

**Pleasant Grove City
City Council Meeting Minutes
Work Session
Tuesday, April 11, 2023
4:30 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
Daniel Cardenas, Community Development 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
Megan Crowley, Customer Service
Megan Zollinger, Recreation Director

The City Council and staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah.

4:30 P.M. WORK SESSION

Mayor Guy Fugal called the meeting to order at 4:30 p.m. and welcomed those present.

a. Kim Schroepfel, Victim Advocate Update.

Victim Advocate, Kim Schroepfel, reported an overall increase in workload. In the past year, domestic violence and family problem cases have increased by 24% from 78 cases to 102. Sexual offense cases increased by 47% from 18 to 34 cases. The Division of Children and Family Services (“DCFS”) cases increased by nearly 20% from 77 cases to 95. Ms. Schroepfel reported that she is in the process of writing a grant to obtain funding for the next two years. The federally legislated Victim of Crime Acts grant was established to provide compensation for crime victims and is funded from fines and penalties paid by those convicted of federal crimes. Since 2017, there has been a decline in the amount of money available, which she thought was likely caused by more

plea bargaining and less imposition of prosecution penalties. Her goal for the grant money was to keep the staff she has as she is not certain that the services they perform can be maintained with less funding as the scope of services offered has increased substantially.

By way of example, she noted that she began in her current position, the Police Department did not have the Lethality Assessment. She saw the tool at a conference and with Police Captain Smith's help, she was able to get the officers trained using that tool. The Lethality Assessment is now a tool that is required in all law enforcement agencies in Utah. Pleasant Grove was ahead of the curve and over the past two months, two lives have been saved because of it.

The Victims Advocate's mission statement is:

- To support victims of crime in a timely efficient manner by empowering them with knowledge of critical services that they can access through community resources, reparations, and personalized safety plans.

Currently, they help victims understand their legal rights as they navigate the system, read victim impact statements for victims who are unable to do it for themselves, and help with the paperwork involved in obtaining protective orders.

Ms. Schroepfel reported that the grant process is very competitive. Each agency is asked to explain how they meet with and coordinate activities with other agencies in the area. Victim Advocates work with the following agencies:

- The Refuge – A shelter providing numerous resources for people in need;
- The Children's Justice Center allows them informal access to parents;
- The Utah County Attorney's Office – They work with them on felony cases; and
- The Provo Police Department's Spanish Speaking Service.

To this end, Ms. Schroepfel has developed a Spanish Speaking Safety Plan that is now being requested by other agencies.

The grant application also requires them to identify successes using evaluative measurement tools. This is a difficult area as each victim is different and the agency takes great care in guarding against the disclosure of sensitive personal information. She is exploring the use of a Google survey response tool that would rate services without using information that could identify the person taking the survey. In addition, there will be an open-ended comment section, if desired. Such surveys would be sent out in protected e-mails. Those responses will help them evaluate their work and determine if changes are needed.

Council Member Bullock asked about funding. Ms. Schroepfel reported that they obtained \$68,000 in grant money over the past two years but are being asked to cut the grant request by 20%. Council Member Bullock was asking because he fully understands what outstanding work they do and that it makes an impact. He was concerned that Ms. Schroepfel is taking time away from her job to write the grant. There was discussion regarding the funding and where the money

should come from. Ms. Schroepfel acknowledged the City's support and commented that they are doing so much more than what was originally envisioned. Administrator Darrington stated that originally the agency was staffed with one part-time person. It is now funded for 1 ½ positions with City funding beyond what is covered by the grant. He noted that the funding application should continue unless the City Council wishes to fund the position outright.

b. Open and Public Meetings Training.

City Attorney, Tina Petersen, reported that Open and Public Meeting Act Training is a State mandated yearly requirement for elected officials, boards, commissions, and committee members. Proof of the training and who attended is reported. The purpose of the Act is to emphasize that the people's business is to be conducted in public by elected officials through open actions and deliberations. All meetings are open to the public with narrowly defined exceptions. Further, the deliberations leading up to final decisions are also to be public. Public officials, therefore, need to be willing to bear public scrutiny.

A meeting is defined as the convening of a public body with a quorum present. For the Pleasant Grove City Council that is three members. She explained that because the Mayor does not vote, the Mayor and two Council members do not suffice. The definition of a meeting includes workshops, executive sessions, and electronic communications. There can be no telephone trees, group texts, group e-mails, or similar to discuss public business or an item on the agenda. Issues can arise if Council Members communicate opinions, debate, or discuss an agenda item outside of a meeting and decide the result prior to it being raised in the meeting. Such actions are not to be done. The definition of "meeting" is qualified by the description that the purpose of the meeting is to discuss, receive public comment, or act on a matter over which the public body has jurisdiction or advisory power. "Convening" is identified as calling a meeting to order by a person authorized to do so for discussion or action on a matter over which the public body has jurisdiction or advisory power. This broad definition is intended to include almost all gatherings of the City Council. Exceptions to the Open Meeting requirements are very specific and narrow and include chance meetings, a meeting of a public body with both legislative and executive responsibilities when no public funds are appropriated, and when a meeting is convened only for administrative matters. Social meetings are not subject to the Act.

The Act also has requirements for certain meeting notices indicating when, where, and what is to be discussed. This notice allows the public to decide if they want to attend. Pleasant Grove's practice is to use long definitions to provide information. If a public entity has regularly scheduled meetings that notice must be posted annually. The schedule should be regularly maintained but if any changes are made to those meetings, the changes should be timely posted. In Pleasant Grove, the City Recorder does so yearly. Each meeting should have its own agenda posted 24 hours in advance with the time, date, and place of the meeting. The posting requirements are placed on two websites including the City's website and the State's Noticing website. It is also posted at three locations in the City where such notices are known to be posted. Regular notice requirements are suspended for emergency meetings and the best practical method of noticing is. An emergency meeting, however, cannot be held unless all efforts have been made to notify all members of the public body and a majority of the members agree to conduct the meeting. This requirement is

intended to prevent a few members from holding a meeting without letting other members know about it.

Agenda items need to be sufficiently described to let the public know what is being discussed and what decision is to be made. If an item is not on the agenda, no final action can be taken. An item can be brought up by a member of the public and discussed but must be placed on a subsequent agenda for action.

Exceptions for closed meetings are found in the Act. In the event the meeting is to be closed it must be held during a public meeting where a motion is made to move into a closed meeting. The exception allowing closed meetings includes the following:

- Discussion of the character, professional competence, or mental or physical health of an individual;
- Strategy sessions related to collective bargaining;
- Strategy sessions related to the discussion of pending or reasonably imminent litigation (which must be based on actual notice, such as or service of a suit, or letter by an attorney);
- Strategy sessions to discuss the purchase, exchange, or lease of real property when necessary to get the best possible terms;
- Strategy session to discuss the sale of real property when necessary to get the best terms; and where the sale has been publicly noticed and the terms of the sale are publicly disclosed before approval of the sale;
- Discussion of deployment of security personnel devices or devices; and
- Investigative proceedings involving allegations of criminal conduct.

Minutes of all open and closed meetings must be maintained. The only exception to that requirement includes discussions of personnel issues or security. Under those limited circumstances no minutes are kept and the mayor must sign an affidavit stating that those issues were the only ones discussed. The minutes are to include the date, time, location, those in attendance and absent, and a summary of content including votes, comments, people who spoke at the meeting, and a record of individual votes. If a meeting is closed, the minutes must document that action and the vote by members taken to close the meeting. The closed meeting minutes are to include the time, date, place, those present or absent, and names of others present unless doing so would disclose something about the meeting. It was noted that it is a criminal offense to violate the provisions of the Act, and the State Attorney General is responsible for enforcement.

Attorney Petersen was asked about violations of the Act. She stated that the Attorney General's Office would need to be notified of any violations and will then investigate. The penalties could range from Letters of Censure to criminal charges. She noted that in the past a couple of citizens called to make allegations, but Pleasant Grove has never had problems.

c. Budget Discussion.

City Administrator, Scott Darrington, reviewed the general information previously addressed on the first page of the budget, which remains unchanged. The left side of the page shows potential

revenue sources including sales tax, new growth property tax, and reductions in spending including the streetlights having been paid off and administrative reductions. The right side of the page listed basic expenses, including wages, at a 6% increase, two staff positions, and operational increases. Also listed was the bond funding requirement for additional cemetery spaces, the park, and the storm drain basin work in the amount of \$382,932. The bottom of the page contained information on property taxes. Administrator Darrington commented that it is unfortunate that they will not have the information about property values until June. That issue impacts their determination for pursuing the rate increase of \$5 per month. If they were going to increase that rate it would generate \$734,321 in revenue and be used for Police Department salaries, a Firefighter position, a Library position (which is partly funded), and bond funding.

Administrator Darrington reviewed several capital recommendations and explained that additional funding will be going to the G Mountain Project, which is expected to cost \$600,000 to \$700,000. Donations and the City's contribution already totals \$550,000 in funding. Further fundraising was anticipated and it was expected that the project will be fully funded. Administrator Darrington next referenced the Grant Consultant who will be pursuing State grant money of around \$1 million to be put toward the Storm Drain Project and the Pipe-to-the-Lake Project. The Grant Program will commence in July with the results known in the Fall.

A third capital expense was identified as the City-wide installation of the UTOPIA fiber lines, which will result in connectedness to the parks, City water tanks, and other locations that need connections. Ideally, they will be able to install cameras at the park to address vandalism. The cost to the City is estimated at \$200,000. Other capital items include an ambulance at a cost of \$380,000 and a large mower for \$100,000. They also need automatic sprinkler control boxes to address City-wide watering but are seeking grant money to cover that expense. Based on discussions at the last City Council Meeting, the Recreation Lobby Project which was estimated to cost \$180,000 will not go forward. Recreation Director, Megan Zollinger, will look at alternatives. \$150,000 of that designated money will instead be put toward the Pool Leveling Project as recommended by the City Council. The Pool Leveling Project cost was thought to be several million dollars. The Contingency Fund remained unchanged.

Council Member LeMone asked about the website redesign. It was reported that cost information was being gathered. It will be a General Fund expenditure that will range between \$15,000 to \$70,000 annually depending on the scope of the design. Council Member Williams asked what the estimates were based on or how precise they were. Administrator Darrington stated that the figures are researched cost estimates, which are on the high side. They are not bid items. Any excess will go back into the Capital Fund.

The third page addressed additional staffing requests and operational budget items.

Utility Rates

Administrator Darrington reported that the next page contained new information including utility rates which are normally addressed in April. Based on recommendations from Public Works Staff, the following monthly utility rate increases were recommended:

- Culinary: \$.70
- Sewer: \$.08
- Garbage: \$.64
- Recycling: \$.36

The Consumer Price Index (“CPI”) for garbage and recycling adjustment was 6.5%. The City’s estimate was 5.5%. As this is new information, it will need further review. There will be no drought surcharge as they do not anticipate having to rent water this year.

Two projects are tied to the storm drain and secondary meter charges. The Secondary Metering Project Grant cost will be covered by 70% grant money and 30% from a loan from the State Water Board at 1% interest. The cost increase for residents pertaining to the project was \$3.84 per month as part of a 10-year loan. The Storm Drain Project increase was \$5.31 per month. The total utility rate cost increase for residents was \$10.12 per month, which is a 6.5% increase.

Council Member Williams expressed concern about continuing to raise taxes since it is difficult, particularly for those on fixed incomes. Council Member Bullock remarked that previous City Councils did not raise rates. Council Member Williams understood that rates need to be increased but did not want to get into a rote habit. He stated that they should act responsibly. Council Member LeMone agreed that past City Councils had not raised rates and stated that the current City Council is in a catch-up mode. Administrator Darrington remarked that this is their first discussion on utility rates and evaluation will continue. He added that the metering project mandated by the State and the storm drain improvements being made account for \$8 of the \$10 increase. Mayor Fugal stated that storm drainage management is mandated and needs to be done. Council Member Andersen agreed but noted that there are no alternatives to reduce the charges. Council Member Bullock commented that it is important to show the importance of what is being done to help with water drainage. Administrator Darrington stated that the issue will be addressed again in three weeks.

Fee Schedule

Administrator Darrington reported that most of the fee changes pertain to Recreational activities and some are Public Works fees. Specific questions could be directed to Directors Zollinger or Winterton. Some of the changes are from fees that have not been changed for a long time or are raised to account for the cost of providing the service. He commented that staff has provided what they think is best but the decision is up to the City Council.

Administrator Darrington asked that Community Development Director, Daniel Cardenas, briefly address the McKay Christensen Development Agreement. Historically, the commercial parking buffer was placed at the time the project was approved to preserve commercial parking along Pleasant Grove Boulevard. The developer now wants to use some of the commercial parking spaces for residential use. The issue of when the commercial projects will be developed was raised and after multiple discussions, a Development Agreement was worked on with staff. That Development Agreement was now before the City Council. Staff attempted to find a potential solution. When asked about the timing, Attorney Petersen stated that their discussions included

issues regarding financial constraints. It was noted that the 30-month period was a negotiated figure.

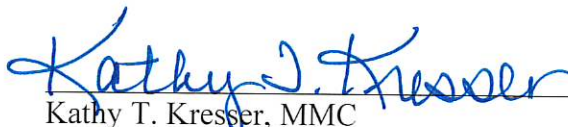
Director Cardenas identified the subject property on an aerial map displayed. Under the current Code, the developer can build the apartment project but cannot use the commercial parking buffer zone for residential parking. A Development Agreement to revise that use was suggested and was being sought. Council Member Williams pointed out that at the time, the Code was modified to allow an increased number of residential units with the understanding that additional retail space would be provided. He asked if the developer was now using that against the City to get the parking he wants.

Director Cardenas explained that the current Code requires 25,000 square feet of retail space but does not address the timeline of when the retail is to be built. Therefore staff, to allow revision of the buffer requirements, required a timing element that 10,000 square feet of commercial space be built within 30 months of the day the Building Permit for the residential units is issued. With respect to the other 15,000 square feet, the developer is required to build commercial space or leave the property vacant. Attorney Petersen reminded the Council that it agreed to remove the buffer if staff could get some assurance of when the commercial space will be built. The Development Agreement was the result.

ADJOURNMENT

MOTION: At 5:35 p.m. Council Member Jensen to ADJOURN the Work Session. Council Member Andersen seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes; Todd Williams, Yes. Motion carried unanimously.

The City Council minutes of April 11, 2023, were approved by the City Council on May 2, 2023.


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

