

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Wednesday, February 21, 2024
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Steve Rogers
Todd Williams

Excused: Cyd LeMone
Daniel Cardenas, Community Development Director

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks Director
Tina Petersen, City Attorney
Wendy Thorpe, 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
Keldon Brown, Police Chief
Megan Zollinger, Recreation Director
David Packard, HR Manager

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.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Jensen.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Williams.

4) APPROVAL OF MEETING AGENDA

ACTION: Council Member Andersen moved to APPROVE the meeting agenda. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, and Williams voting “Yes”.

5) OPEN SESSION

Jacob Zonts reported that he presented the City Road Plan for 600 West to the Fraternal Order of Eagles and advised each person present to speak during the Open Session as their concern is unrelated to an agenda item.

Alexis Brewer, the current Secretary of Eagles 3372, and a State Trustee for the State of Utah, reported that they have a strong sense of community for people who don't feel like they have somewhere to land. They strive to serve Pleasant Grove. Their latest project involved the City's Easter Egg Hunt and trying to match the number of eggs supplied last year. They rely primarily on donations with some funding from the City. They are interested in making sure that they have somewhere for their members to go and understand that changes are needed; however, they want to work together to do it.

Terry Carlson, a five-generation member of the Pleasant Grove Fraternal Order of Eagles, stated that the organization started 60 years ago. During that time, they have fought to keep and maintain their building. He described the various community service events they support including providing strawberries during Strawberry Days and taking over the operations of the City Easter Egg Hunt at the request of the City. They donate to the Library and the Fire Department and were part of the winning suit heard in 2008 before the U.S. Supreme Court about keeping the monument with the Ten Commandments in the City Rose Garden. He commented that the Eagles location is currently grandfathered in and they have a Liquor License that limits where they can be located. They must be able to take their Liquor License with them. He wondered what it would look like if the City told the Order of Eagles that it planned to take their building and the Eagles had no place to go. If they are required to move they need to be in a building that is similar to their current one because of Liquor License constraints. After raising the issue of eminent domain, Mr. Carlson stated that they want to remain in Pleasant Grove and continue their community service but do not want to lose their location.

Council Member Williams stated that it is obvious that a lot of residents were present after being provided with misinformation.

Administrator Darrington reported on the following:

- The City has been looking at ways to redo the intersection at Center Street and 600 West and has reviewed different options to improve the intersection and make it safer.
- As the process proceeds the City must provide a plan to the Mountainland Association of Governments (“MAG”) to qualify for federal funding to help build the road, as the cost is beyond what the City can fund.
- Different types of alignments were considered with one version selected by the City Council that showed how they envision the roadway if funding was available and if the decision was made to go forward with the project.

- Once the Master Plan is updated to include the suggested alignment, the City can qualify for the funding.
- Once the funding is approved, the City will hold discussions on how the road will be aligned.
- Currently, they have a concept of how the plan could be done but there is no guarantee that what is currently shown will be the end product.
- There was discussion about relocating the Eagles Building is premature since funding, which could take five years, is not established. Moreover, if the project was funded and if the alignment impacts the Eagles, the City would discuss the matter with them. If an agreement that is beneficial to both sides cannot be reached, decisions would need to be made by both the Eagles and the City.
- In response to the issue of “eminent domain” being raised, Administrator Darrington stated that such action is the very last option a city wants to take. He has been with the City for 14 years, and during that time, eminent domain has never been used.
- Generally speaking, when they have had road realignments or other issues with public facilities, they have been able to figure out a negotiated deal with the property owners. This was the intention of this project; however, any such discussion is premature as they do not know if funding will ever be available. If it is never funded, the issue is moot.

He is not aware of what the Eagles have been told regarding the City’s intentions, but the City intends to apply for funding for a concept plan that could potentially affect them. The project, however, is years away from any sort of implementation. If funding becomes available, then the City will begin to have discussions with all the affected property owners. Council Member Andersen stated that she did not recall that the Eagles property was being relocated. Administrator Darrington stated that the property could potentially be affected because the plan is a concept plan which means it is not a fully engineered plan and subject to change. That is why the discussion is premature. They are years down the road on this project, as funding is not guaranteed; and even if funding were guaranteed, the City may choose not to do the project. The city does not independently have funding to do this road.

Mayor Fugal expressed surprise at the content of the speakers. Council Member Williams stated that the Council and City are fully in support of the Eagles and are appreciative of the support it gives to City functions.

Mr. Zonts returned to the podium but was informed his time had already been used.

Sue Ann Laird acknowledged that they are in the early planning stage but wants the City to know that they are paying attention. They have been advised that once funding is obtained, the chances of them being kicked out are greater. She stated that five years go by quickly and they have a lot to do if they are to be moved. She understands that once the City gets funding, it still has to be budgeted. They have not been misinformed as they have seen some of the plans, and it is in the works. They love the City, are a part of it, and they want to remain that way. They do a lot of service as a non-profit. They are on top of it but they need enough time and want to be kept in the loop.

Council Member William asked for a point of clarification on whether the land swap would include property from east to west. Administrator Darrington stated that because the plan is conceptual, they cannot specify what changes would actually be made. Mayor Fugal reported that he serves on MAG, knows how the funding works and the proposed road change will not occur in his lifetime, if ever. Administrator Darrington added that relocation costs would be part of the grant and if funded, there

would be discussions with the property owners. If they find something beneficial to both, they get it done. If they cannot, the City will have to decide what the next steps will be. They cannot provide detailed, firm information, as the project is not at this stage.

Council Member Williams clarified that even if funding is obtained, it is not a sure thing that the City would go forward with the project. Administrator Darrington described 2600 North, which is a MAG project. The City successfully, through negotiations, obtained property from approximately 70 residents. There can be no discussion until funding is obtained.

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

Mayor Fugal thanked Administrator Darrington for his clarification and expressed surprise that this concept was being discussed in such a manner.

6) **CONSENT ITEMS**

- A. **City Council Meeting Minutes:
City Council Meeting Minutes of the January 17, 2024, Meeting**
- B. **To Consider for Approval Payment Request No. 4 for Big-D Construction for the Cook Family Park Project.**
- C. **To Consider for Approval Payment Request No. 3 for HydroVac Excavation for the Pressurized Irrigation Meters Installation.**
- D. **To Consider Approval of Payment Approval Reports for February 8, 2024, and January 30, 2024.**

ACTION: Council Member Jensen moved to ACCEPT the Consent Items. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, and Williams voting “Yes.”

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

- A. **To Consider Adoption of a Resolution (2024-12) Appointing an Individual to the North Pointe Solid Waste Special Service District Board and Establishing the Term of Said Appointment. *Presenter: Administrator Darrington.***

Administrator Darrington reported that Pleasant Grove is part of the North Pointe Solid Waste Special Service District, which is a transfer station. The facility is shared with other cities in Utah County and because the City is a part of this facility and the Special Service District, it is allowed representation on the Board. Currently, John Goodman is the representative. The City recommended that Neal Winterton, be appointed to take his place.

ACTION: Council Member Williams moved to ADOPT Resolution 2024-12 appointing Neal Winterton to the North Pointe Solid Waste Special Service District Board and establishing the term of said appointment. Council Member Jensen seconded the motion. Roll call vote on the motion: Dianna Andersen-Yes; Eric Jensen-Yes; Steve Rogers-Yes; Todd Williams-Yes. The motion carried unanimously.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A. **Public Hearing for Adoption of an Ordinance (2024-5) for a Vicinity Plan Amendment, located within the Area Delineated by Locust Avenue, 900 South, 1150 East, and 1000 South, in the R1-9 (Single Family Residential) Zone. (Scratch Gravel Neighborhood). *Presenter: Attorney Petersen.***

As Community Development Director, Daniel Cardenas, was unavailable, City Attorney, Tina Petersen, presented the above item which is a proposed Vicinity Plan Amendment involving the area between Locust Avenue and 1000 South, as shown on the existing Vicinity Plan Map. The situation is unique in that 1000 South is a road shared by Pleasant Grove and Lindon and marks the border. The area is identified on the existing Vicinity Plan where the greatest number of changes are located including four cul-de-sacs and four thru streets. At the time the existing Vicinity Plan was adopted, it did not consider the existing property lines or homes.

The City became aware of the possibility of development in the area when approached by property owners and discussion was held about what would be the best transportation plan for the area. It was decided that because the cul-de-sacs are not optimal, they would be eliminated and the four connecting roads reduced to three roads from 900 South to 1000 South. As noted, 1000 South is not fully constructed.

Staff recommended that the Vicinity Plan be changed to increase connectivity in the area, which is important. The current Vicinity Plan also makes the requirements involved in the designs and installation of public utilities very difficult for some of the lots. The new Vicinity Plan shows two straight connections from 900 South to 1000 South along with property lines and existing homes and a third connection to the west closer to Locus Avenue. Staff recommended approval of the change.

Attorney Petersen stated that there is a lot of concern in the neighborhood about the road installation, payment responsibilities, and ultimately how the property will be developed. Those concerns, however, were not part of tonight's discussion.

At issue tonight was where the roads will connect to 1000 South, which has always been contemplated to be fully built with connections. Originally, 1000 South was thought to be a regional road, and funding was expected. Currently, however, that road is no longer considered a regional road and funding is not available for City construction. Further, the area has not been previously addressed as private development has been limited and the area has not been a priority for road funding. Private development will be needed for any road work as the City will not install the connector roads. If there is future development that involves 100 South, however, the City may have some involvement to ensure that it is built. Pleasant Grove maintains the shared road. Council Member, Steve Rogers, confirmed that the proposed Vicinity Plan Amendment does not change 1000 South. What is being changed are the connector roads and some of the little cul-de-sacs are being omitted as they are disfavored. Director Winterton described the grade drop of about 15 feet between 900 South and 1000 South which, with the original Vicinity Plan Agreement allows the cul-de-sacs and creates

problems with the design, installation, and service of the utilities. The proposed changes make the plan more workable.

Mayor Fugal opened the public hearing.

Dennis Nali gave his address as 1090 East 900 South and stated that one of the identified connector roads goes through his property. In addition, one of their trees, which is over 100 years old (likely put in by his great grandfather who was one of the Pleasant Grove settlers) is where they have buried all of their pets. They do not want to sell their property and are concerned about being forced to sell. He was also told that they would be forced to pay for the paving.

Jacob Zonts stated that the City plans, even if development never occurs, affect people. He described a road project that was modified because of public opposition and said it was good to get public comment. He could see from a high level that it would be important for roads to connect from the freeway to the side of the mountain rather than having to jog over. However, getting the property owners' views and seeing what they want is also important. With regard to the way he speaks with others about information he gets from the City, he stated that he shares the public documents and they can do whatever they want with them. He recently spoke with the Eagles group and they were aware of all that was raised and were not misinformed. The concern about eminent domain was based on situations seen in other cities. In reality, the project may become an issue down the road and is not out of the realm of possibility. He told them that the chance of eminent domain was almost zero. The citizens in the neighborhood do not want this to even become a possibility.

Gaylinn Witt stated that the proposed plan puts a road in their backyard. He asked if the growth makes a road necessary or if it alleviates a traffic burden elsewhere. If the response is yes, then a plan to put the road in someone's backyard is not good. The placement impacts people and there should be a better alternative. He was not persuaded that the cul-de-sacs are a problem. If it is a utility issue, it was suggested that an easement be obtained.

Council Member Williams clarified that the roads have always been on the plan. What is being changed is the cul-de-sacs and the straightening of the roadways.

Ricardo Bonilla gave his address as 1040 East 100 South and does not believe the connector roads are necessary. His home will have three roads in front of him to the east and south. The roads are unnecessary. He agreed with the other speakers and did not want the roads surrounding him.

Lionel Castillo reported that he lives with his wife at 1110 East 900 South and stated that the proposed Vicinity Plan is a Concept Plan. A developer must still comply with all of the existing requirements in place. Both the old plan and the proposed plans have challenges that will need work to meet the specific needs of the particular project. He has lived on 900 South for 25 years and sees people traveling very fast down what is a very inadequate street and he saw the wisdom of having a road that can take people from east Pleasant Grove to Locust Avenue and State Street.

Chad Hunsacker gave his address as 846 East 900 South, which he purchased a little over one year ago from his parents after renting for the last five to six years. His parents purchased the home when he was one year old. He has spent about half his life living at the property. When his twins were toddlers, they would run into the roadway, which has become quite busy. He also noted an

intersection he considers dangerous because of the inability to see traffic approaching 1000 South in the area from 1000 South up to 900 South and Locust Avenue. He knows that is not the topic for today but thinks the City Council should consider the urgency. The old plan is outdated and he would like to see traffic pulled away from 900 South. He understands the impacts on others but was supportive of progress.

Abigail Bonilla was concerned about the connecting roads because of the slope gradient and the possible water runoff causing flooding issues once the roads were built. She was not sure that all of the roads were needed or who they would benefit. She also asked if the roads will be public or private and how people will know.

Ben Reeber, a Lindon resident, stated that one of the roads will be within 20 feet of his back porch. As he is on the higher part of the slope, he will be able to see every car passing his house through his kitchen window, which is detrimental to his property value. He agreed with the comment that you do not need to have a road to be able to install utilities. This is being discussed because someone wants to develop their property. He did not intend to develop his property and his neighbors do not want the road. He understands the benefit to the people on the east side but it comes as a detriment to them. As a general concept, he would prefer to see no roads on the plans. Everything has been built to the east in Pleasant Grove, which means traffic is not going to change. His suggestion was to improve the roads that are already in place and not create unnecessary roads. The Locust Avenue intersection is a bigger concern than with that intersection.

Terri Tinney reported that her back door will be on the new road. They were informed when they purchased their home that there would be no development. The width of the road and its straightness encourages traffic and speeding. There is enough of a speed issue near Locust Avenue already. This is asking for trouble. She also asks about getting a signal at Locust Avenue and wants to know what is required to get one installed.

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

Council Member Jensen stated that this is a Vicinity Plan that shows a vision of what could be. It is not a document that is set in stone. If a property owner does not want someone to build behind them, they should not sell their property. There are property rights. He expressed concern that people have been told something that has them worked up. When developing Vicinity Plans staff and the City Council take everything into consideration to see what is right for that area.

Council Member Andersen thanked those who made comments. She loves the process and stated that on one hand there are engineers who say this is a great way to move traffic while the residents say differently about the issue. It is up to them to determine if what is being suggested is the best plan at this time. She also wanted to know about the signal requirements at some point. She likes the proposed plan better because it contains fewer streets. Attorney Petersen stated that reasons for having the connectors is so the back pieces of property can front on a street. Otherwise, the property owner will be forced to develop flag lots, which are being discouraged, in order to develop their property. The three connecting roads make it possible to develop property in the future. It may be that the current property owners have no intention of developing their property but future property actions are unknown. The proposed plan was determined to be an optimum way for the back pieces of property to be developed if so desired.

In response to a question raised about the signal requirement, Director Winterton stated that the seriousness of accidents plays into signal approval but the main factor used is traffic volumes. The intersection being discussed will ultimately qualify for a signal. 1000 South has been on Lindon and Pleasant Grove's Transportation Master Plan for a very long time. 1000 South has always been planned to be a connector road but MAG downgraded the road from regionally significant to regionally non-significant. This plan reduces the number of north/south streets from four to three.

It was noted that if a person does not sell their property to allow a road to go through, the road will not be allowed to go through unless there is a public need. When asked if there is an absolute public need for the proposed connector roads to 1000 East, Director Winterton stated that he did not see that the City would allocate funds. A Vicinity Plan for a particular area was shown along with what was actually built to show the difference between the plan and what was actually developed. There was brief discussion about required road widths.

Mayor Fugal thanked those present for all their comments.

ACTION: Council Member Andersen moved to ADOPT Ordinance 2024-5 for a Vicinity Plan Amendment located within the area delineated by Locust Avenue, 900 South, 1150 East, and 1000 South, in the R1-9 (Single-Family Residential) Zone. Council Member Rogers seconded the motion. Vote on motion: Council Member Andersen-Yes; Council Member Rogers-Yes; Council Member Jensen-Yes; Council Member Williams-Yes. The motion carried unanimously.

10) **ACTION ITEMS READY FOR VOTE**

- A. To Consider for Adoption a Resolution (2024-10) of the Governing Body of Pleasant Grove City Authorizing the Mayor to Enter into a Lease-Purchase Agreement with Zions Bank, for the Purpose of Acquiring Public Safety Vehicles, Computers, and Fitness Equipment; and Authorizing the Execution and Delivery Thereof; and Providing an Effective Date. *Presenter: Director Roy.***

Finance Director, Denise Roy, presented the above item and stated that the proposed resolution involves a Lease Agreement pertaining to 14 police vehicles, cardio equipment for the Recreation Department (\$60,000), and City computers. The vehicles and cardio equipment are on a three-year rotation schedule. The matter was put out to bid and Zions Bank had the best interest rate.

ACTION: Council Member Jensen moved to ADOPT Resolution 2024-10 of the Governing Body of Pleasant Grove City Authorizing the Mayor to enter into a Lease-Purchase Agreement with Zions Bank, for the purpose of acquiring public safety vehicles, computers, and fitness equipment; and authorizing the execution and delivery thereof; and providing an effective date. Council Member Williams seconded the motion. Vote on motion: Council Member Andersen-Yes; Council Member Rogers-Yes; Council Member Jensen-Yes; Council Member Williams-Yes. The motion carried unanimously.

B. To Consider for Adoption a Resolution (2024-11) Authorizing the Mayor to Appoint a Hearings Officer to Serve as an Administrative and Land Use Appeal Authority. Presenter: Attorney Petersen.

Attorney Petersen presented the above item and stated that a few years ago State statute changed to provide an opportunity for municipalities, instead of having a Board of Adjustment, to hear variances from Land Use Codes and appeals from Land Use Code interpretations by City staff, to move toward the Hearings Officer model. The City has moved in that direction and eliminated the Board of Adjustment. Craig Call was appointed as the City's Land Use Appeal Authority. He is a very experienced land use attorney and served for a period of time as the State's first Private Property Rights Ombudsman. There have been some incidences where a Hearing Examiner was required. Decisions related to land use are administrative in nature but do not fall within the Local Municipal Code. Mr. Call was willing to hear such issues but wants the City Council's authority to hear matters that fall outside Title 10. For example, there is a Business License action that is moving forward to hearing and an Appeal from a Stop Work Order that was issued by the Public Works Department. The proposed Resolution authorizes Mr. Call as the City's Hearing Officer, to serve in that capacity. He was willing to expand his role.

ACTION: Council Member Jensen moved to ADOPT Resolution 2024-11 Authorizing the Mayor to appoint Craig Call as Hearings Officer to serve as an Administrative and Land Use Appeal Authority. Council Member Williams seconded the motion. Vote on motion: Council Member Andersen-Yes; Council Member Rogers-Yes; Council Member Jensen-Yes; Council Member Williams-Yes. The motion carried unanimously.

C. To Consider Authorizing the Mayor to Sign the Off-Premises Beer License Local Consent for 7-Eleven Store #36340A, Entity Name: Sahib Incorporated – Karamjit Singh. Presenter: Attorney Petersen.

Attorney Petersen presented the above item and stated that it involves an Off-Premise Beer License regulated by the State of Utah under Titles 32B-5, 201, 203, 207, and 32B-7. In order to sell beer from a retail establishment for consumption off-premises, local municipal consent is required. This is an established store that has been on the corner of 700 South and Geneva Road for many years and is currently owned by 7-Eleven. The store was late in applying for the State license renewal and the State is now requiring that they obtain local consent as part of the renewal process. To her knowledge, there is no reason the City would object to this request. There have been no problems with the store. Beer has been sold for many years from this same location at Walkers.

ACTION: Council Member Andersen moved to AUTHORIZE the Mayor to sign the Off-Premise Beer License local consent for 7-Eleven Store #36340A, entity name Sahib, Inc.- Karamjit Singh. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, and Williams voting "Yes".

11) **ITEMS FOR DISCUSSION**

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

There were no Directors Reports from Human Resources Manager, David Packer; Finance Director, Denise Roy; City Recorder, Wendy Thorpe; or Assistant to the City Manager, Kyler Brower.

City Attorney, Tina Petersen, reported on the following:

- They have Justice Court Judge Pro-Tempore, Brook Sessions lined up to serve on a temporary basis until the Justice Court Judge can be appointed. He currently serves in that position in Lindon and has already met with the court staff.
- Judge Birch's last day is March 13, 2024.

12) **REVIEW AND DISCUSSION OF THE MARCH 5, 2024, CITY COUNCIL MEETING AGENDA**

Administrator Darrington announced that training for Open and Public Meetings will occur at the next City Council Work Session on March 5, 2025. They will also be discussing the budget. At the City Council Meeting, they will have a Budget Amendment regarding the Fire Department salaries; a Memorandum of Understanding ("MOU") in the Police Department pertaining to software on "use of force;" and a contract and bid award for the contractor doing the swimming pool repair.

Last summer at Manilla Park, which doubles as a swimming/paddle-board recreation area, there was an E. Coli issue. A Utah Valley University ("UVU") professor will be conducting a study to determine the cause and track its origin. They were excited that the project will be done here. The water is a non-treated source to be used to water lawns. Drinking it was strongly discouraged.

Administrator Darrington reported that he sent everyone an announcement for a Ribbon Cutting scheduled to take place at 4:00 PM at Club Pilates.

13) **MAYOR AND COUNCIL BUSINESS.**

Council Member Jensen stated that in June 2023, Director Winterton presented eight designs for 600 West. The designs were discussed and concerns were identified. One of the eight designs impacted the Eagles. To work them up and get so involved in something that was only referenced in one of the eight options being discussed was unwarranted, particularly considering that the option chosen, which they liked the best, had nothing to do with the Eagles Building. It appeared that a narrative was trying to be created that the City Council does not care about the citizens, the Eagles, or certain neighborhoods. Such a narrative is untrue and he is disgusted with certain people trying to do this. The City Council has always been open and honest with the citizens in discussing the plans. He stressed that this is just a vision. He commented that it is a dangerous intersection and he was glad they discussed it. There were eight options and the one option involving the Eagles was not the one selected. With the Vicinity Plan, it is just a vision. They take everything into consideration. For example, the City Council discussed the Vicinity Plan that was in The Grove and changed it. The City Council Members are here and listen and care about the citizens. He stated that a narrative is being pushed that is not true. Council Member Williams agreed.

Council Member Rogers was excited about what the Arts Commission has coming up and is in full support of what they are doing in conjunction with the Library and the Historic Commission. He appreciated the public coming out and he learned from some of the comments that were made. He appreciated that people are willing to express how they feel about what is being done. He commented that everything seemed to be proceeding in the right direction.

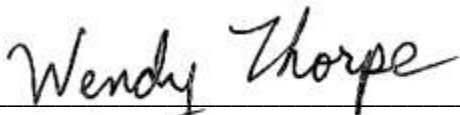
14) **SIGNING OF PLATS.**

15) **REVIEW CALENDAR.**

16) **ADJOURN.**

ACTION: At 7:19 p.m. Council Member Williams moved to ADJOURN. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Rogers, and Williams voting “Yes”.

The City Council minutes of February 21, 2024, were approved by the City Council on April 9, 2024.



Wendy Thorpe, CMC

City Recorder

(Exhibits are in the Recorder's office.)