recommended approval. Council Member LeMone recused herself from the discussion and vote due to a conflict of interest.

ACTION: Council Member Jensen moved to APPROVE the request of Jackson Jones for a six-lot Final Subdivision Plat, called Loader Estates Plat 'B' on 2.00 acres, approximately located at 1018 East 300 South in the R1-9 (Single-Family Residential) Zone. (Scratch Gravel Neighborhood). Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

Council Member LeMone did not participate in the vote.

E. To Consider for Adoption a Resolution (2022-031) Adjusting the Common Boundary with the City of Cedar Hills, Utah; Authorizing a Public Hearing Thereon and Providing Notice of Said Hearing. The Proposed Area Adjusted is a Portion of Parcel Number 14:003:0411 Located in Pleasant Grove, Utah; and Providing an Effective Date. Presenter: Director Winterton.

Public Works Director, Neal Winterton, reported that the Dahls acquired the subject property per a deed transfer that is currently located in Cedar Hills. The property boundary, however, extends to the centerline of the canal. The proposed Resolution would make it clear that all of the property is located in Cedar Hills through a common City boundary line adjustment. He indicated that through negotiations, the City was able to procure an additional access easement to the canal that benefits Pleasant Grove.

ACTION: Council Member Andersen moved to ADOPT Resolution 2022-031 adjusting the common boundary with the City of Cedar Hills, Utah, and authorizing a public hearing thereon and providing notice of said hearing. The proposed area adjusted is a portion of Parcel Number 14:003;0411 located in Pleasant Grove, Utah; and providing an effective date. Council Member Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

F. To Consider for Adoption a Resolution (2022-032) Amending the Personnel Policies and Procedures Previously Approved by the City Council. Specifically, Amending Section XVI "Leaves of Absence" Section 3 "Holiday Leave" and Providing an Effective Date. Presenter: Administrator Darrington

City Administrator Darrington reported that the proposed resolution pertains to a new federal and state-recognized holiday that was enacted. Because the holiday is formally designated by the State, if the City also recognizes it, the City Policy Manual requires that the holiday be observed for leave-with-pay, and City Hall and all City services that are normally opened would be closed. If the Council wishes to observe the holiday, the personnel policy should remain as written. If Council does not want to observe the holiday, steps need to be taken to make a change to the policy by passing the proposed resolution. Administrator Darrington confirmed that current policy means that employees would be paid for that day if it was a recognized holiday.

Administrator Darrington stated if the amendment were adopted, the City would not observe the new holiday or pay leave time. Mayor Fugal explained that if the amendment were adopted, such a decision could be changed in the future if needed. Council Member Williams understood that

several cities were polled and did not plan to recognize the new holiday. Administrator Darrington stated that a State-wide poll showed that 70 to 80 percent of cities plan to observe the new holiday, however, Pleasant Grove's neighboring cities did not plan to recognize it. There was general discussion as to whether Pleasant Grove should go along with the neighboring cities' position or conform with most cities in the State. Various opinions were expressed. There also was discussion of the use of floating holidays. No formal motion was made and no action was taken.

G. To Consider for Adoption a Resolution (2022-033) Authorizing the Mayor to Enter into an Amendment to the 2016 Interlocal Utah County CDBG Agreement; and Providing an Effective Date. *Presenter: Administrator Darrington.*

Administrator Darrington reported that the proposed resolution involves a request to amend the 2016 Interlocal Utah County Community Development Block Grant ("CDBG") program. He explained that the purpose of the grants was for projects that serve low-income and elderly populations. One of the best examples of CDBG grant money for Pleasant Grove was the addition of the Library elevator. Administrator Darrington stated there is a specific process to request this type of money as the source is federal funds. The City was asked to update a couple of minor amendments, including cooperation with CDBG and the County government, recognizing the processes, and following through on the process when applying for the grants. Mayor Fugal reported that he served on the Board that approves these types of grants and would like to see Pleasant Grove on the agenda.

ACTION: Council Member Andersen moved to ADOPT Resolution 2022-033 authorizing the Mayor to enter into an Amendment to the 2016 Interlocal Utah County CDBG Agreement; and providing an effective date. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

H. To Consider for Adoption a Resolution (2022-034) Appointing an Individual to the Timpanogos Special Services District ("TSSD") Board, Establishing the Term of Said Appointment; and Providing an Effective Date. *Presenter: Administrator Darrington.*

Administrator Darrington reported that the proposed resolution pertains to appointing Public Works Director, Neal Winterton, to the Timpanogos Special Services District ("TSSD") Board as the City's representative. He noted that John Goodman currently serves in that capacity.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-034 appointing Neal Winterton, to the Timpanogos Special Services District ("TSSD") Board, establishing the term of said appointment; and providing an effective date. Council Member Williams seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

I. To Consider for Adoption a Resolution (2022-035) Authorizing the Mayor to Sign the 2022 Amended and Restated Sewer Treatment Services Contract and

Collection Maintenance Agreement with the Timpanogos Special Services District (“TSSD”) and Providing an Effective Date. *Presenter: Administrator Darrington.*

Administrator Darrington reported that the proposed resolution involves agreements with TSSD for general operations, treatment, and collection. The TSSD requested that all cities, including Pleasant Grove, consolidate the three into one agreement. Additionally, TSSD wanted protection from open records requests regarding where the City’s main sewer lines tie into TSSD (for emergency management purposes) and wanted to look into the process of connecting to City trunk lines. Administrator Darrington explained that Pleasant Grove has two such trunk line connections. Because it was thought that the City would not need a third one, the change would have no impact on the City. He noted that the connection process in the past had been informal and TSSD wanted it formalized. Administrator Darrington stated that the amendment also addressed Impact Fees, making clear the purposes and legalities of the District. He noted that service would not be affected.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-035 authorizing the Mayor to sign the 2022 Amended and Restated Sewer Treatment Services Contract and Collection Maintenance Agreement with the Timpanogos Special Services District (“TSSD”) and providing an effective date. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously.

11) ITEMS FOR DISCUSSION

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

Police Chief, Mike Roberts reported that they were in the process of revamping and updating their social media sources. He also reported an increase in the number of incidents of senior fraud. Because they had been working with financial institutions on the topic, Detectives Chris Ruiz and Derick Shumway would be providing educational workshops for senior citizens regarding fraud protection. He reported that they participated in a successful all-day active-shooter training at the high school that involved practice evaluations with the Fire Department, paramedics, and victims.

Chief Roberts also reported that Police Officer Brianna Wilding recently finished a two-week Certified Motorcycle Training Course. She was ranked number one in the Harley Davidson training in the State and was determined to be the number two female rider in the state. Chief Roberts also reported that the Police Department’s performance on a recent homicide was outstanding. The work done was professional, thorough, efficient, and comprehensive and he was proud of the capable officers and the teamwork displayed by all.

Chief Roberts reported that the previous Friday, just before 5:00 p.m. there was a carjacking at the Fertility Clinic where the victim fought back and was injured. The suspect was interrupted and fled to another scene and hijacked another vehicle. The suspect and the stolen car were both ultimately located and the suspect, who was on parole, confessed and was returned to custody.

Fire Chief, Drew Engemann, reported that they are preparing for Strawberry Days. He also stated that Engine Boss, Zac Larsen, accepted a position with Murray City, which would be a loss to the Department. Chief Engemann was asked about the impact of his departure on EMAX. He stated that if only engineers were requested to respond to out-of-state fires, Pleasant Grove could respond. If, however, wildland assistance is required, they cannot respond, since it requires an engine boss. They were working to get people signed off. He stated that Jack Pixler will be going to paramedic school and they will be looking for a replacement for Zac Larsen. He also noted that the engine is in service. When asked about firework restrictions, he stated that the requirements have not changed from last year. They were doing a lot of training with other local cities and at the recruitment camps, which helps with recruitment and bolsters mutual aid and cooperation among the cities. He commented that they may see fire engines from other locations

Parks Director, Deon Giles, reported that they had a good response to their Memorial Day program and were able to put up new signs. They had some participation at their Trail Days the previous weekend and were able to decommission a trail in Phase 3 where there had been some issues. They also flagged a one-half-mile trail called Itty Bitty Trail at the base of Valley Vista, which will provide seating so that parents can watch their children on bikes. He noted that the weekends will be busy.

Director Winterton reported that they are busy with private and public projects in every stage of construction as well as several surfacing projects. He estimated there were at least 12 contractors working on the roads and projects with lots of cones out. He remarked that they are lucky to have the staff they do. When asked about whether the well had been tested, Director Winterton reported that there were busy with swab testing and cleaning the gravel. He noted that only one group does that type of work. They were in the design phase for the building and needed to have the testing done and flow rate established before the interior components of the building could be fully designed. He stated that they think they have a good well.

Library and Arts Director, Sheri Britsch, reported Library staff is busy creating decorations for the Library to highlight the theme "Oceans of Possibility." The opening party was to be held at the Veterans Park the following day between 10:00 a.m. and 12 noon. She also noted that children will be taught to play the ukulele on instruments purchased by the Arts Commission. The Library will be represented at the parades in Cedar Hills and Pleasant Grove where they are using Library Board Member, Taylor Thurston's yellow corvette, which will be turned into a submarine.

12) **REVIEW AND DISCUSSION OF THE JUNE 21, 2022, CITY COUNCIL MEETING AGENDA**

Administrator Darrington indicated next meeting's agenda is light but assumed more items would be added.

13) **MAYOR AND COUNCIL BUSINESS.**

It was noted that Strawberry Days begins on Saturday, and a pickleball tournament starts next Friday at 7:00 p.m.

Council Member Jensen stated that they had a great ribbon cutting for US and ART on Main Street. The owner has been involved in volunteer committee positions. He also reminded those present that the Concert on Main Street will take place on Saturday with a small vendor fair in the park.

Mayor Fugal reported that Council Member Williams left the meeting early, with permission. He also thanked those who helped with the Main Street cleanup.

14) **SIGNING OF PLATS.**

15) **REVIEW CALENDAR.**

16) **ADJOURN.**

ACTION: Council Member Jensen moved to ADJOURN at 7:06 p.m. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

The City Council minutes of June 7, 2022, were approved by the City Council on July 5, 2022.



Kathy T. Kresser, MMC
City Recorder

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

