

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
October 6, 2020
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone
Todd Williams

Staff Present: Scott Darrington, City Administrator
Daniel Cardenas, Community Development Director
Deon Giles, Parks Director
Tyler Wilkins, Recreation Director
Tina Petersen, City Attorney
Kathy Kresser, City Recorder
Marty Beaumont, Public Works Director
Kyler Ludwig, HR Director
Mike Roberts, Police Chief
Dave Thomas, Fire Chief
Denise Roy, Finance Director

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. All Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney, Tina Petersen.

3) OPENING REMARKS

The opening remarks were offered by City Council Member Brent Bullock.

4) APPROVAL OF MEETING AGENDA

ACTION: Council Member Bullock moved to approve the agenda, as written. Council Member Andersen seconded the motion. The motion carried unanimously with Council Members, Andersen,

Bullock, Jensen, LeMone, and Williams voting "Aye".

5) **OPEN SESSION**

There were no public comments.

6) **CONSENT ITEMS**

- a. **City Council Minutes:
City Council Minutes for the September 1, 2020 Meeting;
Joint City Council and Planning Commission Minutes for the September 8, 2020 Meeting; and
City Council Minutes for the September 15, 2020 Meeting.**
- b. **To Consider Approval of Final Change Order and Final Payment for S&L Incorporated for the Battle Creek Rehabilitation Project.**
- c. **To Consider Approval of Payment Approval Reports for September 23, 2020.**

ACTION: Council Member Jensen moved to APPROVE the Consent Items. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye".

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

There were no public hearing items.

10) **ACTION ITEMS READY FOR VOTE**

- A) **Continued Item: To Consider for Adoption a Resolution (2020-057) Authorizing the Mayor to Execute a Development Agreement with Dennis Jay Hullinger and Marietta M. Hullinger Regarding the Deferral of the Construction and Installation of Certain Street Improvements on 4000 North Pleasant Grove Boulevard, Utah County, Utah; and Providing for an Effective Date. *Presenter: Director Beaumont.* Continued from the September 15, 2020 Meeting.**

Public Works Director, Marty Beaumont reported that staff is working on a Development Agreement with the Hullingers located on 4000 North. There is a future project that is funded by the Mountainland Association of Governments ("MAG") and is ready for construction, that project will widen and improve the entire 4000 North roadway between 100 East and 900 West. The 4000 North Harvey Boulevard Project was approved by the Tech Committee, Mayors, and the Wasatch Front

Regional Council ("WFRC"). The current issue involves the applicants creating a building lot for their daughter. In the process, they must install improvements on the road per City's ordinances. Director Beaumont pointed out that the challenge is that the road contains a crossroad from one side to the other. Typically, a road has a crown in the middle. He explained that requiring the Hullingers to install the required street improvements now would require them to install improvements that will be shortly torn up and redesigned. Building something higher than the expected elevations, and adding asphalt would be a waste of time and money.

Director Beaumont explained that after consultations with Administrator Darrington and Attorney Petersen, the best option was to enter into a Development Agreement, which would postpone the requirement for the road improvements and allow them to be built with the reconstruction of the MAG project. He suggested there be curb, gutter, sidewalk, asphalt, an irrigation ditch, and a storm drain infrastructure at a cost of approximately \$42,000. If the City is paid 50% of the total cost, they would take the MAG funding and ensure that the improvements are completed. Director Beaumont confirmed that if the Council approves and signs the agreement, the City will receive \$21,000 and relieve the property owners of the responsibility of completing the frontage improvements. The City will then make sure the improvements are installed with the MAG funded project.

In response to a question raised by Council Member Jensen, Director Beaumont explained that the City's matching portion is not a 100% grant. The City is required to pay a certain percentage toward the project. Since the City will be taking on the responsibility of the frontage he felt that 50% was a fair cost. He further explained that the property owner is saving up to \$21,000 in improvements that are required as part of the development of the new home.

Council Member Andersen asked if this was the connector to the road that will go all the way down. Director Beaumont explained that Harvey Boulevard at 900 West goes to below Lone Peak on North County Boulevard. He confirmed that the road construction will be completed this fall. The road was highly prioritized in the MAG funding because it will create an east-west connector to the Alpine Highway.

ACTION: Council Member Williams moved that the City Council Adopt Resolution (2020-057) authorizing the Mayor to execute a Development Agreement with Dennis Jay Hullinger and Marietta M. Hullinger regarding the deferral of the construction and installation of certain street improvements on 4000 South Pleasant Grove Boulevard, Utah County, Utah; and providing for an effective date. Council Member Bullock seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye". The motion carried unanimously.

- B) To Consider for Adoption a Resolution (2020-058) Amending the Personnel Policies and Procedures Previously Approved by the City Council, specifically, Amending Section XIV "Benefits" Subsection 1 "Workers Compensation" and Subsection 5 "Continuing Education" to Provide Clarification and Updates Regarding Tuition Reimbursement and Injury Reporting Requirements and Making Other Technical Changes; and Providing for an Effective Date.**
Presenter: Attorney Petersen.

Attorney Petersen reported that she meets periodically with HR Director, Kyler Ludwig to discuss

the City's policy manual and other pertinent issues. She noted that there was an issue with the Workman's Compensation Policy concerning the clarity of when reporting needs to occur and who it needs to be reported to. The Work Med policy specifies that employees can go to any medical provider within the network. They can also seek local emergency care and be covered. Attorney Petersen explained that if they are receiving Workman's Compensation while they are off work for a Workman's Compensation claim, they must keep Director Ludwig informed so that they are not double paid by collecting Workman's Compensation and getting paid from the City by using sick time or vacation leave.

Attorney Petersen reported that the Tuition Reimbursement Policy is capped at \$1,000 per year. The current budget is \$15,000 per year. In response to a question raised by Council Member Jensen, Attorney Petersen explained that all unused funds are deposited back into the General Fund. She reported that the limit being proposed is now \$2,000 per year or \$1,000 per semester. Transcripts must be provided as proof and there is a deadline. The funds can be used only for tuition and fees. She further explained that the fund is not degree-specific and can be used for training. Administrator Darrington reported that tuition costs has increased dramatically over the years and he proposed that the amount be increased to \$2,000 a year.

ACTION: Council Member LeMone moved that the City Council adopt Resolution (2020-058) amending the personnel policies and procedures previously approved by the City Council, specifically, amending Section XIV "Benefits" Subsection 1 "Workers Compensation" and Subsection 5 "Continuing Education" to provide clarification and updates regarding tuition reimbursement and injury reporting requirements and making other technical changes; and providing for an effective date. Council Member Williams seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye". The motion carried unanimously.

- C) To Consider for Adoption a Resolution (2020-059) Authorizing the Mayor to Sign a Sewer Line Extension Development Agreement with Amsource and Econic Management ("Owner") regarding the installation of a Public Sewer Line extension through their private property las requested by City generally located at 931 West State Street, Pleasant Grove, Utah County, Utah; and Providing for an Effective Date. Presenter: Director Beaumont.**

Director Beaumont presented a map showing the State Street Crossing Project that was already under contract. He explained that the boring contractor is now available and work on the project will begin in one week. Director Beaumont reported that the project will begin at the lift station next to the water gardens. The contractor will bore from the railroad tracks to State Street. The line will cut through the parking lot and connect to Macey's main sewer line.

Director Beaumont reported that they approached Macey's to request that they take over ownership of the sewer line at the lift station and maintain it throughout their parking lot through an easement. He noted that the development agreement gives an easement for the pipeline up to where it enters Pleasant Grove Boulevard and back into the main system. He stated that Macey's recently sealed the parking lot and the project will result in a large trench being cut in the middle of their driveway. He further explained that the cost of the Development Agreement with Macey's is \$5,120 to cover for the new seal coat on the driveway.

Director Beaumont reported that Macey's agreed to grant the easement and dedication of the pipeline. This will benefit them in the long run because they will no longer have to maintain the main line. It is also an opportunity for the City to eliminate the sewer lift station.

ACTION: Council Member Andersen moved that the City Council adopt Resolution (2020-059) authorizing the Mayor to sign a Sewer Line Extension Development Agreement with Amsource and Econic Management ("Owner") regarding the installation of a Public Sewer Line extension through their private property as requested by City generally located at 931 West State Street, Pleasant Grove, Utah County, Utah; and Providing for an Effective Date. Council Member Williams seconded the motion. A roll call vote was taken with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting "Aye". The motion carried unanimously.

11) ITEMS FOR DISCUSSION

A) **DISCUSSION OF MILITARY DISCOUNTS ON CITY UTILITIES**

Administrator Darrington reported that the City received an inquiry from a resident regarding military utility abatement. The current program waives utility bills for service members who are deployed overseas. He noted that the policy was implemented five years ago. Few people take advantage of it but it is available. Administrator Darrington reported that a request has been received for a policy change for those deployed domestically to receive the same benefits to avoid having to pay their utility bill while they or their spouse are stationed elsewhere. Administrator Darrington reported that there are different types of leave within the military depending on whether someone is a reservist or full-time military. After receiving the request, he conducted research and sent an email to various cities and received 18 responses. He discovered that 11 of the cities that responded give discounts to military personnel. Of those 11, five give discounts to those deployed domestically. A few cities indicated that the deployed individuals must be in an active combat zone in order to qualify, whether deployed domestically or overseas. Administrator Darrington asked the Council if they wished to extend the discount to those who are deployed domestically or leave the policy as-is. Administrator Darrington clarified that in order to qualify for the discount a service member simply needs to present deployment papers.

Council Member LeMone felt that if someone is deployed, whether in the United States or overseas, they are away from their family and a utility bill is a burden to them. She asked what criteria are used when designing the policy. Council Member Bullock reported that he served in the National Guard for seven years and was employed. His employer paid his salary regardless of where he was deployed. Under the rule was in place, he was eligible for a promotion while he was away. He further explained that he did not suffer financially during his deployments.

Council Member Andersen asked if employers are required by law to pay service member employees that are deployed. Council Member Bullock responded in the affirmative. Council Member Andersen stated that the housing is also paid for those serving in the U.S. Air Force. Council Member Williams suggested that the Council study the reason behind changing the policy and determine if it due to a hardship or to support the military. He was in favor of waiving the fee to demonstrate the City's support for the military. He reported that his son was deployed overseas and it was better for him financially. He suggested that the Council discuss the discount as a form of supporting the military.

Council Member LeMone suggested that the military service member provide an explanation or documentation of the hardship to describe the reason for the waiver. Administrator Darrington stated that if a reservist's employer continues to pay a service member while they are deployed or called to active duty, there is no loss of revenue. Council Member LeMone felt that the Council should determine if the waiver is for hardship or as an expression of gratitude. Administrator Darrington stated that for a hardship claim, financial statements would have to be submitted. Council Member Andersen suggested that the Council consider if the employment has been terminated or not. Council Member Bullock explained that employment cannot be terminated according to the law.

Council Members Williams, Jensen, and Bullock were in favor of leaving the policy unchanged. Council Members LeMone and Andersen preferred that the policy be changed. Administrator Darrington suggested that the policy be written and brought back to the Council for an official vote.

B) DISCUSSION ON VETERANS MEMORIAL PARK/PICKLEBALL COURT NUMBERS.

Administrator Darrington presented a background of the Pickleball Courts and Park Extension Project. The initial cost estimate was \$300,000 and was to be covered by the CARES Tax and the Park Impact Fees received from building permits. He reported that the park was included in the Capital Facilities Plan. A pavilion was to be built near the swimming pool to serve those that reserve the pavilion in the evening. Restrooms will also be constructed there. The parking lot construction cost was higher than the estimated \$300,000. The initial cost for the pickleball courts was \$300,000 without the soft costs. The project was put on hold due to COVID-19. He noted that \$800,000 was made available to Director Beaumont to cover the costs of both the pickleball courts and the park.

Administrator Darrington reported that the Coronavirus Aid, Relief, and Economic Security ("CARES") Act funding consists of federal government monies allocated to address impacts of COVID-19. After receiving clarification from the Office of the Inspector General ("OIG"), he found that the City can use the CARES Act money to cover wages for Public Safety wages.

Administrator Darrington reported that only a small portion of the \$2.7 million allocated for COVID-19 has been spent. Sidewalks will have to be constructed to allow access to the pavilion and restrooms. The cost of the pavilion was \$75,000. Drinking fountains and tables were also to be added to the pavilion.

Administrator Darrington explained that if the money in the General Fund that was earmarked for Public Safety wages is moved to the General Fund Capital, there will no longer be a timeline or restrictions on how the money can be spent. Initially, they hoped to receive a bid for \$800,000 for the project but the bids came in higher. Administrator Darrington reported that lighting was not included in the original bid as a requirement of the parking lot. He further explained that the Planning Commission held a public hearing on the pickleball courts and requested an additional sound fabric at a cost of \$36,000 to mitigate noise.

Administrator Darrington reported that expanding the parking lot will cost an additional \$64,000. The additional landscaping required will cost an extra \$105,000. Council Member Jensen asked if the parking lot will be shared between the school and the City. Administrator Darrington stated that

it will be City parking only. The courts will require lighting at a cost of \$125,000. He further pointed out that the storm drain and improvements will be paid for out of the Storm Drain Fund. Engineering is also needed for the project and a 10% contingency will be included. If the council would like to complete the whole project the final numbers for the project is \$2.3 million. \$625,000 in Park Impact Fees are available for use. Administrator Darrington pointed out that \$350,000 is from the COVID money for the restrooms and the pavilion.

Administrator Darrington reported that \$68,000 has already been spent on engineering with the total budget being \$200,000. All said and none the whole project will cost \$2.3 million and there is \$1.3 million available which makes us \$1 million short. He noted that he has three options to present to the council for the remaining money. There are three main projects that can come to fruition within the next three years which includes McKay Christensen, Larry Myler, and Joe Salisbury projects. The Larry Myler Project is now Richmond homes and Joe Salisbury has two separate projects consisting of Fossil Cove and Village Square, which have 150 units. The McKay Christensen Project consists of approximately 180 units and the Richmond Homes Project has 100 units.

Administrator Darrington reported that if it is a townhome or single-family home, the City will receive \$1,800 in impact fees per unit. For apartment units, the impact fee is \$1,400. The City is anticipating \$700,000 in revenue from the three projects. He noted that the downside of this is if there is a housing market downturn it could take six years for the City to collect the fees.

Administrator Darrington reported that the Sommersett Court subdivision that is behind Granny B's paid \$70,000 in Park Impact Fees for their 40 apartment units. This revenue is contingent on the housing market remaining at a certain level. The Auditor agreed that the City can take the money out of reserves and pay back the Reserve Account fund balance once the Park Impact Fees are collected. Administrator Darrington stated that the City has \$2.4 million in fund balance. He reported that a road is already in for the McKay Christensen Project. Administrator Darrington was confident that Joe Salisbury is preparing to pull building permits for Fossil Cove. Joe Salisbury still needs to hold a Pre-Construction Meeting but has been granted site plan approval. His second project will go live in the spring.

Administrator Darrington pointed out that Richmond homes, Larry Miller's former project, consists of single-family homes. Construction takes longer than townhomes and they are pulling building permits as they go. Administrator Darrington explained that the 15-lot subdivision, Savage Estates, and the lots near Manila Creek Park are not contemplated because they are all larger homes and will take longer to develop.

Administrator Darrington reported that the McKay Christensen Project will include two projects because he plans to develop townhomes. The buyer will develop the townhomes and Mr. Christensen will construct the apartments. The total impact fees to be collected are \$1.9 million, which leaves a shortfall of \$363,000 to complete the pickleball courts.

Administrator Darrington noted that there are five different revenue sources to fund the remaining balance. He explained that the fiscal year 2021 CARES tax is being used to pay for projects in Discovery Park and the Downtown Park. The fiscal year 2022 CARES tax will be used partially for arts and special events. The remaining balance of approximately \$300,000 has not yet been earmarked. He noted that fronting money would save on interest costs that would be paid for using bond proceeds.

Administrator Darrington reported that there is \$200,000 in the Capital Projects Fund that is earmarked for two new tennis courts. One option would be to push the tennis courts off another year or two and take the \$200,000 and put it toward the pickleball courts. Administrator Darrington was unsure whether the capital project monies of \$900,000 set aside for the year's operations will be fully used. If the amount is rolled back into capital and the City's revenues are sustained could potentially cover the \$363,000 balance. Administrator Darrington preferred that they use the CARES tax and COVID-19 funds to complete the pickleball court project.

Council Member Williams asked if there was a firm bid on the Tennis Court Project. Administrator Darrington reported that it was an added alternative. He explained that there are two different contractors for the Main Park and the tennis courts. Council Member Williams asked about the bid amount to redo the tennis court. Administrator Darrington explained that that information has not yet been made available to the public.

In an effort to reach a solution, Administrator Darrington suggested the following options:

1. Complete the full project using Park Impact Fees and other reserve money.
2. Phase the project, which would reduce some engineering and contingency costs.
3. Reject all bids and rebid in January.

Administrator Darrington reported that Option 1 is more secure since a hard bid has been received. Mayor Fugal recommended that the Council consider Option 1. Council Members Andersen, Bullock, Jensen, LeMone, and Williams supported Option 1. Council Member Williams explained having concrete numbers and contingencies would allow him to allocate the funds most appropriately. Administrator Darrington explained that the department heads will make requests and the Council will determine how to allocate the money. The bid was to be awarded on October 20 with work on the project to begin as soon as possible. The project was expected to be completed by May 2021.

C) STAFF BUSINESS.

In response to an inquiry by Mayor Fugal, Police Chief, Mike Roberts reported that American Fork City has backed off of the Cedar Hills issue. He stated that their department has been very busy.

Director Wilkins reported that he is getting a lot of questions about COVID-19 at the Recreation Center whether it is questions from parents regarding programs and safety or employees being exposed or quarantined and wondering what to do. He reported that Joan Hamann recently passed away. She was recognized for her work at the Recreation Center.

Council Member Jensen asked if there was any new information regarding how the recent fires started. Fire Chief, Dave Thomas stated that they have no leads.

Director Beaumont reported that the PRV project is nearly complete and the filters have been working for the past two weeks. The north filter still has back pressures that they are addressing with Central Utah Water. He reported that 1300 West is now paved and striped. Director Beaumont stated that

Pleasant Grove Boulevard will be striped within the next few weeks. Paintings that do not make sense will be removed and the street widened. He pointed out that there will be two lanes in both directions to 1300 West.

Director Beaumont was working with Hidden Springs and Larry Myler to get the last piece of 1300 West completed over the next month. Work on the overlay project was to begin the following week on 700 South. He noted that the department is considering adding the section between State Street and Geneva Road.

Director Beaumont hoped that restriping on the 1100 North, 600 West, and 1300 West intersections will be done in the next month with the Pleasant Grove Boulevard striping. Mayor Fugal asked about the prefab toilets coming out of Boise. Parks Director, Deon Giles reported that the four prefab restrooms will be unisex and separate and come on a slap. The flooring and stalls are ready to go. Only sewer, water, and power will be installed. Director Giles further reported that the restrooms will be locked each night at 10:00 p.m. and the interior and exterior coatings are vandal resistant. He reported that Christmas lights were to be put up the following week. Director Giles state that trail system maintenance was expected to begin soon.

Director Cardenas reported that the department currently has three divisions consisting of Business Licensing, Building, and Planning and Zoning. A fourth department, Code Enforcement, was being added. The Planning Commission recently approved Fossil Cove, which did not come to the City Council for approval as it was approved administratively. A Pre-Construction Meeting was to occur in the near future after which the City would begin issuing building permits. Director Cardenas reported that the 66-acre project is on 5.5 acres of property. The project to the east of Smith's has the same developer. The concept and plan have been completed but no application has been submitted. Based on conversations staff has had with the applicant, the intent is to apply for Code Amendments. 86 units are proposed.

Finance Director, Denise Roy reported that the Auditors will be coming the following week. They will work for one month on fieldwork with two weeks needed to write the report.

12) REVIEW AND DISCUSSION ON THE OCTOBER 20, 2020 CITY COUNCIL MEETING AGENDA

Administrator Darrington reported that at the October 20 Work Session, UTOPIA will present the results of their survey. The results of the Central Corridor Transportation Study will also be presented to the City Council before finalizing any plans or meeting with the various cities to receive input. Administrator Darrington gave some background on the study and explained that it was intended to help extend mass transit from Orem to Lehi. The results of the study describe the transit route that will come down State Street and connect into North County Boulevard. It will then go back up to State Street, travel right at the American Fork/Pleasant Grove border, and down Main Street and State Street to American Fork.

Administrator Darrington recommended that the updates from the department heads be completed once a month. Council Member LeMone asked that the department head updates be submitted at the beginning of each month going forward.

Administrator Darrington stated that the next City Council Meeting is scheduled for October 20. The November 3 meeting was rescheduled to November 10 due to the election. He suggested that the Council hold one meeting in November and one in December. If there is a need for an additional meeting in November, he suggested it be held on November 17. Administrator Darrington reported that December 1 is the regularly scheduled meeting day. If the Council desires another meeting in December, the preferable date is December 8.

13) MAYOR AND COUNCIL BUSINESS

Council Member LeMone suggested that an email be drafted and sent to new residents to direct them to the City's website, Facebook page, and Everbridge. During the recent E. Coli incident, several new residents contacted her indicating that they were not aware of the various City services that are available. She suggested that a welcome email be sent when new residents sign up for utility service.

Mayor Fugal thanked staff and the City Council for their service. He expressed his appreciation to the Public Works and Public Safety Departments for their excellent work over the past month.

14) SIGNING OF PLATS

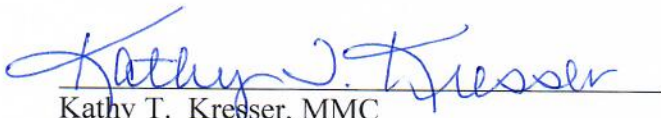
Sunny Cove Estates Plat "A" was signed.

15) REVIEW CALENDAR

16) ADJOURN

At 7:50 p.m. Council Member Williams moved to adjourn. Council Member Bullock seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of October 6, 2020, were approved by the City Council on November 10, 2020.



Kathy T. Kresser, MMC
City Recorder

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

