

Council Minu
City Council Meeting Minutes
Regular Session
December 6, 2022
6:00 p.m.

Mayor: Guy L. Fugal

Council Members: Dianna Andersen (via telephone)
Eric Jensen
Cyd LeMone
Todd Williams

Staff Present: Scott Darrington, City Administrator
Daniel Cardenas, Community Development Director
Deon Giles, Parks Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Britt Smith, Police Captain
Denise Roy, Finance Director
Drew Engemann, Fire Chief
DaSheek Akwenye, Recreation Director
Neal Winterton, Public Works Director
Kyler Brower, Assistant to the City Administrator

Excused: Brent Bullock, City 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 Fugal called the meeting to order at 6:00 p.m. All City Council Members were present with the exception of Council Member Bullock, who was excused. Council Member Andersen participated electronically.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Interim Police Chief, Britt Smith.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member LeMone.

4) **APPROVAL OF MEETING AGENDA**

City Administrator, Scott Darrington, reported that there would be one continuance that would be addressed during the meeting.

ACTION: Council Member Williams moved to APPROVE the meeting agenda. Council Member Jensen seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

5) **OPEN SESSION**

There were no public comments.

6) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the November 22, 2022, Meeting.**
- B. **To Consider Approval of Change Order No. 3 and Payment Request No. 4 for S&L, Inc. for the Discovery Park Tennis Court Rehabilitation Project.**
- C. **To Consider Approval of Payment Request No. 7 for J. Lynn Roberts & Sons for the Manilla Pond Booster Station Project.**
- D. **To Consider Approval for Change Order No. 3 and Payment Request No. 7 for Cody Ekker Construction, Inc. for the 1100 North Street and Utility Improvement Project.**
- E. **To Consider Approval of Payment Reports for December 1, 2022.**

Regarding Item B, Council Member Jensen asked if the vote will impact what has happened on the site. Administrator Darrington reported that a retention of 5% of the total cost and additional funds were held due to project concerns that were to be addressed in the Spring. Compensation was sought for work that has already been completed.

ACTION: Council Member Jensen moved to APPROVE the Consent Items as read by the Mayor. Council Member Williams seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

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

- A. **To Consider for Approval the Appointment of Raimina Hakrama and Michelle Snyder as Beautification Committee Members.**

Michelle Snyder introduced herself and stated that she has lived in Pleasant Grove for the past 26 years and has a passion for gardening. Mayor Fugal noted that Parks Director, Deon Giles, was pleased to have both appointees as part of the Beautification Committee.

ACTION: Council Member Jensen moved to APPROVE the appointment of Raimina Hakrama and Michelle Snyder as Beautification Committee Members. Council Member Williams seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A. **Public Hearing to Consider for Adoption of an Ordinance (2022-25) to Amend City Code Section 10-14-25-2: Permitted, Conditional, and Accessory Uses in The Grove Business Park (“GBP”) Overlay, by Modifying the Provisions, Requirements, and List for Permitted Principal Uses within The Grove Business Park (“GBP”) Overlay, located within The Grove Interchange Subdistrict, and Adding a Series of Multiple New Uses or Categories to the List of Permitted Uses within the Overlay Zone. (St. John’s Properties Applicant). *Presenter: Director Cardenas.***

Community Development Director, Daniel Cardenas, presented the proposal and identified the area on an aerial map displayed. He also identified the area covered by the overlay, which includes part of the doTERRA campus and an area behind the Tesla property. He explained that the overlay was created to allow Light Manufacturing on the doTERRA campus.

The applicant, St. John Properties (“SJP”), approached the City in an effort to add additional uses to the Overlay. Some were determined to be unacceptable by staff in the area such as Use 5290 – Escort Services. Staff met with the applicant to revise the list. After that meeting, the applicant sought approval of the more refined list from the Planning Commission. The Planning Commission spent many hours reviewing the list in detail and ultimately revising its content. Director Cardenas reported that Council was provided with the applicant’s proposed list and a list with the changes made by the Planning Commission. He reminded the Council that any changes would apply to future projects in the Overlay.

Director Cardenas described the numbering system for the permitted uses, how the numbering system goes from the general to the specific, and what the four numbers mean. The applicant’s proposal fell within the use categories of Manufacturing, Communications, Trade and Retail, and Services. Director Cardenas reported that the applicant’s property is in The Grove - Interchange Subdistrict where Manufacturing is not allowed. He urged caution in determining such proposed uses. The Planning Commission made the following changes per use category:

Manufacturing Uses: (numbers starting with “2” and “3”)

All the proposed manufacturing uses were found acceptable, except Use 3140, which relates to Manufacturing of Plastic Products. It was thought to be too harsh for the zone.

Communication Uses (numbers starting with “4”)

Uses 4731 (Radio Broadcasting) 4760 (Recording and Sound Studios) and 4920 (Transportation Services and Arrangements) were the only uses deemed appropriate.

Trade or Retail Uses (numbers starting with “5”)

Use 5190 (Scrap Metal; Dismantling Vehicles) was found to be inappropriate for the zone. With regard to eating establishments, the applicant was seeking a permitted use that would allow stand-alone bars and taverns and requested the inclusion of Use 5800 (Eating and Drinking Establishments), which, if adopted, encompass all numbers starting with “58” including taverns and bars. As the underlying zone already allows Use 5810 (Restaurants, Cafeterias, Drive-Thrus, etc.) and because allowing bars and taverns requires a different application or analysis, the broader Use 5800 was excluded. The applicant also asked for Use 5910 (Drug and Proprietary). The Planning Commission found the broader Use 5900 (Miscellaneous Retail Trade) to be more acceptable but excluded Uses 5981, 5982, and 5983, as they all pertain to the sale of bulk raw petroleum and similar materials.

Director Cardenas reported that the applicant agreed to all the above exclusions and changes. The last category, Service Uses, was reviewed by the Planning Commission to increase retail use. It concluded that if increased service uses were allowed, retail opportunities would be reduced. Use 6100 (Finance, Insurance, and Retail Services) was excluded with the exception of Use 6110 (Banks). Other service uses that were excluded included Uses 6519 (Massage Clinic-Licensed Therapist), 6390 (Business Services), 6540 (Research Services), and 6900 (Miscellaneous Service Organizations). The applicant did not agree with the exclusion of Use 6100.

There was discussion regarding office versus retail spaces. Although office space in general is currently allowed in the area, it was noted that the exclusion was limited to financial uses. The point made by the Planning Commission was that to increase retail use there should be limits on service uses in the area.

SJP representative, Marty Beaumont, acknowledged that they agree with the Planning Commission on all but Use 6100. That use is allowed in the Grove Commercial Sales Subdistrict, which is where the doTERRA campus is located, however, it is not allowed where SJP’s property is in The Grove-Interchange Subdistrict. The subdistrict allows Use 6110 (Banks) because a bank is in that zone. To SJP, it made sense to apply the broader scope of uses. Mr. Beaumont acknowledged that the Planning Commission was opposed to that because of the desire to provide more retail space. He noted that their buildings are flex space buildings, which accommodate a variety of uses. He asked that the Council reconsider that one change.

Council Member Andersen asked that the Council consider allowing Sports Bars in the area as well. Director Cardenas reported that Sports Bars are currently allowed as they are associated with food sales. What is not allowed is the sale of alcohol alone.

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

There was discussion regarding following the Planning Commission's recommendation. City Attorney, Tina Petersen, stated that the wording of the motion should include a statement that what is being approved is the list that was approved by the Planning Commission.

ACTION: Council Member Williams moved to ADOPT Ordinance 2202-25 as recommended by the Planning Commission to amend City Code Section 10-14-25-2: Permitted, Conditional, and Accessory Uses as written by the Planning Commission in The Grove Business Park ("GBP") Overlay, by modifying the provisions, requirements, and list for permitted principal uses within The Grove Business Park ("GBP") Overlay, located within The Grove Interchange Subdistrict, and allow a series of multiple new uses or categories to the list of permitted uses within the Overlay Zone. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

B. Public Hearing to Consider for Adoption of an Ordinance (2022-26) Regarding the Proposed General Plan Amendment to Update the Moderate-Income Housing Element. The Proposed Amendments Outline the City's Intent to Promote Moderate-Income Housing in the Community. (CITYWIDE) Presenter: Director Cardenas.

Administrator Darrington asked that the above item be continued to January 3, 2023. He explained that the State Legislature requires cities to have a specific plan to include more affordable housing in the community and contains a list of required items to be included in the plan to be adopted. Some of the list items were previously adopted by Pleasant Grove City when accommodating developers in the past with community housing. The City has hired a consultant and is working with the State to complete the necessary paperwork. He noted that the City has submitted a plan similar to other cities. About 75% of the plans were returned to the cities for further work. The due date for compliance is February 15, 2023. Administrator Darrington reported that failure to comply with that due date will result in transportation funding being withheld.

ACTION: Council Member Jensen moved to CONTINUE the item to January 3, 2023. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

- C. **Continued Item: Public Hearing to Allow Public Input Regarding Resolution (2022-061) Approving the Financing of the Costs of Acquisition, Construction, and Furnishing of a Performing Arts and Theater Building and Related Improvements, by Hale Center for the Arts and Education, a Utah Non-Profit Corporation (the “Borrower”), in Order to Promote the General Welfare of the Residents of the State of Utah; Authorizing the Issuance by the Issuer of its not to Exceed \$30,000,000 Industrial Development Revenue Bonds, Series 2022B, which will be Payable Solely from the Revenues Arising from the Pledge of Loan Agreement (the “Loan Agreement”), among the Issuer, the Borrower, and Zions Bank (the “Lender”); Authorizing the Execution and Delivery of said Loan Agreement and Related Documents; Confirming the Sale of Said Bonds and Related Matters; and Providing an Effective Date. (Continued from the November 22, 2022 Meeting.) *Presenter: Administrator Darrington.***

Administrator Darrington presented the Staff Report and stated that the public hearing is for the Resolution approving the Series B conduit bond for Hale Center Theater, which is eligible for the City-sponsored Tax-Exempt Bond. City money is not involved and the City is not responsible for payment in the event of a default. Hale Center Theater is working with a donor to guarantee payments and with a bank on the details of the bond issuance. For the bond, both a notice period and public hearing are required. The public hearing was originally to go forward on November 22, 2022, but notice of the hearing was delayed making it untimely for hearing. Proper notice had since been given.

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

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-061 approving the financing of the costs of acquisition, construction, and furnishing of a performing arts and theater building and related improvements, by Hale Center for the Arts and Education, a Utah Non-Profit Corporation (the “Borrower”), in order to promote the general welfare of the residents of the State of Utah; authorizing the issuance by the issuer of its not to exceed \$30,000,000 Industrial Development Revenue Bonds, Series 2022B, which will be payable solely from the revenues arising from the pledge of Loan Agreement (the “Loan Agreement”), among the issuer, the borrower, and Zions Bank (the “Lender”); authorizing the execution and delivery of said Loan Agreement and related documents; confirming the sale of said Bonds and related matters; and providing an effective date. Council Member Williams seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

10. **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Approval a Two-Lot Final Subdivision Plat, called DoTerra Subdivision Plat 'C' on 12.522 acres, located at Approximately 360 South 1300 West in The Grove Zone–Commercial Sales Subdistrict. (SAM WHITE'S LANE NEIGHBORHOOD) (Hale Center Foundation for the Arts and Education, Applicant) *Presenter: Director Cardenas.***

Director Cardenas presented the Staff Report and stated that the applicant Hale Center Foundation for the Arts and Education requests approval of a two-lot final subdivision plat consisting of 12.522 acres. He identified the subject parcel on an aerial map displayed and stated that it is now a single lot by consolidation. The only building in the area is a medical building which will remain part of Lot 7. The theater will be on Lot 6, which is 2.3 acres in size.

ACTION: Council Member Jensen moved to APPROVE a two-lot Final Subdivision Plat, called DoTerra Subdivision Plat 'C' on 12.522 acres, located at approximately 360 South 1300 West in The Grove Zone–Commercial Sales Subdistrict. Council Member Williams seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

- B. **To Consider for Approval a Commercial Site Plan for a Theater, located at Approximately 360 South 1300 West in The Grove Zone–Commercial Sales Subdistrict. (SAM WHITE'S LANE NEIGHBORHOOD) (Hale Center Foundation for the Arts and Education, Applicant) *Presenter: Director Cardenas.***

Director Cardenas presented the Staff Report and stated that approval was sought for the Hale Center Theater Site Plan. The project has been ongoing for some time and staff was complimented for their diligent work. He displayed renderings of the building and landscaping as well as the proposed floor plans. The building height will be 55 feet with a footprint of nearly 50,000 square feet. There will be seating for approximately 1,100 patrons. The proposed materials and colors were similar to the surrounding doTERRA buildings. Director Cardenas further described the features of the site. The west side of the building was to be used to enhance the back of the building. There was discussion regarding the proposed signage which would consist of electronic signage and posters. Director Cardenas stated that the site meets the zoning, landscape, and setback requirements and the Planning Commission recommended approval of the project. The applicant is also working to provide a Traffic Study for off-site improvements. Staff wants the off-site improvements to be reviewed and approved before a final Building Permit is issued and should be installed prior to final occupancy.

ACTION: Council Member Williams moved to APPROVE a Commercial Site Plan for a theater to be located at approximately 360 South 1300 West in The Grove Zone–Commercial Sales Subdistrict. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

- C. To Consider for Adoption a Parameters Resolution (2022-063) of the City Council of Pleasant Grove, Utah, Authorizing the Issuance and Sale of not more than \$36,000,000 Aggregate Principal Amount of Sales Tax Revenue and Funding Bonds, Series 2023 (Parks, Storm Drain and Cemetery); and Related Matters; and Providing an Effective Date. *Presenter: Administrator Darrington.***

Administrator Darrington reported that the above Resolution pertains to projects at the Pipe Plant including the storm drain, parks, and the cemetery. Initial construction estimates came in at just over \$30 million, however, the original estimate did not include the cost of acquiring nearby property. That acquisition was to be addressed during an Executive Session. Administrator Darrington stated that their Financial Advisor, Jonathan Ward from Zions Bank, was invited to provide detail on the bond, which is now \$36 million.

Mr. Ward reported that the proposed Parameters Resolution requires a public hearing, which will be held on January 3, 2023. The bond term is 26 years with a discount rate of two percentage points. He explained how the interest rate was determined and acknowledged that an increase in market terms has resulted in higher interest rates. He stated that there are two ways to sell bonds. One is through a public sale under the Securities and Exchange Commission (“SEC”). Bonds can also be sold by direct purchase, which does not require the City’s marketing information. The proposed bond does not allow the City to offer the bond for public sale, which is sometimes the best option. If the Council wants to pursue that route, a statement will need to be drafted and approved by the council. Opting for this type of bond sale, however, allows it to start while interest rates are lower. Their strategy is to maximize prepayment flexibility, which puts them in a better position to take advantage of a more favorable fiscal picture if one occurs in the future.

ACTION: Council Member Williams moved to ADOPT Parameters Resolution 2022-063 of the City Council of Pleasant Grove, Utah, authorizing the issuance and sale of not more than \$36,000,000 aggregate principal amount of sales tax revenue and funding bonds, Series 2023 (Parks, Storm Drain, and Cemetery); and related matters; and providing an effective date. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

- D. To Consider for Approval a 25-Lot Condominium Plat, called Historic Main Street Condominiums Plat B on 0.29 acres, Approximately located at 67 South Main Street in the Downtown Village–Commercial (DV-C) Zone. (OLD FORT NEIGHBORHOOD) (Historic Main Street Partners LLC, Applicant) *Presenter: Director Cardenas.***

Director Cardenas presented the Staff Report and stated that the request is for approval of a 25-lot condominium plat to be located in one building. The site plan was reviewed and approved by the Planning Commission. City Council approval is not required for the site plan. Five of the units will be storefronts and 19 will be residential units of varying sizes. Director Cardenas presented

renderings of storefronts including the façades, which provide a total of 10,000 square feet of retail space. The parking spaces were previously modified by the City Council to accommodate parking. All of the requirements for the zone had been met.

The applicant's representative, Drew Armstrong, stated that they intend to rent the units. He recounted the historical development of his buildings as well as those of his neighbor and stated they were excited to get started.

ACTION: Council Member Jensen moved to APPROVE a 25-lot Condominium Plat called Historic Main Street Condominiums Plat B on 0.29 acres, approximately located at 67 South Main Street in the Downtown Village-Commercial (DV-C) Zone. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

- E. To Consider for Adoption a Resolution (2022-064) Adjusting the Common Boundary with American Fork City and Authorizing a Public Hearing Thereon and Providing for Notice of Said Hearing. The Proposed Area is located at Approximately 1485 East 300 North, American Fork, Utah, or 1600 West 2000 North, Pleasant Grove, Utah, Parcel Number 14:018:0067 and Consisting of .0729 acres; and Providing an Effective Date. Presenter: Attorney Petersen.**

Ms. Petersen reported that the City received the above request from the property owners as identified in the Resolution. They would like to add a small parcel to a larger four-acre parcel that they own to square off the boundary lines between American Fork and Pleasant Grove. The property is currently in the Agriculture Zone and no application to develop the property had been submitted. It was noted that American Fork was amenable to the boundary adjustment. The public hearing date for the boundary adjustment will be held on February 7, 2023.

ACTION: Council Member LeMone moved to ADOPT Resolution 2022-064 adjusting the common boundary with American Fork City and authorizing a public hearing thereon and providing for notice of said hearing. The proposed area is located at approximately 1485 East 300 North, American Fork, Utah, or 1600 West 2000 North, Pleasant Grove, Utah, Parcel Number 14:018:0067 and consisting of .0729 acres; and providing an effective date. Council Member Jensen seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously Council Member Andersen did not participate in the vote.

- F. To Consider Authorizing the Mayor to Sign Evermore Park's Local Consent Request to Apply for a Single Event Liquor License as Required for a State Liquor License for the New Year's Party on December 30 and 31 from 7:00 p.m. to 12:00 a.m. Located at 382 South Evermore Lane, Pleasant Grove, Utah. Presenter: Attorney Petersen.**

Ms. Petersen presented the item and stated that it is a recurring request from Evermore Park, which for the past three years has held a New Year's Celebration where they served alcoholic beverages. To obtain a Liquor License from the State of Utah, the Park requires City approval. To her knowledge, there have been no problems in the past and she received no objections.

ACTION: Council Member Williams moved to AUTHORIZE the Mayor to sign Evermore Park's Local Consent Request to apply for a Single Event Liquor License as required for a State Liquor License for the New Year's Party on December 30 and 31 from 7:00 p.m. to 12:00 a.m. located at 382 South Evermore Lane, Pleasant Grove, Utah. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

G. To Consider for Adoption of an Ordinance (2022-27) 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 2023 and Providing an Effective Date. Presenter: Attorney Petersen.

Attorney Petersen reported that the above Ordinance meets the State's requirement that the City provides notice to the public of its normal meeting schedules. She noted that for the City Council there are two scheduled meetings per month with the exception of April, November, and December. She also noted that one of the two meetings scheduled in June may be canceled due to Strawberry Days.

ACTION: Council Member Jensen moved to ADOPT Ordinance 2022-27 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 2023 and providing an Effective Date. Council Member Williams seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

H. To Consider Awarding the Cemetery Irrigation Project Bid with a Base Bid of \$939,700.00. 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 Giles.

Administrator Darrington reported that the proposed bid pertains to a project to install an irrigation system in an area of the Cemetery that currently requires hand setting for watering. Originally, the project cost estimate was \$668,000 based on engineering estimates. A recent bid for the work came in at \$939,700. That amount was the lowest of the three bids. The City Council can award the bid with the understating that engineering costs will be additional, require a contingency amount of \$150,000 from Capital Funds, reject the bids and re-bid next year, or continue the item and enter into negotiations to bring the price down. He was unsure whether the increased costs were related to material costs or other restrictions. It was noted that the project needs to be completed prior to turning the water system on because of the related logistics. Staff recommended continuing the item for one week to allow for costs to be negotiated with the low bidder.

Administrator Darrington stated that the project was approved on July 1, 2022, but was not sent out for bids until the engineering and design were completed. There was discussion regarding options available to the Council and the factors involved in the cost increase. It was noted that work was to be done either in the Spring before the water is turned on or in the Fall after the water is shut off.

ACTION: Council Member Jensen moved to reject the bid. There was discussion on the pros and cons of moving forward with the bid and the details. The motion died for lack of a second.

ACTION: Council Member Williams moved to CONTINUE Agenda Item 10-H. Council Member Jensen seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

I. To Consider for Adoption a Resolution (2022-065) Authorizing the Mayor to Execute an Engineering Services Agreement with Epic Engineering, PC, for General Engineering Services on a Task Project Basis and Providing an Effective Date. Presenter: Director Winterton.

Public Works Director, Neal Winterton, reported on the above Resolution and stated that although there is no work of this type currently pending, staff would like to have the Master Services Agreement in place so that when a need arises, they will have options.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-065 Authorizing the Mayor to execute an Engineering Services Agreement with Epic Engineering, PC, for general engineering services on a task project basis and providing an effective date. Council Member Williams seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

J. To Consider for Adoption a Resolution (2022-066) Authorizing the Mayor to Enter into a Lease-Purchase Agreement with US Bank, for the Purpose of Acquiring Public Safety Vehicles, Technology, and Fitness Equipment; and Authorizing the Execution and Delivery Thereof; and Providing an Effective Date. Presenter: Director Roy.

Finance Director, Denise Roy, stated that the above Resolution pertains to the Yearly Lease Program for police vehicles. They have a three-year Lease and Buyback Agreement. They also have \$60,000 set aside for cardio equipment for the Recreation Center and \$60,000 for computer equipment trade-outs. They will be borrowing \$376,840 from US Bank at an interest rate of 5.04%. It was noted interest rates are higher than in previous years.

Council Member Williams expressed support for the City's police vehicle replacement program. Director Roy stated that the vehicles' equipment is also included, which is normally a separate expense.

ACTION: Council Member Williams moved to ADOPT Resolution 2022-066 Authorizing the Mayor to enter into a Lease-Purchase Agreement with US Bank, for the purpose of acquiring public safety vehicles, technology, and fitness equipment; and authorizing the execution and delivery thereof; and providing an effective date. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

K. To Consider for Adoption a Resolution (2022-067) Declaring its Intention to Reimburse Itself from the Proceeds of One or More Tax-Exempt Financings for Certain Expenditures Made and/or to be Made in Connection with the Acquisition, Construction, and Equipping of Certain Capital Improvements i.e., Police Vehicles, Technology, and Recreation Equipment; and Providing an Effective Date. *Presenter: Director Roy.*

Director Roy reported that the above Resolution allows her to retroactively go back 60 days to recover payments already made on police vehicles, which were received in October instead of December.

ACTION: Council Member Jensen moved to ADOPT Resolution 2022-067 Declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with the acquisition, construction, and equipping of certain capital improvements i.e., police vehicles, technology, and recreation equipment; and providing an effective date. Council Member LeMone seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously. Council Member Andersen did not participate in the vote.

10) ITEMS FOR DISCUSSION

Administrator Darrington reported that the Department Directors will be providing written reports to the City Council in the next few days that will contain items not reported on tonight.

Director Cardenas reported that the Final Draft of the General Plan Amendment is complete and addresses a large portion of the Downtown area. It will also guide future development. The draft will be forwarded to the Planning Commission and City Council for review. The document is the backbone of land use in the City and will be used to draft design elements for the Downtown area.

Interim Police Chief, Britt Smith thanked the City Council for their support and for keeping the police vehicles updated. He reported that they activated the Public Survey on police service calls on December 1, 2022. He shared one of the messages from a citizen that was posted on Facebook thanking the Police Department for its willingness to be reviewed by the public. Captain Smith noted that this is a good way to measure public perception. They received 30 responses on services

offered since December 1 with an approval rating of 95%. Most of the responses did not include a comment. Positive responses would be displayed for officers to see. Negative responses would be dealt with separately by City Administration. Many of the responses pertained to traffic or property cases and they used discretion with cases involving domestic violence or similar crimes.

Council Member Williams commented that positivity breeds good feelings about the job done. Interim Chief Smith reported that they are still in the process of gathering applications for their Cadet Program as charter schools were omitted from the initial notifications. With regard to the Police Officer's Association Outreach at Christmastime, he stated that the officers are providing gift baskets to families who have lost someone to suicide or sudden death. It is an activity that the Association wants to do privately rather than use public contributions.

Recreation Director, DaSheek Akwenye, reviewed the renderings for work to be done on the Recreation Center in each of the areas. He reported that there will be a digital marquee to advertise the Center's activities. Administrator Darrington stated that with the help of Director Akwenye and Shawn Whitaker, the Reception Area has been redesigned to funnel users and guests to the desk, which will assist ensure that everyone is directed to the correct location. He noted that the cost of the project exceeded the estimate. Director Akwenye stated that an Angel Tree was set up to help needy families. They are working on the website to make it more user-friendly.

There was discussion regarding pool repairs. Director Akwenye stated that they are waiting for the leak detection company to provide written information and details regarding the location of the leak but have had difficulty reaching the company. Council Member LeMone stated that pressure needs to be put on the company, particularly since they have already been paid for the work so that repairs can be made, and the pool can be opened. There was discussion regarding the exact location of the leak and steps needing to be taken to resolve the matter. It was noted that beyond the leak repair, repairs will need to be made to areas that have settled. The new water heater also needs to be installed. The pool was closed early this year due in part to the work being done. Mayor Fugal stated that Director Akwenye will be leaving his employment with the City. The City Council thanked him for his efforts and wished him well.

Parks Director, Deon Giles, reported that significant tree damage resulted from the first snowstorm. Anderson and Kiwanis Parks received the most damage. They are doing tree work and have contacted tree companies to assist. He stated that there was an incident at the cemetery involving a driver who drove through 50 headstones, damaging ten of them, before running into a building. They were working with the insurance company to repair the damaged headstones. He also reported that 50 yards of material was flown up for the G Mountain Project the previous week. Once the grid is laid out, construction of the retaining walls can begin depending on the weather. Once complete, the project will be a huge improvement in the area.

Fire Chief, Drew Engemann, reported that they now have a brush truck, which is a good asset. They have been busy with fires. He also reported that the department responded to a bicycle accident involving a young person whose bicycle was ruined. The fire crew got together and presented him with a new bicycle. Chief Engemann stated that there are two employees on light duty due to a broken leg and back injury. They were also working to get Cardiopulmonary Resuscitation ("CPR") training in place.

Public Works Director, Neal Winterton, noted that his staff did a good job of keeping water leaks repaired for the residents. He stated that they care for hundreds of miles of water lines. There have been a couple of snowplow events and noted the hilly part of the City is challenging after snowstorms. They shut the water off this past week and in the process identified work that will need to be done in the future. They also are involved in the planning and concept phase for various projects. Last, he gave an update on the work being done on smart meters.

Finance Director Roy reported that the Audit is complete and they are awaiting the report. It will be forwarded to the Government Officers Finance Association (“GOFA”) for certification. Afterward, she will file all of the required documents with the State. She was working to get the Popular Annual Financial Report (“PAFR”), which will need to be certified by GOFA. She noted that Utility Billing Specialist, Scott Wells, is leaving and his workload has been reassigned to the various departments. That workload transition, which included shutoffs and taking calls, was made easier with all the work of staff.

11) **REVIEW AND DISCUSSION OF THE JANUARY 3, 2023, CITY COUNCIL MEETING AGENDA**

Administrator Darrington reported that the next City Council meeting is scheduled for January 3 and public hearings will be held regarding the Moderate-Income Housing Plan and the Conduit Bonds. They also will be appointing a New Police Chief. Administrator Darrington thanked the City’s employees for all they do to enhance the community. He also thanked Director Akwenye for his work in the City. He stated that it made an impact on both the residents and staff. He thanked Captain Smith for serving as Interim Chief during this transition period. Last, he noted that the Christmas Gathering was scheduled for the following Thursday at Snuck Farm.

12) **MAYOR AND COUNCIL BUSINESS.**

Mayor Fugal thanked all for being present.

13) **SIGNING OF PLATS. DoTerra Plat C.**

14) **REVIEW CALENDAR.**

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

ACTION: At 8:15 p.m., Council Member Jensen moved to ADJOURN the Council Meeting and go into Closed Session. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Jensen, LeMone, and Williams voting “Aye.”

The City Council was in Closed Session from 8:15 p.m. to 8:50 p.m.

16) **ADJOURN**

ACTION: At 8:50 p.m., Council Member Williams moved to ADJOURN. Council Member Jensen seconded the motion. Council Members vote: Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. The motion passed unanimously Council Member Andersen did not participate in the vote.

The City Council minutes of December 6, 2022, were approved by the City Council on January 3, 2023.



Kathy T. Kresser, MMC
City Recorder

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

