

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

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone
Todd Williams – left the meeting at 6:30 p.m.

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks Director
Kathy Kresser, City Recorder
Drew Engemann, Fire Chief
Neal Winterton, Public Works Director
Megan Zollinger, Recreation Director
David Packard, Human Resources Manager
John Clayton, Police Lieutenant
Kyler Brower, Assistant to the City Administrator
Keldon Brown, Police Chief
Denise Roy, Finance Director
Daniel Cardenas, Community Development Director

Excused: Tina Petersen, City Attorney

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

6:00 P.M. REGULAR CITY COUNCIL MEETING

1) CALL TO ORDER

Mayor Fugal called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assistant to the City Administrator, Kyler Brower.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Williams.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Williams moved to APPROVE the Meeting Agenda as published. Council Member Andersen seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; and Todd Williams, Yes. Motion carried unanimously.

5) **OPEN SESSION**

Laurel Cunningham, Chair of the Pleasant Grove Historical Preservation Commission, reported that resource lists regarding Main Street are available for the development of Main Street. Existing conditions such as retail space and traffic were discussed. It was noted that funding is available for use on Main Street that has not been tapped. She noted that eight historical properties on Main Street are on the National Register and grant opportunities are available. The Use on Main Street Program offers up to \$150,000. 17 communities in Utah are currently part of the Main Street Program, three of which are local. Those projects have been done on a smaller scale than what was described to the City Council. It was noted that historical preservation and development are not mutually exclusive. Real stories and history can be retained without the need for re-creation. There can still be backing from State and National organizations to help with that process. She suggested that the Downtown Alliance be used to put businesses on the east side in touch with the businesses on the west side.

Ellavia McKinley stated she called Public Works a few times but has no way to track what is being reported. She has school-aged children, and she was concerned about the safety of routes available for children going to and from school. She suggested the following:

- Stop signs along 200 South and Locust;
- A lack of sidewalks on Orchard and Locust; and
- Water runoff interferes with the ability to use the sidewalks and causes pedestrians to use the street.

Council Member Andersen is a resident of the area and agreed with the concerns raised.

There were no further public comments. The Open Session was closed.

6) **CONSENT ITEMS**

- A. **City Council Minutes:**
City Council Minutes for the October 17, 2023, Meeting.
- B. **To Consider Approval of Payment Request No. 1 for Insituform Technologies, LLC for the FY 2022-23 Sewer Rehabilitation Program.**

- C. **To Consider for Approval Payment Request No. 5 for Staker Parsons Materials and Construction, a CRH Company for the 2600 North Roadway Widening and Reconstruction Project.**
- D. **To Consider Approval of Payment Reports for October 19 and November 2, 2023.**

ACTION: Council Member Jensen moved to APPROVE the Consent Items as read. Council Member Bullock seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes; Motion carried unanimously.

7) BOARD, COMMISSION, COMMITTEE APPOINTMENTS

- A. **To Consider the Approval of Marina Gish as a Historic Commission Member.**

Chair Cunningham introduced Marina Gish and stated that she has already shown a great deal of enthusiasm for the work of the Historic Commission. She owns a historic home at 100 South and 100 West, across from the Post Office, and is busy with renovations and researching its history.

ACTION: Council Member Bullock moved to APPOINT Marina Gish as a Member of the Historic Commission. Council Member Andersen seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes; Motion carried unanimously.

PRESENTATIONS

There were no presentations.

8) PUBLIC HEARING ITEMS

- A. **Continued Public Hearing to Consider for Adoption Ordinance (2023-24) Amending City Code Section 10-19: Signs and Outdoor Advertising. The Applicant is Proposing to Make Changes to the Sign Ordinances to Permit Two New Signs in The Grove Zone. (City Wide) (Pleasant Grove City Applicant) Presenter: Director Cardenas.**

*****Continued from the October 17, 2023, Meeting*****

Community Development Director, Daniel Cardenas, reported that the above item is a Code Text Amendment for Chapter 19 pertaining to signs and outdoor advertising. Typically, when a Code Text Amendment is brought forward, only a section of the Code is involved. In this case, however, the entire chapter is being addressed. He would address the key points including a new type of sign, the importance of off-premise advertising, and a new definition category that pertains to commercial development.

When a permit to place a sign is applied for, staff first ensures that the sign meets the current Code requirements. Signs attached to the building are allowed as are two types of freestanding signs consisting of monument and pole signs. Prior to this amendment, the City received a Permit

Request for a monument sign. Staff, however, determined that the sign dimensions did not meet the requirements for a monument sign, and it more closely resembled a pylon sign, which is not addressed in the Code. The proposed pylon sign is taller than a monument sign at six feet and can be as tall as 35 feet. It is gaining popularity in other areas for use in multi-tenant advertising. Examples of the different types of signs were shown.

After conducting research and evaluating the definitions of pylon signs in other communities, the Code language was to be amended to add pylon signs to the approved freestanding signs.

With regard to off-premise advertising, the only signs that are allowed are billboard signs. Some cities allow off-premise signs in certain commercial areas. Currently, a pending development includes many acres that are designed for multiple separate businesses housed on different lots. Under normal circumstances, advertising signs are limited to businesses on the lot where the sign is located. A building on one lot cannot erect a sign to advertise a building on a different lot. For large development areas, the desire is to use one large sign to advertise multiple businesses. A Unified Commercial Development category was developed by staff with St. John Properties ("SJP") and ultimately approved by the City Attorney. Once approved as a Unified Commercial Development, off-premise advertising can be done in a prescribed manner.

In determining what qualifies as a Unified Commercial Development, staff considered multiple factors and issues including common ownership of the lots, the definition of the State Code for Highways, the concept of common access, and whether the entire property is contiguous. Ultimately, staff agreed on a definition of "contiguous" that was taken from the State Code and strengthened to describe lots that are next to one another and not cut off by an arterial roadway. The definition in the proposed Code provides staff with the criteria to determine the proper application of the sign restrictions.

Sign requirements for individual lots allow each lot to have its own pole sign. If the Unified Commercial Development area is 11 acres in size, it qualifies for one pylon sign. The SJP development is 89 acres in size, which could result in eight off-premise signs. Currently, the request is for two. It was clarified that land used for residential purposes cannot be used in the calculations. There was discussion about what can and cannot be advertised and the advantages and disadvantages. It was noted that Pleasant Grove is the first municipality to have a requirement that allows for off-premise advertising. They are trying to be proactive versus reactive and the limitations provided give staff the necessary criteria to determine applicability.

Administrator Darrington commented that much of this effort has been driven by SJP and time should be given to their representative to express why they seek the change. The City's primary concern is how many signs the City Council is comfortable with. Each business can have its own sign and what the City allows SJP to do opens the door to others.

SJP Representative, Marty Beaumont, reported that they have been working with staff for several months to resolve this issue. Photographs of Valley Grove 6 were displayed. Mr. Beaumont stated that they are moving forward with their development. SJP largely agrees with the definitions in the proposed ordinance with two minor points. First, with regard to the road issue, the Code states that Unified Commercial Development cannot be split by an arterial road or highway but can be

split by local or collector roads. If the development is defined by areas with roads, the area would be split into four. If there were no roads involved, there would only be one parcel. He did not think there would be a problem because the Unified Commercial Development requirement contains all other requirements that have been identified to regulate the signage. For example, it must be commercial property, have a common Development Plan, include phased development, be contiguous, hold itself out as a common development, and receive approval from Pleasant Grove City. For Valley Grove, it can meet all requirements with the exception that they cannot advertise across the road. He suggested that the definition of "contiguous" of "local or connector road" be removed so that no public or private road can be used to split the property.

The second issue pertained to ownership and shared access. Their development is largely subdivided into an individual LLC, which creates issues with the meaning of shared access. If the definition includes shared access, those roads become boundaries for shared access and parking areas.

There was discussion regarding the concepts of ownership, contiguous property, and parking. Director Cardenas stated that the matter was reviewed by the Planning Commission who had concerns about the shared assets as they pertain to parking and common areas. It was suggested that the matter be reviewed further. Staff reevaluated the points raised and modified the Code to use the arterial road boundaries, which breaks the area into three areas instead of nine.

It was noted during the discussion that electronic signs are seen as valuable as they highlight the businesses in a particular area. It was suggested that the Code be revised to add a provision regarding off-premise advertising on electronic signs. Administrator Darrington stated that if future issues develop following adoption, the matter could be managed through a Development Agreement. There was discussion regarding the pros and cons of removing the wording requested by SJP. Administrator Darrington stated that their intent is not to limit SJP, however, they were concerned about other developers opting for off-premise advertising.

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

ACTION: Council Member Jensen moved to ADOPT Ordinance 2023-24 Amending City Code Section 10-19: Signs and Outdoor Advertising. The applicant is proposing to make changes to the Sign Ordinances to permit two new signs in The Grove Zone. (City Wide). Council Member Bullock seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes; Motion carried unanimously.

B. Public Hearing to Consider for Adoption Ordinance (2023-27) Amending City Code Section 10-12B-2, Permitted, Conditional, and Accessory Uses, by Modifying the Provisions and Requirements for Permitted Principal Uses within the Manufacturing Distribution (M-D) Zone, to Permit Use #7600 (Parks). (City Wide) (Pleasant Grove City, Applicant).

Director Cardenas presented the Staff Report and stated currently, parks are not listed as an Approved Permitted Use in the Manufacturing Distribution ("M-D") Zone. The proposed

ordinance adds that use to the Zone. The matter was heard before the Planning Commission which recommended on a 3-to-2 vote that the proposal be forwarded to the City Council. The dissenting votes were based on the view that the change should be made by creating a new zone. Director Cardenas reported that creating a new zone would be onerous because of time requirements.

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

ACTION: Council Member Andersen moved to ADOPT Ordinance 2023-27 Amending City Code Section 10-12B-2, Permitted, Conditional, and Accessory Uses, by modifying the provisions and requirements for permitted principal uses within the Manufacturing Distribution (M-D) Zone, to Permit Use #7600 (Parks). (City Wide). Council Member Jensen seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes. Motion carried unanimously.

9) **ACTION ITEMS READY FOR VOTE**

- A. **To Consider for Adoption a Resolution (2023-052) Authoring the Mayor to Declare a 2016 Ford F-150 Crew Cab Truck and a 2016 Ford F-150 Extended Cab Truck as Surplus and Direct that they be Disposed of According to the City's Policy for Disposing of Surplus Property. *Presenter: Director Winterton.***

Public Works Director, Neal Winterton, reported that the above request is for two City vehicles to be sold as surplus. As the value exceeds the administrative authorization of \$5,000, approval of the City Council is required.

ACTION: Council Member Jensen moved to ADOPT Resolution 2023-052 Authoring the Mayor to declare a 2016 Ford F-150 crew cab truck and a 2016 Ford F-150 extended cab truck as surplus and direct that they be disposed of according to the city's policy for disposing of surplus property. Council Member Cyd LeMone seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes. Motion carried unanimously.

- B. **To Consider Re-Adoption of Ordinance (2023-17) to Adjust the Common Boundary between Pleasant Grove City and American Fork City. The Proposed Area to be Adjusted is Owned by Bruce C. Black and Monica R. Black or their Successors as Trustees of the Black Family Trust Dated April 21, 2021. Located at Approximately 1600 West 2000 North, Pleasant Grove, Utah, and Providing an Effective Date. *Presenter: Administrator Darrington.***

Administrator Darrington reported that the above matter has been heard by the City Council previously. The County required two actions to fully resolve the matter including annexation and a boundary adjustment. The annexation occurred three weeks ago. The proposed ordinance adjusts the common boundary.

ACTION: Council Member Andersen moved to RE-ADOPT Ordinance 2023-17 to Adjust the Common Boundary between the cities of Pleasant Grove and American Fork. The proposed area to be adjusted is owned by Bruce C. Black and Monica R. Black or their successors as Trustees of the Black Family Trust dated April 21, 2021, for property located at approximately 1600 West 2000 North, Pleasant Grove, Utah, and providing an effective date. Council Member LeMone seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes. Motion carried unanimously.

10) ITEMS FOR DISCUSSION

A. Continued Items from the Work Session if needed.

i. Murdock Canal Trail Discussion.

Administrator Darrington reported that Council Member Jensen requested discussion regarding speeding and the use of e-bikes on the Murdock Canal Trail. The trail supports all activities ranging from walking to operating motorbikes. Pedal bicycles have been used on the trail since its inception. Lately, however, e-bikes have been used more frequently and there has been an increase in speeds that have resulted in conflicts. It was noted that the trail is not wide enough to accommodate the various users and the City does not have regulatory control over the trail.

Bicycles are not regulated by the County and the County's solution to the issue of speed was to post 15 MPH speed limit signs, which put the burden on the City to enforce. People on pedal bikes can travel faster than 15 MPH. Council Member Jensen was concerned about the City being put in a position to have to write tickets to people who exceed the speed limit and asked for feedback from Police Chief, Keldon Brown, and the City Council. Complaints should be forwarded to Chief Brown and reckless behavior should clearly be addressed.

Chief Brown stated that the Police Department responds to issues proactively or reactionarily. With regard to issues on the Murdock Canal Trail, their response has been reactionary. There have been accidents and complaints on Murdock Trail to which they have responded. Issues have increased and e-bikes are capable of faster speeds. They first had problems with bikers running stop signs at the 1100 North crossing. Those have increased with issues on the roadways in between. Issues have been raised through Facebook and social media posts, which created a dialogue on the topic. His position was that the police need to be active to avoid problems. He commented that it is possible to have a Ranger, who can write citations, be assigned to the area. They also are looking into purchasing e-bikes for the trail. They want to have a plan in place to address the issue in the spring. He also would appreciate being advised of any issues so that they can plan accordingly. It was noted that motorization creates a danger.

Council Member Andersen asked about marking the trail to define areas between walkers and cyclists. Administrator Darrington stated that those types of markings would be the responsibility of the County. There was discussion about the advantages and disadvantages of marking and regulating the trail. Chief Brown stated that pedal assist, throttle-assist, or throttle bikes can travel between 20 and 28 MPH, and scooters and e-motorcycles can travel at up to 40 MPH. Such vehicles are not regulated, and the State does not consider e-bikes to be motor vehicles.

There was discussion about the use of types of e-bikes on trails and public streets. Chief Brown stated that they are assessing the issues and doing what is being done in other communities. The issue was to be discussed further at the Retreat.

ii. Discuss the Strategies and Progress of Moderate-Income Housing.

Administrator Darrington reported that the City is required to submit a Moderate-Income Housing Report annually. It initially included five moderate-income housing strategies and was found to be compliant on four of the five, which resulted in the City being compliant. It does not, however, qualify for priority transportation funding.

Director Cardenas reported that the City is required to submit only three criteria. They provided five in an effort to qualify for the priority funding. If they want to seek that qualification, they will need to submit something by January 28, 2024, for approval. He will advise the City Council of their progress on submitting the fifth criterion again. He noted that the City has done well in this regard.

iii. Staff Business.

Fire Chief, Drew Engemann reported on the following:

- There was a Fire Safety Fair to which 250 youth were in attendance. They are aiming to make it a yearly event.
- October was Fire Safety Month and various activities took place.
- Firefighter Training took place recently at the Pipe Plant. There was also a Citizens Academy that included a car-cutting demonstration and working with car fires.
- There are two staff members still in camp, but the department is fully staffed. Another camp was scheduled for February.

Recreation Director, Megan Zollenger, reported on the following:

- Staff is working to complete the pool planning.
- A yearly Planning Meeting is scheduled to address the events for the following year.
- The Department remains busy.
- Flag football is about to end, and Jr. Jazz basketball will start soon.

Community Development Director, Daniel Cardenas, reported on the following:

- City Employee, Barbara Johnson, will soon be retiring. There is an internal hiring process and Kara Kresser has been selected to replace her. A party in Ms. Johnson's honor was planned.

Parks Director, Deon Giles, reported on the following:

- Parks has been busy with working on the "G" and hanging Christmas lights.

- The e-coli warning was to be reduced at the Manila Pond to an e-coli watch. Two negative tests in a row were needed but they won't be testing in the winter.
- Photos of G Mountain are to be used by various companies and agencies.

Library and Arts Director, Sheri Britsch, reported on the following:

- The Veterans Day Program is scheduled for November 11.
- A letter was read awarding the Library with a \$100 donation as a "Hometown hero."
- Completion of the Old Town Hall was anxiously anticipated.

Human Resources Manager, David Packard, reported on the following:

- City Recorder, Kathy Kresser's position remains open. They will look at applications on Thursday.
- A new police officer was to begin work on Monday.
- Both the Fire and Police Departments are fully staffed.

Police Chief, Keldon Brown, reported on the following:

- The Holiday Season can be stressful for many, and they are paying attention to the mental health of City employees.
- David Connell was introduced as a recent hire.
- He hiked up G Mountain and saw the work that was done. Thanks was expressed to all for getting it done.

Public Works Director, Neal Winterton, reported on the following:

- Staff was complimented for being customer-service-related and doing a great job every day.
- The City Cleanup involved a significant amount of debris. Work continued in the area.
- Staff was in the process of conducting an inventory of every water service and creating a report that was expected to be completed by October 2024.
- Time was spent with the Spectrum Academy the previous week regarding work that needs to be done.
- A Boulevard Well Pre-Bid Meeting took place and bids were expected to be opened next month.
- The area from 2600 North to 600 West was expected to be finished in the spring.
- A contractor for the 600 West Sidewalk Project has been hired to install the pipe. Sidewalk installation was to occur next.
- Staff was working on trip hazards on Main Street.
- Street sweeping was underway but was dependent on the weather.
- Staff is installing communication all over the water facilities and the Peterson Well is being scrubbed and rehabilitated.

- The design of the Pavement Rehabilitation portion will soon be done for 500 East, 200 West, Center Street, 700 East, Orchard, and Locust. The project cost is expected to be \$400,000 to \$500,000.
- The 1160 North Sewer Project is very large and will include new sidewalks and a new roadway.
- Nathaniel Drive from the trail to the tank and down to Locust will likely involve complaints about dust and require detours next year.
- The 4000 North Project is a funded MAG project to widen the road. The design work is now underway. They will need a commitment from the City Council to use the powers of eminent domain.
- The final plat was to be submitted for 600 West, which is a multi-million project. It was noted that this may involve the use of eminent domain.
- The City Council was commended for having the ability to fund and do projects. This will secure years of road, sidewalk, and infrastructure stability.

Mayor Fugal reported that there is a group in the community that claims that Pleasant Grove is underfunding roads.

Finance Director, Denise Roy, reported on the following:

- The Auditor completed the on-site work this past week and will be in the City next Monday and Tuesday.
- The Directors were thanked for getting the information to her so that she could begin writing the report.

Assistant to the City Administrator, Kyler Brower, reported on the following:

- The Old Town Hall Remodel was expected to be completed early next week. A Ribbon Cutting was planned.
- Communication projects were to begin.
- Mr. Brower was working with IT on the internet and getting UTOPIA to various key locations.

11) **REVIEW AND DISCUSSION OF THE DECEMBER 5, 2023, CITY COUNCIL MEETING AGENDA**

Administrator Darrington reported that staff will be canvassing the election and adopting the public meeting schedule for 2024. There was to be further discussion about the City logo at an upcoming Work Session.

Calendaring events included the Veterans Memorial Program to take place on Saturday at 11:00 a.m. The Christmas Tree Lighting was to take place on November 27 at 6:00 p.m. The Staff and City Council Christmas Party was scheduled for November 30, 2023, at 6:30 p.m.

The last meeting for the year will be held on December 5, 2023.

12) MAYOR AND COUNCIL BUSINESS.

Council Member Jensen reported that he heard some good things from City Directors and was excited to see volunteers. He was surprised to hear claims that the City is not paying for its portion of the road and stated that a great deal of money has been spent on City streets. In addition, comments on property taxes failed to acknowledge the addition of two full-time police officers and two full-time firefighters. Attending public meetings will help citizens better understand what goes on in the City. The City Council is dedicated to serving the community. Property tax funding provides competitive police wages, Library services, the Literacy Center, and parks. Mental health is important to the City, and parks play an important role in that. City services are important.

Council Member Andersen stated that the City Council made important decisions and is now having to defend itself. She listened to the reports and stated that people do not understand that there are strings attached to every dollar spent. Money can only be spent in certain areas and Finance Director, Denise Roy, makes sure that money is being correctly spent. Many incorrectly feel that City Council Members do not live in Pleasant Grove. She was proud of the great decisions the City Council has made and was pleased to serve.

Council LeMone agreed with the previous Council comments. Her son plays flag football on the Discovery Park ball field because there are no football fields in the community. He is active in recreation department sports. She hears complaints that the City only has pickleball courts. She noted that she does not use all of the recreational facilities but that does not mean that she does not think they are valuable. She wants the community to have access to such facilities and will vote for a park to give people access to sports. The fact that youth are playing pickleball at the Recreation Center should be applauded because it means that they are involved and active. She was happy to contribute to the whole. Knowing there is a lack of public attendance at City Council Meetings confirms that the complaints are coming from people who do not attend. She urged citizens to attend meetings and voice their concerns. She was frustrated by the response to the park and did not appreciate being called a thief. She stated that the City Council is moving forward to do what is best for the community.

Council Member Bullock agreed with the previous comments and stated that it has been an exciting six weeks. Many citizens wait for things to happen and then complain that the Council got it wrong. One of the citizens called him a Democrat and Socialist because he felt that money should not be spent unless it was for fire, police, or roads. He stated that he would not be present at the December 5, 2023, Meeting and apologized for his absence.

Mayor Fugal commented that the City Council has done a great job and thanked them for their support. The City has moved forward, and major inroads have been accomplished.

13) SIGNING OF PLATS.

14) REVIEW CALENDAR.

15) **ADJOURN.**

ACTION: At 8:22 p.m. Council Member LeMone moved to ADJOURN. Council Member Andersen seconded the motion. City Council Member vote: Dianna Andersen, Yes; Brent Bullock, Yes; Eric Jensen, Yes; and Cyd LeMone, Yes; Motion carried unanimously.

The City Council minutes of November 7, 2023, were approved by the City Council on December 5, 2023.



Kathy T. Kresser, MMC
City Recorder

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

