

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
March 7, 2023
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone (excused at 6:32 p.m.)
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 Planning Commissioner Steele.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member LeMone.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Jensen moved to APPROVE the meeting agenda as published. 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.

OPEN SESSION

There were no public comments.

5) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the February 21, 2023, Meeting.**
- B. **To Consider Approval of Payment Request No. 1 for Fuller Excavation for the Battle Creek Sewer Project.**
- C. **To Consider Approval of Final Payment Request for JLR Contractors for the Manila Pond Pump Station Project.**
- D. **To Consider Approval of Payment Reports for February 28, 2023.**

ACTION: Council Member Jensen moved to APPROVE the Consent Items as read by the Mayor. Council Member LeMone 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.

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

There were no appointments.

7) **PRESENTATIONS**

- A. **Recognition of Peter Steele and Tim Clyde for their Service on the Planning Commission.**

Community Development Director, Daniel Cardenas, presented Peter Steele and Tim Clyde whose terms of service on the Planning Commission have expired. Commissioner Steele served two terms (8 years) and Commissioner Clyde served one. Director Cardenas was honored to have worked with them and stated that both did a wonderful job. Director Cardenas presented each with a plaque.

Commissioner Steele commented that it had been an honor to serve on the Commission. He expressed appreciation for the other members who have or are serving on the Planning Commission and was grateful to be able to help the City develop and advance.

Commissioner Clyde expressed his appreciation for being able to serve and noted that the Commission Members come from different areas and bring a well-rounded diversity to the group. He noted that staff is excellent and specifically recognized the work of Director Cardenas.

Commissioner LeMone thanked both men for serving, for their time commitment, and volunteer work. She hoped the work had been rewarding for them. Council Member Andersen commented that she relies on the expertise of the Planning Commission. Council Member Jensen commented that the knowledge level of the Commission Members is the best and they are engaged with the community. Council Member Bullock appreciated the Commission and their decisions. They provide a great service. Mayor Fugal commented that there are now two vacant positions to be filled. Both men brought expertise to the Commission. There was a standing ovation. Photos were taken with the City Council.

B. Central Utah Water Conservancy District Presentation.

City Administrator, Scott Darrington, reported that the Central Utah Water Conservancy District (“CUWCD”), recently informed the City that changes were made to the Water Conservation Grant funding requirements, which could necessitate a modification to City Code. CUWCD Water Conservation Manager Rick Malloy discussed available grants, recommended ordinance changes, and the basis for the recommendation. Mr. Malloy first described some of the available programs. He explained that CUWCD, in partnership with the State of Utah and Utah Water Savers, which is managed by the four large water districts in the state, has a smart-controller program for residents at \$75 and a Toilet Rebate Program. The programs will continue regardless of the City Council’s position or action.

In addition, have “rebate programs” for residents involving the removal of turf. Last year, there were 2,000 applications and a larger number of applications were expected this year. Mr. Malloy presented several examples of projects involving lawn removal and their cost in residential areas. He noted that their focus is on park-strip conversions and is to ensure that at least 50% of the coverage is in vegetative material such as plants and trees. The CUWCD also offers Landscape Leadership Grants for businesses, commercial projects, city parks, and Homeowners Associations (“HOA”), to fund turf removal. With regard to the Commercial Smart-Controller Rebate Program, CUWCD partners with most municipalities and has found that water conservation represents a 15 to 25 percent savings from water used in City parks and green spaces. A Water Efficiency Grant Program is also available to cities to cover other items that pertain to water efficiency.

Beginning in April of this year, new residential programs will be offered by Water Savers that will provide increased funding for residents. Water efficiency standards for all municipalities in the service area are also being modified. Some of those changes will be required to be adopted by the City if they want residents to be eligible for CUWCD programs. The requirement for these mandatory changes is necessary to ensure that there is no shortage of water. Conservation and best water practices will extend the supply of water into the future. Graphs of the Utah Lake Basin Water Storage area were presented.

CUWCD is focused on implementing the proposed water efficiency standards to reduce lawns in non-functional areas. The mandatory standards would require Code modification to keep residents eligible for grant funding apply to new construction only and include the following:

- Turf limits for new commercial or industrial areas to 20% coverage;
- Turf limits for new residential areas to 50% coverage;
- No grass in areas with a greater than 25% slope;
- Turf coverage limits in multi-family housing that is not in an active play area or common space are 20%; and
- Lawn areas that are less than eight feet wide at the narrowest point such as parking islands, and park strips.

The mandatory requirements do not apply to new construction that has been approved. Outdoor landscaping standards, however, may apply to rehabilitative landscapes. Smaller residential lots have coverage requirements.

The following standards were recommended:

- Removal of lawns that are only walked on to mow;
- Irrigation recommendations include overhead sprinkler watering for lawns only and drip irrigation for all other areas;
- The use of smart controllers for all new construction;
- The use of three to four inches of mulch to control weeds. Specific mulch types are left up to individual cities but the CUWCD recommends a plant-based mulch of at least 50%; and
- An indoor-fixture requirement to install high-efficiency fixtures is beyond what the state demands. Toilets are not included as a requirement but were recommended.

Administrator Darrington reported that staff will prepare recommendations to conform to the new requirements for the review and approval of the Planning Commission and City Council. Mr. Malloy indicated that if not adopted, residents would not be eligible for State or District grant funding pertaining to water conservation measures. Those required changes pertain to the turf capacity percentages and no lawn in areas less than eight feet wide at the narrowest point. All other measures are recommendations. Sprinklers used in small areas have a lot of overspray. There was discussion of issues pertaining to park strips and the potential of moving sidewalks to eliminate them. It was noted that utility or cable placement in those areas may need to be evaluated. Administrator Darrington stated that staff will prepare Draft Code Revisions.

C. State Representative Report.

State Representative, Jon Hawkins, updated the Council on Legislative activity and reported that the Legislature accomplished a lot this session. The focus was on stewardship, affordability, and investment in the future. With regard to stewardship, he referenced the following:

- \$500 million was invested in water resources including \$200 million for agricultural optimization. Work included increased funding for state-wide water projects and encouraging local governments to encourage conservation.
- Great Salt Lake funding to coordinate efforts and put mechanisms in place to keep more water in the Lake. He stressed that the condition of the Great Salt Lake is very important to the State.
- There was a reduction in some federal mandates pertaining to the Environmental, Social, and Governance (“ESG”) scores to safeguard Utah’s ability to have safe and affordable energy. There was some pushback against federal government overreach. As Utah is approximately two-thirds owned by the Federal Government, the state needs to ensure that lands owned by Utah residents are managed in a way that provides benefits for generations to come.
- \$90 million was allocated to trails, recreation investment, and infrastructure.

With regard to affordability, Representative Hawkins reported the following:

- Taxes were cut by \$850 million, with income taxes being reduced from 4.85% to 4.65%.
- The eligibility for a Social Security Tax Credit was extended to \$75,000 per year. It modified a double dependency exemption impacting mothers with children on Medicaid to provide better coverage.
- They are in the process of removing the State Sales Tax on food, which is contingent on a Constitutional Amendment and would change the income tax money earmarked for education and allow it to be used for other purposes.
- State funding for education was increased by \$915 million. Of that, \$213 million went toward teacher pay raises, which puts Utah in the top 5% of pay for teachers. They also increased funding by \$236 million, which increased the Weighted Pupil Unit (“WPU”) by 6%. Utah is among the bottom five states in pupil spending because they have so many students. The increase allows them to potentially move to the 44th position.
- The bill that provided teacher raises also included a funding provision to allow parents to take advantage of optional educational opportunities and place their children in private schools if they need additional help. \$42.5 million was allocated.
- \$75 million was invested in school safety programs that focus on juvenile justice, school safety, and a standard response protocol to active threat situations.

With regard to investments in the future, Representative Hawkins reported on the following:

- SB-260, which pertains to transportation, passed. It allows counties to raise the Gas Tax by 2% with the county and cities splitting the tax for road construction.
- Going forward, a historic flag will be flown over the State Capitol on holidays. A new flag will be flown on the other days. It was noted that Pleasant Grove needs to replace its historic flag with one that has a blue rather than a white shield.

Representative Hawkins reported that eight out of his nine bills passed. Other items discussed included bringing the Olympics back to Utah, a bill that addresses criminal penalties when a non-custodial parent unlawfully takes their child across state lines, and changes in the justice court that require justices have a law degree.

Council Member Andersen commented on the process and significance of the 45-day legislative session. Representative Hawkins reported that future work pertains to additional justice court issues and reform, evaluation of the state's mental health system and whether the State Mental Hospital is meeting the needs of the mentally ill. On such issues, they are working with the National Conference of State Legislatures which is a national group that addresses such issues. They also will be looking at reducing taxation on rental vehicles in Utah but taken outside the state to give residents a tax reduction and more buying power. Council Member Williams asked about the tax on the sale of used vehicles.

8) **PUBLIC HEARING ITEMS**

There were no public hearing items.

9) **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Adoption a Resolution (2023-011) Authorizing the Mayor to Declare Classic Parallel Bars, Classic Balance Beam, Pommel Horse w/No Handles, and Uneven Bars as Surplus and Direct that they be Disposed of According to the City's Policy for Disposing of Surplus Property, and Provide an Effective Date. *Presenter: Recreation Assistant Whitaker.***

Recreation Assistant, Shawn Whitaker, reported that when the gymnastics program was discontinued last fall at the Recreation Center, the old gymnastics equipment that was owned by the City was no longer used. The equipment needs to be disposed of as surplus property. The area where it is currently being stored could then be used for another purpose.

ACTION: Council Member Jensen moved to ADOPT Resolution 2023-011 authorizing the Mayor to declare classic parallel bars, classic balance beam, pommel horse w/no handles, and uneven bars as surplus and direct that they be disposed of according to the City's Policy for Disposing of Surplus Property and provide 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. Council Member LeMone was not present for the vote.

Administrator Darrington thanked Shawn Whitaker for his great work.

- B. **To Consider Authorizing the Mayor to Sign WCFS DB Pleasant Grove Local Consent Request to Apply for a Limited Service Restaurant Liquor License for Dirty Bird Fried Chxx PG, LLC as Required for a State Liquor License. Property located at 678 South Pleasant Grove Boulevard, Suite 100, Pleasant Grove, Utah. *Presenter: Attorney Petersen.***

City Attorney, Tina Petersen, reported that the above matter involves a request for local consent for a new business opening in June in support of its application for a Limited-Service Restaurant Liquor License. The business is located on the opposite end of the building on North County Boulevard that

houses Summit Pizza and will have a drive-through option. In addition to selling a variety of food, they also want to sell beer and mimosas. To obtain a Limited-Service Liquor License, City consent is required. Attorney Petersen had questions about how the sales would work since there is a drive-thru. The applicant was not present so Attorney Petersen suggested that the matter be continued until the logistical issues are addressed. There should also be a determination from the Department of Alcoholic Beverage Control (“DABC”) to ensure that the alcohol is not sold through the drive-thru. She noted that there is ample time to consider the issue.

ACTION: Council Member Andersen moved to CONTINUE Item 10B. 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. Council Member LeMone was not present for the vote.

10) ITEMS FOR DISCUSSION

A. Budget Discussion.

Administrator Darrington reported that the above discussion is to provide a brief overview of the information contained in the proposed Operational Budget for the General Fund, capital requests, and operational requests. A follow-up discussion was to follow. Outstanding questions were to be addressed to Administrator Darrington or Finance Director Roy. The City Council will be provided with the Narrative Reports from the Department Heads to support their requests.

- **Operational Budget.**

Identified as Revenues for 2024, the Potential New Revenue showed an increase in Sales Tax revenue of \$1 million and a slight increase in Property Taxes based on new growth. In the Operational Budget, there was an allocation to Public Works. Five years ago, the City purchased lights from Rocky Mountain Power. To do that, the City took a loan from the Sewer Fund. The last payment for the lights had been made and frees up approximately \$89,000 in revenue. Finance Director, Denise Roy, stated that the Public Works allocation pertains to administrative costs being reimbursed. She and Public Works Director, Neal Winterton have been working to evaluate reallocations where jobs overlap, which has resulted in additional funding. Director Winterton confirmed that they correct the allocations pertaining to engineering costs and staffing.

On the right side of the document, staff recommended expenses. Originally, there was a 5% increase in wages with half being Merit Increases and half being a Cost-of-Living Adjustment (“COLA”). As a result of discussions with surrounding cities on wages, it was determined that most are providing a 6% increase based on the Western States Consumer Price Index (“CPI”), which is just over 6%. Consequently, they increased that number to 6%, which includes part-time wages.

Staff recommended the addition of two positions - one in the Streets Department and one at the Cemetery. There is a general operational increase of \$120,600 that covers several items. A detailed list could be provided by Director Roy. One of the major expenses was the recent bond related to the

Pipe Plant Project, which required a significant contribution from the General Fund. The result was a deficit of nearly \$200,000.

There was discussion regarding increasing property taxes this year and Council asked staff about \$4 and \$5 increase options. Two items committed to being paid this fiscal year through Property Tax include police market increases and the addition of one firefighter position. If the increase was \$4, revenue will increase by \$587,535. The additional money could be allocated as shown on the right side of the document. If the increase was \$5, \$734,000 would be generated. This would leave just under \$150,000 in unallocated funds. Staff asked for direction from the Council on what they want to fund through the Property Tax. As there is currently a deficit, the assumption was that any excess money would be put toward the debt service.

- **Capital Requests.**

Administrator Darrington noted that the capital outlay this past year was just over \$3 million. The capital request page lists the requesting department, the proposed request, the estimate, and the recommended amount budgeted. If money had been budgeted the prior year, it was also identified. The priorities were based on discussion between the Department Head and staff. Specific items were discussed.

For G Mountain, last year's allocation was \$100,000 in capital money. This year, an additional \$100,000 was recommended as the estimated project cost is \$800,000. To date, \$450,000 had been raised. Three others made gestures of donations but none have yet been finalized.

Other Capital Requests include the following:

- Grant Consultant Fee for Pipe Plant Project;
- City-wide UTOPIA Line Project – wire for parks and public places;
- Ambulance purchase;
- Large Toro 4000 Mower); and
- ECO truck to be replaced (for Animal Control).

There was discussion about which vehicles are on the exchange program and the rationale. It was noted that the police vehicles are the only ones that are on the exchange program.

There was discussion regarding the Rec Center Lobby Project. The cost estimate for the work completed last year was \$30,000. The cost increase requested is \$180,000. The majority of the cost pertains to a partition and an automated gate system to control entry to the facility. There was discussion regarding whether the cost exceeds what is required. Mr. Whitaker asked the gate company to revise their bid as they need only two gates with the glass wall. He stated currently, many people walk in and access the facility without paying. The gate system is estimated to cost \$109,000. He asked that the cost be reevaluated. Various options were discussed to control who accesses the facility. Administrator Darrington stated that the item will be re-evaluated.

Staff was also considering a Wave Drowning Detection System. Children can wear sensors that can detect when a child goes underwater. The system notifies the lifeguards if the sensor is underwater longer than 15 seconds. The sensors can be worn during swimming lessons. The system can be rented and evaluated for a cost of \$10,000.

Administrator Darrington reported that the Pool Leveling Project will address ground-settling issues. The major leak has been repaired. It was initially thought that the settling would cost \$310,000 to repair but now is approximately \$500,000. In addition, there is a \$315,470 contingency for projects that arise.

- **Operational Requests.**

Administrator Darrington reported that the most significant items are the two employee requests. Vehicle expenses would include the cost of gas and would need to be changed for departments that use vehicles. Council Member Williams asked about the Management Analyst position. Director Roy stated that the position would be either an Analyst or an Accountant to help with finances. The budget was to be addressed again in two weeks.

- A. Report from Mayor Fugal on the Alpine School District Meeting.**

The previous Tuesday, Mayor Fugal attended the Alpine School District Meeting. He reported that five elementary schools are closing including Valley View Elementary School in Pleasant Grove. Council Member LeMone also attended. The district would like to make a presentation to the City Council. Two public hearings were to be held in each area. The Mayor noted that the school populations are being adjusted by boundary lines.

Council Member Andersen asked if the studies were done far enough out to account for population changes. Mayor Fugal stated that there are several issues at play including vouchers, charter schools, and the trend away from public schools. The Council can take a position on keeping Valley View Elementary open but it is at the discretion of the district. He thought the projection for closing the school would be the end of next year. The decision would likely be made by Fall. He also noted that the school itself needs to be upgraded.

- B. Continued Items from the Work Session, if Needed.**

Library and Arts Director, Sheri Britsch, reported that the Libby Library Program went down but is now back up and running. They are aware of how many people use it because of all the phone calls that were received when it was down.

Fire Chief, Drew Engemann, reported that on April 15 there will be a Bicycle Safety Fair that will involve the high school Biking Club and the hospital. There will be water bottles and hats to hand out. He will provide a pamphlet in that regard. There will be an Open House during Fire Prevention Month.

Director Cardenas reported that the Open House for the General Plan took place on Wednesday with about 40 residents in attendance. There are major changes taking place in the downtown area and residents have had an opportunity to comment. The proposed Plan will be presented to the Planning Commission in two weeks and then to the City Council.

Mayor Fugal reported that he recently met with UDOT, which is done twice a year, and they have developed a good relationship. Director Winterton reported that a lot of road work needs to be done including the UDOT Overlay Project on Pleasant Grove Boulevard. The 2600 North Project will be out for bid and secondary water meters are being installed in the next few months. It was noted that all of the projects are listed on the website. Director Winterton complimented staff for their work clearing and repairing roads. There will be a lot of road work this coming year and he asked for support from the City Council as the residents will be faced with dust and blocked driveways. He also announced the upcoming Spring Clean Up.

Director Roy indicated that she is busy working on the Budget.

Assistant to the City Administrator, Kyler Brower, identified public relations projects that are being worked on including the monthly newsletter and evaluations of website designs. They also are using the Qualtrics Survey to obtain views from residents on the Recreation Department. That process will eventually be City-wide. He was also trying to determine if any of the surveying can be done in-house.

11) REVIEW AND DISCUSSION OF THE MARCH 21, 2023, CITY COUNCIL MEETING AGENDA

Administrator Darrington reported that this upcoming work session agenda is lengthy. Director Winterton will present concepts on 600 West and Center Street near the railroad tracks. He noted that there are issues between UDOT and Union Pacific in American Fork with the crossings. They will be addressing the latest rendition of the Pipe Plant Park based on feedback. They still need to conduct Open Meetings Training. The budget will also be discussed as well as two subdivision projects. It was reported that there will be only one meeting in April on the 11th.

12) MAYOR AND COUNCIL BUSINESS.

Council Member Andersen reported that there has been a record amount of snow this year, which raised concern about potential flooding and preparedness. Potential action and education of the public were discussed.

13) SIGNING OF PLATS.

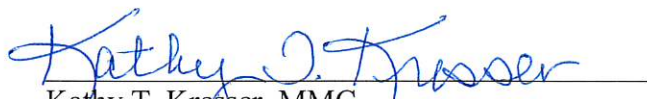
The Pleasant Grove Downtown Living Plat was signed.

14) REVIEW CALENDAR.

15) ADJOURN

ACTION: At 7:58 p.m. Council Member Williams moved to ADJOURN. 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. Council Member LeMone was not present for the vote.

The City Council minutes of March 7, 2023, were approved by the City Council on March 21, 2023.


Kathy T. Kresser, MMC
City Recorder
(Exhibits are in the Recorder's office.)

