

**Pleasant Grove City  
City Council Meeting Minutes  
Regular Session  
June 21, 2022  
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen  
Brent Bullock  
Eric Jensen  
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  
Daniel Cardenas, Community Development Director  
Tina Petersen, City Attorney  
Denise Roy, Finance Director

Excused: Cyd LeMone, Council Member

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

**2) PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Andersen.

3) **OPENING REMARKS**

The opening remarks were offered by Human Resources Director, Kyler Ludwig.

4) **APPROVAL OF MEETING AGENDA**

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

5) **OPEN SESSION**

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

6) **CONSENT ITEMS**

- A. City Council Minutes.
- B. To Consider for Approval of Changer Order No. 4 and Payment Request No. 4 for Geneva Rock Products for the Micro Surfacing 2021 Project.
- C. To Consider Approval Payment Request No. 3 for Hydro Resources – Rocky Mountain, Inc for the BLVD Well Project.
- D. To Consider Approval of Payment Approval Reports for June 15 and 16, 2022.

**ACTION:** Council Member Jensen moved to APPROVE the consent items as read. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEM**

- A. Public Hearing to Consider for Adoption a Resolution (2022-036) Adjusting and Amending the Revenues and Expenditures of the Fiscal Year 2022 Budget and Providing an Effective Date. *Presenter: Director Roy.*

Finance Director, Denise Roy, distributed a handout and stated that all expenditures were listed to ensure that the City has the requisite coverage to remain in compliance. She reported on the following:

- The American Rescue Plan Act (“ARPA”) funds received last July were transferred from the Capital Fund to the Storm Drain Fund to cover costs.
- With regard to the E-911 Fund, pursuant to a contract with the County, Pleasant Grove City is required to cover increases in operational/personnel costs. The entire \$26,000 designated may not be needed but she will not receive the County’s bill until July. As call volumes increase, so do costs. Ultimately, the City is responsible for the difference.
- Reference was made to the \$6.5 million related to a 2021 Excise Bond entered into last year. Director Roy wanted to ensure that she has budgetary authority to cover that amount. The Parameters Resolution should cover that amount, but she wanted to make sure it was addressed to remain in compliance with the State.
- The debt service category was addressed, which was to make payments for the Road Fund. The amount proposed would allow her to increase expenditures in the Debt Service Fund to make payments. It was noted that there is \$40,000 in the Donation Fund. Including it gives her the authority to spend that money.
- The Cemetery Fund was next addressed. Director Roy noted that as the Cemetery expansion is finished, the engineering costs came in higher than expected. As a result, additional funds were added to cover the increased costs. The Engineering Division of the General Fund may also increase so additional funds were added to make sure that those items were covered. The additional funding may not be needed but she could not make any changes after June 30.
- Due to increased fuel costs, the fuel needs of the Fire, Police, Parks, and Streets Departments were evaluated. It was estimated that they will need \$65,000 in fuel costs.
- Other items requiring funding included aging air conditioning units and the Insurance Fund to remain in State compliance regarding dental coverage. She noted that if not all of the funds are needed, they will not be used.

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

**ACTION:** Council Member Jensen moved to ADOPT Resolution 2022-036 adjusting and amending the revenues and expenditures of the Fiscal Year 2022 Budget and providing an effective date. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

**10) ACTION ITEMS READY FOR VOTE**

- A. To Consider for Adoption a Resolution (2022-037) Authorizing the Mayor to Sign a Claims Release with J D Holdings, LLC, Regarding the Claims Allowance Settlement Agreement Dated April 17, 2018, between the City, the Redevelopment Agency (“RDA”) and JD Holdings, LLC and Providing an Effective Date. *Presenter: Administrator Darrington.***

City Administrator, Scott Darrington, reported that when the City worked out an agreement with the Hammonds Company for a project to be completed in 2010, a bond payment was due in the beginning but the project was not done. The City paid the \$400,000 bond payment. During that

period the company agreed to pay back the City as soon as the project was completed. The City began collecting tax increment, for which it would be reimbursed. When Atrium purchased the assets of the Hammonds Company, Atrium disputed the amount to be reimbursed. Consequently, the City and Atrium entered into an agreement where the dispute would be resolved later. Atrium then sold to St. John Properties with the issue remaining outstanding. Initially, Atrium took the position that they did not want to pay anything but ultimately offered \$200,000 to resolve the matter. There was discussion that included possible litigation and costs.

Ultimately, an agreement was reached where Atrium agreed to pay \$325,000. Administrator Darrington stated that signing the Release resolved the claim in its entirety, and upon signing, the money would be paid by Atrium the following week. He recommended that the funds paid be held in the Capital Fund. He explained that there were numerous projects, based on estimates done six months to one year ago, that would likely require additional funds. The funds could be used to cover increased costs.

**ACTION:** Council Member Jensen moved to ADOPT Resolution 2022-037 authorizing the Mayor to sign a Claims Release with J D Holdings, LLC, regarding the Claims Allowance Settlement Agreement dated April 17, 2018, between the City, the Redevelopment Agency (“RDA”) and JD Holdings, LLC and providing an effective date. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

**B. To Consider for Approval a Permit to Exceed the Noise Ordinance for Kyle Fox and Follow the Flag on July 4th thru July 11th During the Time Period of 10:00 p.m. and 11:00 p.m. Presenter: Administrator Darrington.**

City Attorney, Tina Petersen, reported that the above item was the result of a request from Kyle Fox and the Follow the Flag organization for a Permit to exceed the Noise Ordinance from July 4 through 11. Mr. Fox and Follow the Flag celebrate the Fourth of July every year with musical performances, however, because they were not sure the programs would be completed by 10:00 p.m., requested a permit to exceed the noise decibel level until 11:00 p.m. Because the request had been granted in the past, Mayor Fugal asked if there had been any complaints from neighbors about the noise. Attorney Petersen was not aware of any complaints and a comment was made that the group, in the past, had been very good about reaching out to neighbors. Attorney Petersen stated that the celebration was to be located at the Grove Creek Trailhead. The group was required to provide 24 hours advance notice to all immediate neighbors.

**ACTION:** Council Member Andersen moved to APPROVE a Permit to exceed the Noise Ordinance for Kyle Fox and Follow the Flag on July 4 through 11 between 10:00 p.m. and 11:00 p.m. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

- C. To Consider for Approval a Permit to Exceed the Noise Ordinance for S& L Inc. for the Discovery Park Tennis Court Rehabilitation Project, located at 1550 North 100 East, Pleasant Grove from June 15 to July 15, 2022. Presenter: Administrator Darrington.**

Attorney Peterson reported that the company seeking the Permit to Exceed the Noise Ordinance is S&L Inc., which is the company doing a special construction project at Discovery Park, and not J. Lynn Roberts & Sons, as noted on the agenda. She stated S&L, Inc. requires two days of early morning work between 4:00 a.m. and 7:00 a.m. sometime between June 20 and July 15. Mayor Fugal noted that the paperwork prepared for the item designated the correct company. She further indicated that the company will be required to give the adjacent neighbors proper notice.

**ACTION:** Council Member Andersen moved to APPROVE a permit to exceed the Noise Ordinance for S&L, Inc., for the Discovery Park Tennis Court Rehabilitation Project, located at 1550 North 100 East, Pleasant Grove from June 15, 2022, to July 15, 2022. Council Member Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

- D. To Consider Awarding Kilgore Contracting, the 2022 Street Rehabilitation Project Bid with a Base Bid of \$341,203.00 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 Winterton.**

Public Works Director, Neal Winterton, reported that the project was put out for competitive bid and three responses were received. Kilgore had the lowest bid, which was \$60 off the engineering estimate. The next highest bidder was \$32,000 more. He described the project as involving asphalt reconstruction on several streets near Mohican Lane. They were currently laying the surfaces on the outer lanes and doing work on water mains and water lines to rehabilitate the utilities in the area. The Mayor asked if Geneva Rock bid on the project. Director Winterton responded that Geneva Rock was contacted but was unable to complete any more work this year due to prior bookings. They did not submit a bid.

**ACTION:** Council Member Andersen moved to AWARD Kilgore Contracting, the 2022 Street Rehabilitation Project Bid with a Base Bid of \$341,203.00 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 Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

**11) ITEMS FOR DISCUSSION**

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

**12) REVIEW AND DISCUSSION OF THE JULY 5, 2022, CITY COUNCIL MEETING AGENDA**

**13) MAYOR AND COUNCIL BUSINESS.**

Council Member Jensen remarked that the Concert was a success. He appreciated the involvement of the Council Members. Council Members Bullock and Andersen stated that the Strawberry Days Celebration was wonderful and very well attended. Council Member Andersen was moved by and grateful for the commitment of the staff and volunteers who made the event so special.

Mayor Fugal recognized the work of Lisa Young on Strawberry Days. He agreed that it was a great success and looked forward to next year. He acknowledged Kyler Ludwig's service to the City and thanked him for a job well done.

**14) SIGNING OF PLATS.**

Mayor Fugal stated that the Ashlyn Lane plat had been signed.

**15) REVIEW CALENDAR.**

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

**ACTION:** Council Member Jensen moved to ADJOURN the Pleasant Grove City Council Meeting and RECONVENE as the Pleasant Grove City Redevelopment Agency. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

**17) RECONVENE AS THE PLEASANT GROVE CITY COUNCIL.**

**ACTION:** Board Member Williams moved to ADJOURN the RDA meeting. Board Member Jensen seconded the motion. Board Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

Mayor Fugal reconvened the Pleasant Grove City Council and stated that there was a need to go into Closed Session to discuss the character and professional competence, or physical or mental health of an individual.

**ACTION:** At 6:33 p.m. Council Member Bullock moved to GO INTO CLOSED MEETING. Council Member Andersen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

**18) CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL. (UCA 52-4-205 (1)(a)).**

The City Council was in Closed Session from 6:33 p.m. to 9:30 p.m.

**ACTION:** Council Member Williams moved to COME OUT OF CLOSED MEETING. Council Member Bullock seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

19) **ADJOURN.**

**ACTION:** Council Member Andersen moved to ADJOURN at 9:31 p.m. Council Member Jensen seconded the motion. Council Members vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Todd Williams, Yes. The motion passed unanimously.

The City Council minutes of June 21, 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.)*

