

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
November 10, 2020
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
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
Drew Engemann, Deputy Fire Chief
Denise Roy, Finance Director
Sheri Britsch, Library Director

Excused: Brent Bullock

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, and noted that Council Members Andersen, Jensen, LeMone and Williams were present. Council Member Bullock was excused.

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 Andersen.

4) **APPROVAL OF MEETING AGENDA**

ACTION: Council Member Jensen moved to approve the agenda noting that item 10B had been continued indefinitely. Council Member Williams seconded the motion. The motion carried unanimously with Council Members Andersen, 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 October 6, 2020 meeting.
City Council Minutes for the October 20, 2020 meeting.
- b. **To Consider for Approval a Memorial Bench for Landon Wilkerson.**
- c. **To Consider for Approval Change Order No. 1 for Cody Ekker Construction for the PRV Project.**
- d. **To Consider for Approval Pay Request No. 1 for Granite Construction Companies for the 115 to 700 South Overlay Project.**
- e. **To Consider for Approval Pay Request No. 4 for Geneva Rock Products, Inc. for the 1300 West Road Improvements Project.**
- f. **To Consider Approval of Payment Approval Reports for October 22 and November 5, 2020.**

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

Council Member LeMone asked about the Memorial Bench. City Attorney, Tina Petersen explained that Landon Wilkerson was a 17-year old high school student who was killed in an accident. Smith Steelworks, who was also involved in the accident, wanted to donate a Memorial bench in Landon's honor. She explained that pursuant to the City's ordinance with regard to permanent markers and memorials on public property, the City Council had to approve the content and the design.

Council Member LeMone stated that a resident reached out to her asking if there was a program in place allowing residents to either purchase a tree or a marker using their own money. She asked if the City Council would consider having something pre-approved to allow for that. Attorney Petersen was not familiar with the program but would put the matter on the agenda if she received more information.

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

There were no appointments.

8) **PRESENTATIONS**

There were no presentations.

9) **PUBLIC HEARING ITEMS**

- A) **PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-23) TO AMEND CITY CODE SECTION 10-14-24-3D: THE GROVE INTERCHANGE SUBDISTRICT, PERMITTED USES BY EXPANDING THE PERMITTED USES TO INCLUDE #7393 GOLF DRIVING RANGES ONLY WITHIN THE GROVE ZONE AND LIMITED TO THE INTERCHANGE SUBDISTRICT (SAM WHITE'S NEIGHBORHOOD) MATT GERTGE APPLICANT)** *Presenter: Director Cardenas.*

Community Development Director, Daniel Cardenas reported that the above item involves a City Code text amendment. He stated that they are making a legislative decision. The applicant was proposing to include a new use that is currently not allowed in the zone. Director Cardenas explained that the zone contains three districts; commercial sales, housing, and the Interchange Subdistrict. The Interchange Subdistrict is the portion of the City that runs along I-15, which is an area of less than one mile.

Director Cardenas explained that they are usually very selective regarding the type of uses they allowed in the zone. When someone asks about a use, he provides a list of uses that are permitted in the zone. Uses that are not on the list are not permitted. He reported that use number 7393 that is proposed by the applicant, was for golf driving ranges. The item was presented to the Planning Commission and the vote for recommendation of approval was 3-to-2. Director Cardenas reported that one of the concerns of the two who voted against the recommendation was that the zone has the highest standards in terms of design and architecture. Director Cardenas reported that he discovered that there would be a distance of about 1,000 feet from the net of a similar range to the freeway.

Council Member Williams asked about the height restrictions in the zone that prohibit the poles for the driving range. Director Cardenas stated that there were none. He explained that there are height prohibitions for buildings but not for structures.

Council Member LeMone asked about the net for the golfing. Director Cardenas stated that during the last Work Session, the applicants made a presentation showing that the building would be located on the southwest side and showed where the balls would be shot.

Council Member Andersen asked if there would be lights on top of the 100-foot poles because the course would be lit at night. City Administrator, Scott Darrington reported that there will be lights

but he was not sure where. Council Member Andersen reiterated that the Code change would not be for a dark golf course at night and the nets would be 100 to 150 feet tall.

Attorney Petersen pointed out that because the use is not permitted in the zone, there was nothing in the Code addressing the lighting or height of the poles. She explained that all those items could come after the use is added. She further explained that at the Council's direction, Director Cardenas could go back and look at other ordinance amendments that would need to be made to mitigate potential negative impacts on the neighbors. Director Cardenas reported that staff was working to add more detail to the design standards to encompass the new use.

Melissa Nelson, buyer's representative, stated that it was important to move through that portion of the project because that would not be the only thing that would be put in the area. She further explained that they were working on other retail projects that will generate sales tax for the City. Ms. Nelson presented pictures showing how the golf course would look at night. She also stated that the poles would go from 75 feet to a maximum of 150 feet. They would work with Mr. Cardenas and the City on that. Ms. Nelson explained that the golf course will face northeast, which would help keep the wind and the sun out of the eyes of golfers.

Council Member Andersen asked if it would run parallel with Pleasant Grove Boulevard. *Melissa Nelson* stated that it will be a bit longer but it will depend on what the City decides is best. The nets will not be the first thing that is visible from the freeway, it would be the building.

Council Member LeMone asked if the driving range, the building, and the fun center will be built simultaneously. Ms. Nelson responded in the affirmative.

Mayor Fugal opened the public hearing. There were no public comments. Mayor Fugal closed the public hearing.

Council Member Andersen expressed concern about the noise, lights, and that the poles will be 50 feet taller than the building. In response to a question as to why she was concerned about the lights and the noise, Council Member Andersen responded that she did not know what else would be out there. She further explained that she was worried about other developments that would come in, the design standards, and the quality.

Council Member Williams understood the concerns raised and referenced the Top Golf location in Midvale and what is around it. He expressed his support for proceeding.

Council Member LeMone was also in favor of proceeding. She asked neighbors and friends about it and they all were in support. It will provide jobs for youth and a place for families to visit. Council Member Andersen clarified that she was not opposed to it but was simply voicing her concerns.

Council Member Jensen stated that it would be a motivator for other activities and an opportunity for the County.

ACTION: Council Member Williams moved to consider adopting Ordinance (2020-23) amending City Code Section 10-14-24-3d: The Grove Interchange Subdistrict, permitted uses by expanding the permitted uses to include #7393 Golf Driving Ranges only within the Grove Zone and limited to the Interchange Sub-district. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

B) PUBLIC HEARING TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-24) TO AMEND CITY CODE SECTION 10-11D-16: MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT REQUIREMENTS, CREATING A POSSIBLE COMMERCIAL/RETAIL ONLY BUFFER FOR PROPERTIES LOCATED IN THE CS-2 ZONE, WITH FRONTAGE ALONG STATE STREET (CITY-WIDE) (PLEASANT GROVE CITY APPLICANT) Presenter: Director Cardenas.

Director Cardenas reported that the above ordinance involves a Code Amendment to change the language in the Commercial Sales 2 (CS-2) Zone. Director Cardenas explained that there are two districts in the zone; the Smith’s area and the Macey’s area. The CS-2 Zone allows for some residential uses. It was noted that approximately 100 townhome units were recently approved in the area. Director Cardenas reported that the ordinance is proposing to leave the residential use as permitted but only as infill development. The lands adjacent to roads have to be commercial uses. The buffer will also have to remain commercial. Director Cardenas stated that the Planning Commission recommended approval.

Mayor Fugal opened the public hearing. There were no public comments. Mayor Fugal closed the public hearing.

ACTION: Council Member Andersen moved to consider adoption of Ordinance (2020-24) to amend City Code Section 10-11d-16: Multiple-Family Residential Development Requirements, creating a possible Commercial/Retail Only Buffer for properties located in the CS-2 Zone, with frontage along State Street (City-Wide). Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

10) ACTION ITEMS READY FOR VOTE

A) TO CONSIDER FOR ADOPTION AN ORDINANCE (2020-25) AMENDING TITLE 2 CHAPTER 2 SUBSECTION B “LIBRARY BOARD” OF THE PLEASANT GROVE MUNICIPAL CODE UPDATING AND MAKING TECHNICAL CORRECTIONS TO THE CHAPTER AND PROVIDING AN EFFECTIVE DATE. Presenter: Attorney Petersen.

Attorney Petersen reported that the ordinance was being presented to the Council for consideration at the request of the Library Board. They had been reviewing their bylaws and the ordinance language. She clarified that only technical changes were being made. The Leisure Services Director was to be referred to as the Library Arts Director now. Another change would be for the

Mayor and Council to ultimately select the Library Director. The Board would only provide input on the Hiring Committee interview.

Attorney Petersen stated that the Class C Misdemeanor charge for failing to bring back a book or damaging it was changed to a civil penalty involving paying for the damage. The language in the Funding section gave the board more budget authority. That was changed to having the Library budget be handled like other departments in the City.

Council Member LeMone asked if the changes had been discussed before. Attorney Petersen stated that the changes were discussed previously but were not on the agenda. She further stated that a board member emailed questions to her regarding changing the ordinance, which conflicted with the State Code. Attorney Petersen explained that the term "Librarian" cannot be changed because it is a defined term in the State Code.

ACTION: Council Member Andersen moved to consider adopting Ordinance (2020-25) Amending Title 2 Chapter 2 Subsection B "Library Board" of The Pleasant Grove Municipal Code, updating and making technical corrections to the chapter and providing for an effective date. Council Member LeMone seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, and Williams voting "Aye". The motion carried unanimously.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-061) ADOPTING A REVISED PUBLIC WORKS STANDARD SPECIFICATIONS AND DRAWINGS MANUAL SPECIFICALLY, APPENDIX "A" AMENDING THE STORMWATER TECHNICAL MANUAL AND BEST MANAGEMENT PRACTICES TO PROVIDE FOR LOW IMPACT DEVELOPMENT STANDARDS FOR STORMWATER MANAGEMENT AND PROVIDE AN EFFECTIVE DATE. (CITY-WIDE IMPACT)**

Presenter: Director Beaumont.

The above item was to be discussed at the December 1, 2020, meeting.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2020-062) AUTHORIZING THE MAYOR TO DECLARE 23 – PD400 DESKTOP COMPUTERS 5 – T470 LAPTOP COMPUTERS, 1 - G3 LAPTOP COMPUTER, 10 - SURFACE PRO COMPUTERS, A 2006 DODGE CHARGER, AND A CATERPILLAR LOADER AS SURPLUS AND DIRECT THAT THEY BE DISPOSED OF ACCORDING TO THE CITY'S POLICY FOR DISPOSING OF SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE. *Presenter: Administrator Darrington.***

Administrator Darrington reported that the City has an annual Computer Replacement Program. When the computers are replaced, they are declared surplus, and the employees are allowed to purchase the computers. If not sold to the employees, the IT person has other entities who are interested in purchasing the computers. Administrator Darrington explained that desktops are usually more difficult to sell because of their age. Those that are not sold are recycled. He noted that the Dodge Charger has been used as the admin car and will be put up for auction. He reported

that every year, a new Caterpillar Loader is purchased. The old one is usually sold at a profit of a few thousand dollars.

ACTION: Council Member Jensen moved to consider adoption of Resolution (2020-062) authorizing the Mayor to declare 23 – PD400 desktop computers, 5 – T470 Laptop Computers, 1 - G3 Laptop Computer, 10 - Surface Pro Computers, a 2006 Dodge Charger and a Caterpillar Loader as surplus and direct that they be disposed of according to the City’s policy for disposing of surplus property and providing an effective date. Council Member Andersen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, and Williams voting “Aye”. The motion carried unanimously.

11) ITEMS FOR DISCUSSION

A) Discussion and Cost Participation Agreement with Property Owners on 100 East for the Installation of Sewer Improvements.

Public Works Director, Marty Beaumont, presented a few maps and reported that three years ago there was discussion of a County Road Project. He noted that they were nearing completion of the design of Canyon Road from State Street to American Fork Canyon. Potential sewer needs were considered on Canyon Road at the end of the design process. Director Beaumont showed what the sewer lines looked like previously and stated that some of the residents along that section of the road do not have access to sewer. The project was proposed to at least provide future sewer service to the homes rather than postponing it to some point in the future. A budget of approximately \$320,000 would be needed for the project. Sewer line installation in the 4000 North Project cost about \$400,000 with agreements for reimbursements.

Director Beaumont reported that they approached some residents back in October of 2017 to get a consensus on whether they will be supportive of the project. The responses were mixed. Ultimately, the City agreed to participate in 4000 North because they were part of the Manila annexation. There was a commitment that the City would provide sewer service to 4000 North. Director Beaumont reiterated that now would be the best time to install the sewer lines since it would be the most cost-effective and least disruptive to the road. The City would need to have a Reimbursement Agreement in place for the installations.

Director Beaumont reported that the sewer project was completed what was planned for the project was included in the grant. He wished to discuss with the Council what they would like to do for the residents in terms of the 4000 North connection.

Director Beaumont presented the cost options and reported that the cost for the southern portion, 2600 North, is \$180,000 and the northern portion \$139,000. The total cost to be incurred is \$320,000. He further noted that there are 12 existing homes that laterals were stubbed to. Six new lots have the potential to connect with the portions stubbed as a mainline rather than as a service line. There are a total of 19 services at a cost per service of \$16,821.

A meeting was held with the residents to inform them of the discussion with the Council. The discussion focused on the north and south portions. Those to the north recognized that there was

an 18% cost reduction and were in favor of the project. Those to the south were aware that they would have to pay 100% of their proportionate share and were not supportive of the project.

Director Beaumont recommended keeping the same cost-sharing as on the 4000 North Project for the residents. He further proposed that anyone with an existing home pay \$2,742 to connect to the service line. For any new service line, 50% of the cost should be paid. This would be in addition to other fees for any sort of connection. Administrator Darrington reiterated that the net benefit to the City is for people to get off septic tanks. The benefit to the residents is that they do not have to pay the amount until they connect. Director Beaumont agreed to prepare the agreements and bring them back to the Council for approval.

B) Discussion on Capital Funding Projects.

Administrator Darrington reported that the City received the Coronavirus Aid, Relief, and Economic Security ("CARES") Act funding, which can be used for public safety wages for police and fire. It was noted that the City used the funds to cover salaries and wages. Administrator Darrington pointed out that there was a list of ways the money could be spent that are directly related to the impact of COVID-19 on the City. He reported that funds could now be taken out of the budget and used as one-time capital money. There was no deadline on the usage of the funds. Administrator Darrington explained that about \$2 million of the CARES funds are unallocated. He asked department heads for supplemental requests for capital projects. They were still working through the list and would present it to the Council at the December 1 meeting.

Administrator Darrington presented the following list of four items he would like to move forward with and invited feedback from the Council.

1. A City-wide security system. Administrator Darrington considered it an opportunity to update the security system in the Police and Fire Building. He further explained that they could have a universal system. A key card could be created to open certain doors. They could also eliminate the keypad to stop the spread of COVID-19 with numerous people using the keypad. Excess funds would be returned to the General Fund and reallocated.
2. Replace fixtures in some facilities with automatic flush toilets, sinks, and water fountains.
3. Fire Apparatus. Ways to fund the purchase of a tiller truck and ladder were discussed. It was proposed that the existing lease be paid off early and a new engine purchased.
4. Hazard Pay Stipend. This would allow the City to compensate employees who are not able to work from home.

Mayor Fugal pointed out that there is approximately \$1.2 million remaining to allocate. Administrator Darrington reiterated that the list will be available on December 1 with the funds potentially being allocated in January 2021.

12) REVIEW AND DISCUSSION ON THE DECEMBER 1, 2020 CITY COUNCIL MEETING AGENDA

Administrator Darrington reported that they will be reviewing future capital projects and the budget amendment. The Arts Council and Beautification Commission will make a presentation at the next Work Session. Capital funds will also be discussed. The Budget Amendment will be discussed during the City Council Meeting.

13) MAYOR AND COUNCIL BUSINESS

Council Member Jensen reported that the Mountain America Credit Union Ribbon Cutting was postponed.

Council Member Andersen reported on the Stonegate Dinner Theatre, which was a success.

Council Member LeMone asked about the Annual Christmas Tree Lighting. Administrator Darrington stated that no date had yet been set.

HR Director, Kyler Ludwig, reported that the New Library lights will be put up on December 4. Administrator Darrington would work with Parks Director, Deon Giles, and follow up.

The decision was made by the Council to hold the Annual Council and Staff Christmas Party.

14) SIGNING OF PLATS

15) REVIEW CALENDAR

16) CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 (c)).

ACTION: AT 7:50 pm Council Member Williams moved to adjourn and reconvene in a Closed Session. Council Member Jensen seconded the motion. A roll call vote was taken with Council Members Andersen, Jensen, LeMone, and Williams voting "Aye". The motion carried unanimously.

17) ADJOURN

Council Member Williams moved to come out of the Closed Session and adjourn at 8:38 p.m. Council Member Andersen seconded the motion. The motion carried with the unanimous consent of the Council.

The City Council minutes of November 10, 2020, were approved by the City Council on December 1, 2020.

Kathy T. Kresser

Kathy T. Kresser, MMC

City Recorder

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

