

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
January 3, 2023
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
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Denise Roy, Finance Director
Drew Engemann, Fire Chief
Sheri Britsch, Library and Arts Director
Neal Winterton, Public Works Director
Kyler Brower, Assistant to the City Administrator
David Packard, Human Resources Manager
Keldon Brown, Police 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.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bullock.

3) OPENING REMARKS

The opening remarks were offered by Council Member Andersen.

4) **APPROVAL OF MEETING AGENDA**

City Administrator, Scott Darrington, reported that Items 9B and 9D are continued to January 17, 2023.

ACTION: Council Member Jensen moved to APPROVE the meeting agenda with the changes noted by Administrator Darrington. Council Member LeMone seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

5) **OPEN SESSION**

Sandy Carter was saddened by Chief Roberts' retirement. She stated that he will be missed as he and will always be an integral part of Pleasant Grove's history. She was excited to work with Chief Brown and, as a citizen and honorary colonel, will continue to support the Police Department and first responders of this City. She remarked that first responders are the "heart of the city," doing jobs that no ordinary person can and need the support of the community.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the December 6, 2022 meeting.
City Council Minutes for the December 27, 2022, Special Meeting.**
- b. **To Consider for Approval Payment Request No. 3 for Kilgore Contracting for the 2022 Street Rehabilitation Project.**
- c. **To Consider for Approval of Payment Request No. 8 for Geneva Rock Products for the Micro Surfacing 2021 Project.**
- d. **To Consider for Approval Payment Request No. 2 for Morgan Pavement for the Crack Seal Services 2022-2025 Project.**
- e. **To Consider Approval of Payment Reports for December 15 and 29, 2022.**

ACTION: Council Member Andersen moved to APPROVE the Consent Items. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

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

- A. **To Consider for Approval the Appointment of the new Police Chief.**

ACTION: Council Member Jensen moved to APPROVE the appointment of Keldon Brown as the Police Chief. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

B. Administer the Oath of Office to the new Police Chief.

City Recorder, Kathy Kresser administered the Oath of Office to Chief Brown, who was present with his family. He initially began working in Pleasant Grove as a dispatcher in 1985 and transferred to Orem in 1986. Once there, after discussing the matter with the Police Chief, he attended the Police Academy and then spent the next 34 years as a police officer in Orem. He is familiar with the high quality of the police officers in Pleasant Grove and did his share of hiring them away for the Orem department. He identified his family members who were present and stated that the police officers and support staff are his second family. He appreciated the opportunity to serve and considered it an honor to hold this position. Mayor Fugal thanked all of those present who support Chief Brown.

C. Appointment of Mayor Pro-Tempore for 2023.

ACTION: Council Member Jensen moved to APPOINT Council Member LeMone as Mayor Pro-Tempore for 2023. Council Member Bullock seconded the motion. The motion carried unanimously with Council members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

8) PRESENTATIONS

There were no presentations.

9) PUBLIC HEARING ITEMS

A. Public Hearing to Allow Public Input Regarding 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 presented the above item and stated that in early December, the Council adopted a Parameters Resolution to sell tax revenue bonds up to \$36 million for numerous projects planned for the next few years. The Resolution identifies the numerical breakdown for the various projects. The park project, to be located at the pipe plant, will contain a state-of-the-art playground and splash pad. The features are to be subsidized by private donations. Other areas of the park will include a basketball court, a skate park, and a futsal field. Architectural design updates, providing more specific information, will be provided to the Council. The cost of the project is \$6,700,000.

There are two storm drain projects. One project is the "pipe to the lake" project, which will pipe storm drain water from the low point in the city (The Grove area) to Utah Lake. On the pipe plant property, there also will be a large detention basin project for an overflow that will be landscaped and leveled for six soccer fields to be used when there is no overflow present. The monetary allocation will also pay for road improvements (curb, gutter, sidewalk, and street extensions) and

right-of-way acquisitions. The estimated cost of the projects is \$3 million. There was some discussion about the details of the roadway design, which was still in process. Administrator Darrington reported that in addition to the cemetery expansion, funds have been set aside to purchase the previously discussed property. There has not yet been a response to the purchase offer.

To date, the total cost of the identified projects was nearly \$33 million including closing costs, which is less than the total bond amount. The City intends to do a private placement for the sale of the bond, which means a negotiated sale with a bank to obtain more favorable terms. If they go out to the public market, they cannot refund the bonds for 10 years, and interest rates would be higher. They are working with a financial consultant regarding the details.

Mayor Fugal opened the public hearing.

Marty Beaumont expressed support and appreciation to see progress and that things are finally happening. He was disappointed that the Public Works Department was not involved in this discussion. Both the Public Works and Parks Departments have worked hard under adverse circumstances, which makes the lack of involvement tough. He, however, praised the City for going forward on the projects.

There were no further public comments. The public hearing was closed.

- B. Continued 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 and Providing an Effective Date. (CITYWIDE) Presenter: Director Cardenas Continued from the December 6, 2022 meeting. Continued to January 17, 2023.**
- C. Public Hearing to Consider for Adoption an Ordinance (2023-1) Amending City Code Section 10-15-41 "Street Frontage Improvements" Providing for Deviation from Existing Specification with City Engineer Approval in Defined Circumstances and Providing an Effective Date. Presenter: Director Winterton**

Public Works Director, Neal Winterton, presented the above item and stated that at times, it becomes necessary to deviate from what is in the Code and standard drawings for sidewalks, Americans with Disabilities Act ("ADA") ramps, and drive approaches. This Ordinance formally accepts and authorizes the use of discretion when making those deviations, which has been a practice of the engineering department in the past.

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

ACTION: Council Member Andersen moved to ADOPT Ordinance 2023-1 Amending City Code Section 10-15-41 "Street Frontage Improvements" providing for deviation from existing specification with City Engineer approval in defined circumstances and providing an effective

date. Council Member Jensen seconded the motion. The motion carried unanimously with Council members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

- D. Public Hearing to Consider for Adoption an Ordinance (2023-2) Amending City Code Section 10-18-2-B: "Parking Design Standards", by Modifying the Depth Requirement for Parking Stalls within The Grove Commercial Sales Subdistrict and Providing an Effective Date. (CITYWIDE) (St. John's Properties Applicant) Presenter: Director Cardenas. Continued to January 17, 2023.**

10) ACTION ITEMS READY FOR VOTE

- A. To Consider for Adoption a Resolution (2023-01) Authorizing the Mayor to Sign "Termination Agreements" with JDHQ Land Holdings, LLC, LC Reserve One, LLC, Valley Grove Exchange I, LLC, and Other Parties Regarding the Termination of Several Development Agreements Previously Entered into for Property Commonly known as "The Hammons Property" Consisting of Approximately 37 Acres and located approximately at the I-15 Interchange and Valley Grove Way; and Providing an Effective Date. Presenter: Attorney Petersen.**

City Attorney, Tina Petersen, presented the above item and stated that the proposed Resolution is a negotiated Termination Agreement with various entities regarding the Hammons Project that began 15 years ago. As part of the original Development Agreement, the City was to get a 100,000-square-foot Conference Center, a full-service hotel, a limited-service hotel, and two nationally known chain restaurants. The development, however, never went forward despite the City's assistance with modifications and various Development Agreements to allow the project to continue. After the death of Mr. Hammons, the corporate property ended up in bankruptcy. Atrium purchased the subject property out of bankruptcy and entered into a Settlement Agreement with the City that deleted certain requirements but required Atrium to pay the City the \$400,000 it spent to make one of the bond payments. Atrium did not pay the money owed and sold the property to St. John Properties. Because of the various Development Agreements, it was unclear what obligations belonged to what entity.

Attorney Petersen explained that St. John Properties would like all of those issues to be resolved. She reported that there is no longer any opportunity to obtain the promised conference center or hotels as St. John Properties wants to use the property differently. Therefore, the City and St. John Properties agreed to enter into the Termination Agreements so that St. John Properties has title free of those obligations, that any future incentives be negotiated at the time of development, and for St. John Properties pay the City the \$400,000 it is owed.

ACTION: Council Member LeMone moved to ADOPT Resolution 2023-01 authorizing the Mayor to sign Termination Agreements with JDHQ Land Holdings, LLC, LC Reserve One, LLC, Valley Grove Exchange I, LLC, and other parties regarding the termination of several development agreements previously entered into for property commonly known as "The Hammons Property"

consisting of approximately 37 acres and located approximately at I-15 Interchange and Valley Grove Way; and providing an effective date. Council Member Jensen seconded the motion. The motion carried unanimously with Council members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

- B. To Consider for Adoption a Resolution (2023-02) Authorizing the Mayor to Execute an Interlocal Agreement between Utah County and Pleasant Grove City Related to Site Improvements from 100 South to 100 North on 100 East in Pleasant Grove, Utah County, Utah and Providing an Effective Date. Presenter: Director Winterton.**

Director Winterton presented the above item and stated that as part of the completion of 100 East, the County and City agreed to complete and pay for different items. The proposed resolution documents that agreement. The project had been bid and awarded. A Pre-Construction Meeting was held and work was expected to begin in March 2023 and be completed as soon as weather permits. He reported that Pronghorn Construction was awarded the bid.

ACTION: Council Member Bullock moved to ADOPT Resolution 2023-02 Authorizing the Mayor to execute an Interlocal Agreement between Utah County and Pleasant Grove City related to site improvements from 100 South to 100 North on 100 East in Pleasant Grove, Utah County, Utah, and providing an effective date. Council Member LeMone seconded the motion. The motion carried unanimously with Council members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

Council Member Williams appreciated Director Winterton's actions in getting this matter resolved.

- C. To Consider for Adoption a Resolution (2023-03) Authorizing the Mayor to Declare 4,000 Tons of Crushed Concrete as Surplus and Direct that it be Disposed of According to the City's Policy for Disposing of Surplus Property; and Providing an Effective Date. Presenter: Director Winterton.**

Director Winterton presented the above item and stated that the item referenced in the Resolution, along with the material that will be surplus and stockpiled at the pipe plant project will be disposed of per City policy. As the value of the material exceeds the value of what can be sold at the Director's discretion, a resolution was required that will ensure that the City act in an open, fair, and transparent manner. Values of less than \$5,000 fall within the City Administrator's discretion. The materials identified were valued at approximately \$36,000.

ACTION: Council Member Jensen moved to ADOPT Resolution (2023-03) Authorizing the Mayor to declare 4,000 tons of crushed concrete as surplus and direct that it be disposed of according to the City's policy for disposing of surplus property; and providing an effective date. Council Member Andersen seconded the motion. The motion carried unanimously with Council members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

11) **ITEMS FOR DISCUSSION**

B. Continued Items from the Work Session if needed.

Director Winterton reported that crews have been out with the snowplows twice a day. All complaints and concerns have been addressed and the crew has done a great job. He anticipated that next month, agreements regarding the 1300 East and 2600 North projects will be brought to the Council for approval. That process was moving forward. He met with the individual on the corner of the pipe plant property and discussions were underway. Cold water leaks have been repaired. A 29-year-old motor was replaced at the Anderson well in Anderson Park. The Boulevard Well's gravel envelope was finalized, which took longer than expected but will provide a better result in function. He noted that the next step involves test pumping the well that will determine the flow rate. It was noted that the snowpack is at 176% statewide.

Human Resources Manager, David Packard, reported that recruitment for a New Recreation Director has been open for one month but is closing on Thursday. They have received 98 applications but not all are qualified. Although two new police officers were hired, additional openings remain. Jody Walker accepted a position in Utility Billing and interviews for the Front Desk Reception position were underway. 110 applications were received for that position. They were also seeking to fill positions for an Infrastructure Manager in Geographic Information System ("GIS") and a Night Custodian Position for the Recreation Center.

Finance Director, Denise, Roy, reported that the Audit had been completed and a clean opinion was received. The document had been filed with the Government Finance Office Association ("GFOA") and had been posted with the State Auditor's Office. They also filed Impact Fee Reports and the Comprehensive Annual Financial Report ("CAFR") and PRF can be found on the website.

Assistant to the City Administrator, Kyler Bower, reported that a few communication projects get underway starting next month. They are keeping track of the legislative activities and will be following any relevant bills. It was noted that the New Legislative Session starts next week.

12) **REVIEW AND DISCUSSION ON THE JANUARY 17, 2023, CITY COUNCIL MEETING AGENDA**

Administrator Darrington reported that the next City Council Meeting agenda will include a Parameters Resolution for secondary water meters and the two projects mentioned by Director Winterton. He also noted that the Leadership Academy Recognition Ceremony and a Police Department Program pertaining to license plate identification/monitoring will take place during the Work Session.

Interviews for a Recreation Director will take place on January 18, 2023, with the second round on January 24, 2023. There was a brief discussion regarding logistics and the number of candidates to be presented. The annual Budget Retreat will be held most of the day on February 3, 2023. An agenda will be provided about one week in advance.

Administrator Darrington reported that the Hale Center Theater Project has been very complicated and they are protecting the City as best they can by ensuring that the project is moving forward in a timely manner. He thanked the City employees for their work on the project. He recognized the extraordinary effort and the need for work schedules to be expanded.

13) MAYOR AND COUNCIL BUSINESS.

Council Member Jensen reported on the Scott Wells Ribbon Cutting and asked for a Code Enforcement Report when Director Cardenas returns regarding Code Enforcement issues including the removal of the dirt pile and enforcement on 100 East. Administrator Darrington responded that they usually have a yearly report in May. There was discussion regarding compliance practices with clean-up orders, how progress is evaluated, responding to community questions, and the potential need for stricter enforcement.

Attorney Petersen reminded the Council that no citations have been issued regarding the dirt pile. She reported that the Code Enforcement Officer's practice is to first contact the person and provide instructions for a potential remedy including a compliance date. A return visit takes place to determine compliance. If more than two return visits are required, a citation should be issued. Currently, the Code Enforcement Officer wants a police officer to issue the citation. She was willing to sign the Complaint and testify about the violations. The court authorized the Code Enforcement Officer to issue citations but that has not been done. Administrator Darrington stated that there will be follow-up on the matter.

Council Member Andersen recognized employees who are keeping the roads open and thanked them for their efforts.

14) SIGNING OF PLATS.

15) REVIEW CALENDAR.

16) ADJOURN

ACTION: At 7:21 p.m. Council Member Jensen moved to ADJOURN. 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 January 3, 2023, were approved by the City Council on February 7, 2023.


Kathy T. Kresser, MMC
City Recorder

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

