

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Tuesday, May 7, 2024
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Eric Jensen
Cyd LeMone
Steve Rogers
Todd Williams

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks Director
Wendy Thorpe, City Recorder
Drew Engemann, Fire Chief
Neal Winterton, Public Works Director
Kyler Brower, Assistant to the City Administrator
Keldon Brown, Police Chief
David Packard, Human Resources Director
Megan Zollinger, Recreation Director
Daniel Cardenas, Community Development Director
Amber Ard, Library

Excused: Dianna Andersen, City Council Member
Tina Petersen, City Attorney
Sheri Britsch, Library and Arts Director

The City Council and staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah. NOTE: The work session was cancelled.

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. and welcomed those present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Fire Chief, Drew Engemann.

3) **OPENING REMARKS**

The opening remarks were offered by Public Works Director, Neal Winterton.

4) **APPROVAL OF MEETING AGENDA**

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

5) **OPEN SESSION**

Lon Lewis addressed the recent School Board Meeting he attended and the City’s representations made at that meeting. He was concerned that the City Council’s opinion on the Interlocal Agreement does not reflect the citizens’ desires. He thinks Orem may sign its’ own Interlocal Agreement without the other cities and commented that Pleasant Grove was adamant about not signing one. He claimed that they all know why and should consider the message as sent. They should also be concerned about the District’s lack of commitment based on the votes heard at the meeting. There seem to be numerous issues and it was short-sighted for the City to be so deliberate. Based on the Alpine School District’s lack of commitment and what they want, they are waiting to see what others do first. Secondly, the City Council should not approve the budget tonight because there is a lot of proposed spending that is unnecessary. The City needs to be concerned about needs versus wants as costs increase.

Chad Hunsaker had some of the same concerns as were expressed by Mr. Lewis. The decision to not participate in an Interlocal Agreement was hasty because it was made without study. The decision is months away and the City Council has made voter input about any proposal “dead on arrival”. He commented that the City Council is ignoring the 10 other unanimous decisions to form Interlocal Agreements. The idea that the District will save them is something even the Superintendent does not think is possible. Senator Grover indicated that an Interlocal Agreement will almost certainly take priority for putting initiatives on the ballot, which, to him, means that it is unlikely that the Alpine School District will have anything on the ballot. No one seems to know what conflicting items will be on the ballot. He knows that the City Council will not change its mind but he would be remiss if he did not warn them that the result might be a detriment to the City. The citizens have not had the opportunity to express their opinions and vote but instead are left with the City Council’s opinion as their only option.

Courtney (last name not provided) acknowledged the humility of the City Council and stated that this situation is unprecedented. Deciding to defer to the School Board and School District is the best option, as they are the experts. They are elected to make decisions on education. She appreciated that the City’s position at the prior meeting was to let the Board provide the information and then make decisions.

Tamara Oborn supported the comments made by Courtney. There is a large group of citizens who are grateful for the decisions made to not enter into an Interlocal Agreement. Some of the decisions are not ones citizens get to make. Sending the message that they want to stay with Lehi will be

beneficial for the campaign moving forward and give residents an opportunity to weigh in. She appreciated that an Interlocal Agreement sends a message that some want to be their own school district, but that is not the case for everyone. As a parent of young children and as a teacher, she was not speaking for the District and appreciated the kindness and friendliness present at this meeting. She acknowledged that they will need to work together.

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

6) **CONSENT ITEMS**

- A. **City Council Minutes:**
City Council Minutes for the March 5, 2024, Meeting.
City Council Minutes for the March 21, 2024, Special Meeting.
City Council Minutes for the April 9, 2024, Meeting.
- B. **To Consider for Approval Payment No. 1 to Pronghorn Construction, Inc. for the Orchard Drive and Locust Avenue Safe Sidewalks Project.**
- C. **To Consider for Approval Payment No. 1 to Geneva Rock Products, Inc. for the 2024 Pavement Preservation Project.**
- D. **To Consider for Approval Payment No. 2 to J. Lyne Robers and Sons, Inc. for the BLVD Well Facilities Project.**
- E. **To Consider for Approval Payment No. 9 to BD Bush Excavation, Inc. for the 1300 East Street and Utility Improvement Project.**
- F. **To Consider for Approval Payment No. 1 to Pronghorn Construction, Inc. for the 2024 C & G and Sidewalk Project.**
- G. **To Consider Approval of Payment Reports for May 2, 2024.**

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

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

- A. **None.**

8) **PRESENTATIONS**

- A. **None.**

9) **PUBLIC HEARING ITEMS**

- A. **Public Hearing: Code Text Amendment – Section 10-18-2-B and Section 10-18-4.**
(City Wide)
Public Hearing to Consider an Ordinance (2024-11) to Amend City Code Section 10-18-2-B: Parking Design Standards and Section 10-18-4: Diagrams, by

Modifying the Depth Requirements for Parking Stalls within the Downtown Village Zone, Applicant – Drew Armstrong. *Presenter Director Cardenas.*

Community Development Director, Daniel Cardenas, presented the Staff Report and stated that the applicant is seeking a Code Text Amendment that modifies only the parking stall depth requirement within the Commercial Mixed-Use portion of the Downtown Village Zone. The subject property was identified on an Aerial Map displayed. The amendment does not alter the parking space ratio requirement or apply to parking stalls that abut sidewalks or planters because those stalls are already, by definition, 9' x 18'. It applies to head-to-head parking stalls, which currently are required to have a depth of 20 feet.

The factors considered in recommending this modification include the following:

- 90% of the nearby cities use the 9' x 18' dimension for all mixed-use and commercial area parking stalls. The nearby cities that have the 9' x 20' dimensions do not have downtowns. He measured stall depth in Lehi, American Fork, Draper, and Murray and found all to have stalls that have a depth of 18 feet.
- Staff research on the issue found that reducing the parking length by two feet has no impact on the parking needs for a site.
- It is common for downtown areas to have smaller parking stalls. There are areas in Salt Lake City with stall lengths of 16 feet or smaller.
- This type of reduction has been done before. In 2016, parking stall depth was reduced in the Interchange Subdistrict near the freeway.

Staff did not recommend this type of change for the manufacturing zone or areas that use different-sized vehicles. The downtown, however, appears to be appropriate, according to planning principles, for this change.

The request was reviewed by the Planning Commission who forwarded a unanimous recommendation of approval. Staff also recommended approval. It was noted that the emergency route widths are not being modified. He agreed that there was a previous discussion about this type of change for the entire City when the parking depth for the Interchange Subdistrict was under consideration and found to be inappropriate for the entire City at that time.

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

ACTION: Council Member Williams moved to ADOPT Section 10-18-2-B and Section 10-18-4 and APPROVE Ordinance 2024-11 to Amend City Code Section 10-18-2-B: Parking Design Standards and Section 10-18-4: Diagrams, by Modifying the depth requirements for parking stalls within the Downtown Village Zone. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Jensen, Williams, LeMone, and Rogers voting “Yes”.

10) **ACTION ITEMS READY FOR VOTE**

- A. To Consider for Adoption a Resolution (2024-21) Adopting the Pleasant Grove City Tentative Budget for the Fiscal Year beginning July 1, 2024, and Ending June 30, 2025, which includes the Comprehensive Fee Schedule; and providing for an Effective Date. *Presenter: Director Roy.***

Finance Director, Denise Roy presented the above Resolution and stated that a utility rate change has been made since the City Council received the packet the previous day. It was reflected in the current budget. The change was included in Dropbox. Director Roy then highlighted specific portions of the proposed Budget document as follows:

- Page 3 contains a consolidation or summary of all revenues and expenses.
- Page 4 contains an Executive Summary that addresses some revenues, fees, operational expense changes, and capital project dollars. Budgeting for 2025 includes the General Fund of nearly \$4 million, Road Funds of nearly \$6 million, and Enterprise Funds of over \$6 million.
- The one-pager (on page 5) remained unchanged.

The rest of the document provides detailed budget information that the City Council had not yet seen. Details were included regarding revenue information, expenses in the General Fund, salary and wage benefits, and operating expenditures. That information will be available for all the divisions in the General Fund and for all other funds. When the Enterprise Funds are reviewed, the detailed projects equal \$6 million. The General Fund information (which is referred to as one-time money), has been seen numerous times and was on page 25. The document contains a table of contents.

The change for the Utility Rate was set forth on page 49 and contains the proposed utility increases. The increase for the culinary water and storm drain is about what the Consumer Price Index (“CPI”) does to adjust costs as the City’s operating costs are increasing. They are trying to keep the increases minimal but for sewer, they are looking at \$9.45.

Director Roy reported that although the City Council has discussed this fee, some clarification seemed to be warranted. The Timpanogos Special Service District (“TSSD”) is passing on a 40% increase to Pleasant Grove, which equates to \$100,000 per month. The City, therefore, needs to generate \$1.2 million to be paid to TSSD, which is why a fee increase is required. The utility bill has three line items, broken down as follows:

- A base fee of \$18.59 per month, which is what Pleasant Grove keeps for its other operations. The proposal was to keep that fee the same.
- The second line is a monthly TSSD base fee, which they also propose to leave at \$8.00 per month.
- The change proposed will be on the third line which is a usage fee. The City is proposing that the fee be increased from \$2.32 per 1,000 gallons to \$4.00 since much of the cost comes from usage.

The actual proposal is spelled out in the Fee Schedule on page 48. There was a comment that this is what happens when an organization does not raise rates for long periods. Director Roy reported that TSSD began charging that increase in January, and from January through June, they will use some fund balance to cover the cost until the fee schedule is adopted.

Council Member Rogers asked if the City considered raising the TSSD base fee incrementally and increasing the usage fee by a smaller amount. If so, he questioned why they decided to put all of the increase in usage. Director Winterton explained that because TSSD charges strictly by volume, it makes sense to apply the operational increase to the volume used. If the increase had been because of a bond or debt payment, a fee increase would be more consistent. To stay consistent, the increased charge is borne by those who use more, which was why that decision was made.

Council Member Rogers asked if an analysis was performed to determine if it is feasible to raise the TSSD fee by a fixed amount and lower the usage rate and still generate the amount needed to cover the increase. Director Winterton explained that there are about 9,000 accounts. That solution would, in effect, cause people using less than the average 5,000 gallons per month, to be required to pay incrementally more for their water use. It makes more sense to put it on the consumption production rate. Administrator Darrington added that staff prefers to keep the increase in usage as that appears to be fairer. They know that use increases with TSSD, and the base rate, which is set in place, does not capture that extra revenue that they need to pay. This proposal ties the raise directly to usage and makes it easier if the usage continues to increase. Director Roy explained that the amount collected is a break-even amount. The intent is to pass through the charge increase of TSSD to the customers. This approach allows the City to explain the basis for the raise. Customers can then call TSSD to further discuss why rates were raised.

Mayor Fugal asked about irrigation issues north of Manilla Pond as they irrigate with culinary water. It was noted that there is a different culinary fee schedule for that area. Director Winterton explained that once they have one or two years' worth of data on the secondary meter use, they intend to do a fee study of across-the-board water and sewer usage. There was continued discussion about the possibility of different types of metering to tier rates. The rates need to cover operations, capital projects, and debt. Director Winterton stated that it is his job to present a Capital Projects Plan to the City Council.

Director Roy stated that per the State Code, the City is required to adopt a Tentative Budget that can then be amended. Administrator Darrington also stated that the Redevelopment Agency ("RDA") Tentative Budget also needs to be adopted tonight. There is a Local Building Authority ("LBA") in conjunction with Hale Center Theater that may also require action this week.

ACTION: Council Member Williams moved to ADOPT Resolution 2024-21 Adopting the Pleasant Grove City Tentative Budget for the fiscal year beginning July 1, 2024, and ending June 30, 2025, which includes the Comprehensive Fee Schedule; and providing for an effective date. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Jensen, Williams, LeMone, and Rogers voting "Yes".

B. To Consider a Request from Kevin Watson for a Commercial Site Plan for a Drive-Thru Restaurant, located at 1712 West Pleasant Grove Boulevard in the Grove Zone – Interchange Subdistrict. *Presenter: Director Cardenas.*

Director Cardenas reported that the above item is a request for approval of a final commercial site plan. The area was identified on an Aerial Map displayed and is what he considers the busiest intersection in the City. An image of the proposed drive-thru restaurant was also shown.

The following points were made:

- Parking for the restaurant is very important. Parking requirements for restaurants are determined using two different methods. The first method is to determine the number of seats in the restaurant. The second is to determine gross floor space, excluding kitchen and storage space. For this commercial space using the first method, 37 parking stalls would be required. 45 spaces would be required for the general floor space calculation. The applicant used their own market calculations and is proposing 62 spaces, which well exceeds either City calculation.
- Restaurants are a permitted use in the zone.
- The proposed restaurant requires a long drive-thru and the site plan provides one of the longest two-lane drive-thrus he has seen.
- The Landscaping Plan was briefly described and identified as already including the changes required to accommodate the North County Boulevard extension following discussions with the Utah Department of Transportation (“UDOT”).
- Elevations for the site were shown.

Director Cardenas reported that all of the requirements have been met or exceeded. Following approval, a Building Permit will be the next step. The Planning Commission unanimously recommended approval of the site plan. Staff recommended approval.

ACTION: Council Member Jensen moved to APPROVE the request from Kevin Watson for a Commercial Site Plan for a drive-thru restaurant located at 1712 West Pleasant Grove Boulevard in the Grove Zone – Interchange Subdistrict. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Rogers, Jensen, LeMone, and Williams voting “Yes”.

Representatives from 4G Development commented that the opening is anticipated for the Spring or Summer of 2025. They were excited to be part of Pleasant Grove.

ACTION: At 6:50 p.m. Council Member Jensen moved to ADJOURN the City Council Meeting to reconvene as the RDA. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Jensen, Williams, LeMone, and Rogers voting “Yes.”

At 6:54 p.m. the City Council reconvened and continued the City Council Meeting.

11) ITEMS FOR DISCUSSION

A. Continued Items from the Work Session if needed.

Police Chief, Keldon Brown, reported that the Police Department was involved to a small degree in the incident in Santaquin. He watched the incident unfold Saturday morning. Dispatch received confusing information and was informed that someone was hanging on the back of a moving semi-truck. A traffic stop of the vehicle was made by the Utah Highway Patrol (“UHP”) with the assistance of Santaquin police officers. Upon arrival, a female exited the truck. As they tried to assess the situation, the driver took off. He then made a U-turn on the freeway and drove back in the direction of the officers, hitting and killing one officer. The suspect then abandoned the truck and fled. He then stole another semi-truck and took it to Mona City, where he stole a pick-up truck. He then went to Mount Pleasant and stole another vehicle. The subsequent manhunt lasted four to five hours until the suspect was spotted near Vernal. UHP gave chase at up to 100 MPH, pinned the suspect, and took him into custody. Chief Brown stated that this was a horrific situation that could have been much worse. He warned of the dangers that exist for officers. The Department will support the Officer’s family. The Officer will be laid to rest next Monday. He commended the Fire Department and others in the City who assisted in supporting the procession and transporting the Officer’s body to the Medical Examiner’s Office and then back to Santaquin. Along the way, the overpasses were filled with the citizens and others paying their respects. He was pleased to see such community support.

REVIEW AND DISCUSSION OF THE MAY 21, 2024, CITY COUNCIL MEETING AGENDA.

Administrator Darrington reported that the next Work Session will include a Fire Department Rescue Recognition that occurred a few weeks prior in Cedar Hills. Chief Engemann will discuss the incident and at least one firefighter will be recognized. The design for an area entry sign for the Cook Family Park will also be presented to the City Council for input. The Miss Pleasant Grove Royalty will also be present to introduce themselves.

12) MAYOR AND COUNCIL BUSINESS.

Council Member Williams reported that he has a two-year-old grandson visiting who is obsessed with fire trucks, police trucks, and skid steers. He asked for help from both Chiefs and the Mayor to find a skid steer.

Council Member Rogers reported that public comments were received about the School District Meeting and he encouraged anyone who was not present to watch the meeting. He stated that it was clearly laid out why entering into an Interlocal Agreement was a bad idea. It was not a hasty decision and the City Council understands the options. A lot of research has been done on this issue. At the meeting, Board Member Wilson gave a wonderful presentation that explained why the City took the position it has. Administrator Darrington commented that a video of the meeting is available on Orem City’s website. The Alpine School District public hearing dates are also posted with the City’s response.

Mayor Fugal thanked all for their comments and stated that residents will have an opportunity to vote and need to educate themselves about what the best decision is for residents and students.

13) SIGNING OF PLATS.

14) REVIEW CALENDAR.

For calendaring, the following dates were provided:

- The School District Office will hold meetings at 2:00 p.m. and 4:00 p.m. the following day to discuss the latest financials pertaining to the potential split. The same information will be provided at both meetings.
- A Ribbon Cutting is scheduled for CC Bank on State Street on Friday at 2:00 p.m.
- An annual Fox Hollow Meeting was to take place Thursday, May 16 at Fox Hollow.

15) ADJOURN.

ACTION: At 7:04 p.m. Council Member Williams moved to ADJOURN. Council Member Rogers seconded the motion. The motion carried unanimously with Council Members Jensen, Rogers, and Williams voting “Yes”.

The City Council minutes of May 7, 2024, were approved by the City Council on _____, 2024.

Wendy Thorpe, CMC

City Recorder

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