

**Pleasant Grove City
City Council Meeting Minutes
Regular Session
Tuesday, April 23, 2024
6:00 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone
Steve Rogers
Todd Williams

Staff Present: Scott Darrington, City Administrator
Deon Giles, Parks Director
Tina Petersen, City Attorney
Wendy Thorpe, City Recorder
Sheri Britsch, Library and Arts Director
Kyler Brower, Assistant to the City Administrator
Keldon Brown, Police Chief
Megan Zollinger, Recreation Director
Daniel Cardenas, Community Development Director
Neal Winterton, Public Works Director
David Packard, HR Director

Excused: 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 at 6:01 p.m.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Andersen.

3) **OPENING REMARKS**

The opening remarks were offered by Council Member Rogers.

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 Andersen, Jensen, Williams, LeMone, and Rogers voting “Yes”.

It was noted that there will be a special presentation by Police Chief, Keldon Brown. Last year, the Honorary Colonels wanted to partner with the Police Department to create an award that is given out throughout the year. While there is an awards banquet once a year, the Honorary Colonels pointed out that a lot of good work happens throughout the year. As a result, there was a partnership with the Honorary Colonels last year to create an Employee of the Quarter Award. The latest awardee is Officer Costa, an officer with the Police Department for two and a half years.

At the Police Department, the officers have been challenged to provide exceptional service to citizens and to look for ways to expand their skill sets. Officer Costa has embraced this wholeheartedly. He is passionate about what he does for the citizens of Pleasant Grove. In the last quarter, he was an instrumental officer in several notable cases. The Flock camera located a plate there was interest in because it was involved in the theft of hundreds of cans of baby formula. The camera alert went off and let officers know that the vehicle was back in the area. Officer Costa was able to find the culprits. He also found someone who was writing bad checks. Additionally, he came up with a striping pattern for the changing fleet. Officer Costa was also recently involved in a high-profile situation where shots were fired. He rushed to the scene and assisted. Chief Brown explained that Officer Costa does not shy away from getting involved.

Officer Costa is the Employee of the Quarter and is being recognized by the Honorary Colonels and the Police Department. He was asked to share comments. Officer Costa introduced his family members to the Council and offered a brief introduction. He expressed appreciation for his wife. There was discussion about the baby formula theft. Officer Costa explained that it could be stolen to resell. However, based on research, there is a high chance it is being used to dilute drugs. Mayor Fugal thanked him for addressing the Council. A photograph was taken with Officer Costa.

5) **OPEN SESSION**

Mayor Fugal opened the Open Session. No comments were offered. The Open Session was closed.

6) **CONSENT ITEMS**

- A. **City Council Minutes:
City Council Minutes for the March 19, 2024, Meeting.**

- B. To Consider for Approval Payment No. 7 to Staker Parsons Materials and Construction, a CRH Company for the Pleasant Grove 2600 North Roadway Improvements Project.**
- C. To Consider for Approval Payment No. 5 to HydroVak Excavation for the Pressurized Irrigation Meters Installation Project.**
- D. To Consider for Approval Payment No. 6 to Big-D Construction for the Cook Family Park.**

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

7) BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None at this time.

8) PRESENTATIONS

There were no presentations.

9) PUBLIC HEARING ITEMS

There were no public hearing items.

10) ACTION ITEMS READY FOR VOTE

- A. To Consider for Adoption Resolution (2024-19) Authorizing the Mayor to Sign a Public Utility Easement in Favor of Rocky Mountain Power Regarding the Granting of a Public Utility Easement for Property Located at 600 North and 600 West in Pleasant Grove, Utah County, Utah, for the Cook Family Park Project. *Presenter: Attorney Petersen.***

City Attorney, Tina Petersen, shared a map of the area to illustrate where the easement will be. She explained that this is in connection with the Cook Family Park Project. To provide power to the park, a power pole needs to be moved and the source of power needs to be relocated. She noted that the park project is located at 600 West between 400 and 800 North. The LDS church on the west side of 600 West is where the power will be hooked up. An easement was purchased from the church in favor of Rocky Mountain Power so the power supplies could be located there. Across the street is where the easement will be granted in favor of Rocky Mountain Power so they can construct the necessary power supply. These areas were pointed out on the map.

ACTION: Council Member Jensen moved to Adopt Resolution (2024-19) Authorizing the Mayor to Sign a Public Utility Easement in Favor of Rocky Mountain Power Regarding the Granting of a Public Utility Easement for Property Located at 600 North and 600 West in Pleasant Grove, Utah County, Utah, for the Cook Family Park Project. Council Member Andersen seconded the motion. Vote on Motion: Dianna Andersen, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; Steve Rogers, Yes; and Todd Williams, Yes. The motion carried unanimously.

B. To Consider for Adoption Resolution (2024-20) Authorizing the Mayor to Sign a General Service Contract Agreement with PacifiCorp dba Rocky Mountain Power to Provide Electric Service to the Cook Family Park Near 600 West 600 North, Pleasant Grove, Utah; and Providing for an Effective Date. *Presenter: Attorney Petersen.*

Attorney Petersen explained that this is a companion Action Item. Now that the easement has been granted, in order to install the infrastructure and necessary equipment, a contract needs to be entered into. Rocky Mountain Power will provide the three-phase electric service and is investing \$26,734.45, of which the City will be paying a portion. The City will be exercising the refund option and will be paying \$16,806.55. These kinds of contracts have been entered into in the past.

ACTION: Council Member LeMone moved to Adopt Resolution (2024-20) Authorizing the Mayor to Sign a General Service Contract Agreement with PacificCorp dba Rocky Mountain Power to Provide Electric Service to the Cook Family Park Near 600 West 600 North, Pleasant Grove, Utah; and Providing for an Effective Date. Council Member Williams seconded the motion. Vote on Motion: Dianna Andersen, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; Steve Rogers, Yes; and Todd Williams, Yes. The motion carried unanimously.

C. To Consider for Adoption Ordinance (2024-10) Amending Title 5 Chapter 1C Section 1 “Conditions of Animal Ownership; 5-1C-6 “Cruelty to Animals”; 5-1C-12 “Livestock”; and 5-1F-4 “Isolation of Biting Animals or Suspected Rabid Animals”; and Providing for an Effective Date. *Presenter: Attorney Petersen*

Attorney Petersen reported that the Animal Control Ordinance was in need of an update. Occasionally, amendments are made to the ordinances and the Animal Control Ordinance has not been looked at in some time. The Animal Control Officer has come to the realization that there are certain elements that can be clarified. She asked the City to provide some tools that will enable her to do the job better. One request was to add some more details to section 5-1C-1: Conditions of Animal Ownership. Several proposed additions were drafted for that section:

- B - Humane Treatment: Animals shall be humanely treated at all times and no conditions shall be maintained or permitted that is or could be injurious to the animal. All animals shall be supplied with sufficient good and wholesome food and fresh water as often as the feeding habits of the respective animals require;
- D - Buildings Or Enclosures: Every building or enclosure wherein animals are maintained shall be constructed of a material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating, cooling, and shelter shall be provided as required according to the physical need of the animal, with sufficient light to allow observation of animals and sanitation.
- E - Medical Treatment: Medical treatment shall be provided as necessary in order to maintain the health of the animals.
- F - Size of Accommodations: All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodation for the animals kept therein.

According to the Animal Control Officer, sometimes it is difficult for her to explain to animal owners what “cruelty” means, so the additional language in B will be useful since it adds specificity. The County Animal Control Code was used as the guide for the additional language.

5-1C-6: Cruelty to Animals was reviewed next. Attorney Petersen explained that the definition was expanded to make sure it was clear to animal owners what constitutes cruelty to animals. Occasionally, possession needs to be taken of animals who are not being cared for. There is a section that discusses a lien for any costs that are incurred in providing care for those animals. Many years ago, there was an animal hoarder in Pleasant Grove. Hundreds of animals were confiscated from that property and one of the main issues had to do with covering the costs of care. This language provides a way for some of those costs to be returned to the City moving forward.

5-1C-12: Livestock was reviewed. Some language was added so the Animal Control Officer could do her job better. The language will add clarity, so owners understand what is necessary. Specifically, there was a desire to add clarity about the right to impound any animals not being taken care of properly. That was in there before, but the newly proposed language has more detail. The final proposed amendment is in 5-1F-4: Isolation of Biting Animals or Suspected Rabid Animals. The Animal Control Officer found that a lot of owners were not complying with the order of quarantine for animals that needed to be quarantined at home. This section was added:

- Refusal to comply with an order of quarantine. An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be found in violation of this section.

Council Member Rogers explained that he lives in an area with livestock and animals that are fenced. He noted that sometimes, horses lay down with their legs straight out, and that can result in calls to the Animal Control Officer. He has some concerns about the language, as it does not account for those types of scenarios. As for building an enclosure, he wants to know where that would be applicable. Attorney Petersen explained that it applies to any enclosure where there is livestock. She added that the Animal Control Officer is trained and can properly assess situations. The officer can identify any issues and also speak with the owner. Council Member Rogers believed most animal owners are good and are doing their best. He does not want to create an overly cumbersome law based on people who are the exception rather than the rule.

Attorney Petersen explained that if there was a dispute between what the Animal Control Officer felt was necessary and what the owner felt was appropriate, a citation could be issued, and the owner then has the right to speak to the judge. Ultimately, a judge would make the determination. Council Member LeMone asked if the Animal Control Officer requested the update, which was confirmed. Council Member LeMone pointed out that the Animal Control Officer has seen firsthand what is happening in the community. She trusts the judgment of the Animal Control Officer when it comes to whether or not the ordinance language needs to be more detailed.

Council Member Williams understood the comments shared by Council Member Rogers about individual ownership rights. However, he does not believe this falls into that. The language essentially makes it possible for the Animal Control Officer to issue a citation when appropriate.

There was discussion about the impoundment section of the ordinance. Council Member Rogers mentioned the impracticality of an owner being able to defend themselves in a complex judicial system. He wants to ensure that the particulars of the law are written in a way that presumes the owner is trying their best. Some residents have indicated that they feel they were treated unfairly in the past. He stressed the importance of there being a balance between giving residents the benefit of the doubt and making sure animals in the community are not being treated poorly.

ACTION: Council Member Andersen moved to Adopt Ordinance (2024-10) Amending Title 5 Chapter 1C Section 1 “Conditions of Animal Ownership; 5-1C-6 “Cruelty to Animals”; 5-1C-12 “Livestock”; and 5-1F-4 “Isolation of Biting Animals or Suspected Rabid Animals”; and Providing for an Effective Date. Council Member Jensen seconded the motion. Vote on Motion: Dianna Andersen, Yes; Eric Jensen, Yes; Cyd LeMone, Yes; Steve Rogers, Yes; and Todd Williams, Yes. The motion carried unanimously.

11) ITEMS FOR DISCUSSION

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

There was additional discussion about the budget documents. Administrator Darrington referenced the Fiscal Year 2025 Proposed Utility Increases table. When he started 14 years ago, the City hadn’t changed their utility rates for some time and there was an issue where a particular fund was on the verge of bankruptcy due to the lack of revenue coming in. One of the commitments Staff and the City Council have made over time is that there be incremental changes to the rates. That has been the practice in recent years. There have been times when no increase is recommended due to the performance of a certain fund, but there are incremental increases when needed. Administrator Darrington explained that he can speak about the rates more generally. If there are specific questions from the Council, Director Winterton can address those.

Administrator Darrington reviewed the table and pointed out culinary water, storm drain, garbage, and recycling. There is a recommendation of a 3% increase there to assist with the costs. The table includes information from 2019 to 2025. He noted that the garbage rate had not changed for a long time, mainly because the fund was performing well. Two years ago, a change was made, and a fall cleanup was added. The fall and spring cleanup leads to a substantial cost to the City. While it is something popular that is done for residents, there are corresponding costs to cover.

The sewer rate was discussed next. Administrator Darrington noted that it has stayed fairly stable due to the health of that fund. However, there has been a significant change in the Timpanogos Special Service District (“TSSD”). For the most part, the City is taking care of the collection and TSSD is taking care of the treatment. He reported that there is a treatment plant to the west by Utah Lake. Some changes are happening at that level and that has increased rates. The recommended increase from TSSD is \$9.93 per month for residents. On the utility bill, there are two different sewer charges: TSSD and Pleasant Grove City. The TSSD charge will be the section

of rate that will increase. He acknowledged that it is a substantial increase. It is important to educate residents on the sewer costs, collection, and the treatment process. Administrator Darrington clarified that the increase being discussed is on the TSSD portion.

Director Winterton reported that TSSD held a public hearing in November because their rates are done on a calendar year. Their rate has already increased, and the City has been covering that because the fund was able to do so until now. TSSD charges \$3.07 per 1,000 gallons and that increased to \$4.30 per 1,000 gallons. There has not been an increase in those fees in 10 years.

A question was asked about the \$55.07 listed in the table and how much the Pleasant Grove portion was. Director Winterton explained that the \$55.07 is an average household based on approximately 7,000 gallons. The amount will depend on the gallons used per month. The proposal is \$32.28 for a base fee, and it is currently \$26.59 for a base fee. He doesn't have the exact number at the moment to indicate the percentage split between Pleasant Grove and TSSD.

Director Winterton shared additional information about the structure. Council Member Andersen noted that there is a TSSD line item on the utility bill. Council Members wanted to see the full TSSD amount listed rather than the City taking on some of that, as this can cause confusion.

Administrator Darrington reminded Council Members that this is a Work Session discussion item, and no action is being taken on proposed utility increases at the current time. City Staff will sit down and look more closely at the line item. He explained that TSSD is a base rate and is not based on consumption the way billing is done in the City. It was reiterated that City Staff will work on this and bring something back to the City Council at the next City Council Meeting.

Administrator Darrington explained that the budget will not be adopted until the end of June, so this will likely impact the August bills. There is still time to work through the concerns expressed. It was reiterated that there are concerns about how the numbers will appear on the bill. It is important to accurately inform citizens where the increases are coming from. Council Member Rogers pointed out that some residents live on fixed budgets. The increase may cause some difficulties. He asked if it is possible to spread the increase out over the next couple of years. Administrator Darrington offered to look into that possibility and bring the matter back to the Council.

12) REVIEW AND DISCUSSION OF THE MAY 7, 2024, CITY COUNCIL MEETING AGENDA.

Staff Reports were shared with the Council. HR Director, David Packard, reminded those present that the annual recognition event will take place on Tuesday from 11:30 a.m. to 1:30 p.m. There were a lot of nominations for deserving employees, so the Recognition Committee is hard at work.

Library and Arts Director, Sheri Britsch, reported that the Historic Preservation Commission held an event at Old Town Hall. The presentation was about the Pleasant Grove connections to the Mormon Battalion. There were many interesting stories shared and approximately 30 people attended. Director Britsch informed the Council that the Historic Preservation Commission won an award from the State Preservation Office and there will be a presentation of the award. "Drowsy

Chaperone” is currently playing, and the music is impressive. From May 1 through May 4, there will be Star Wars events happening. Every day, after school hours, there are Storm Troopers and Darth Vader at the library. There are a lot of fun and meaningful events happening in the community.

Director Giles thanked the Chamber for coming out yesterday to assist with the cleanup of the Discovery Park playground. The Itty-Bitty Trail was completed, which is a trail for young riders learning how to ride. He reported that Thursday is Arbor Day at Manila Creek and on Saturday there is the Velo LOVE event. Last year, there were 100 participants, and the hope is to see that many again this year. June 1 will be the annual trail day with the high school team. There are 134 in the Biking Vikings. Every high school group locally has over 100 members. Council Member Rogers discussed the Beautification Committee. The Committee is putting together the route for the Strawberry Days garden tour. Anyone with suggestions can reach out to the Committee.

Recreation Director, Megan Zollinger, reported that things are going well in the department. The spring sports programs are underway, including baseball, volleyball, and basketball. The rentals have increased, which is a revenue opportunity that will be capitalized on. The department is ready for summer and planning efforts are underway. There is a desire to add a Run Like a Viking 5K.

Chief Brown reported that a Facebook post was made last week about bicycles and the Murdock Trail. He clarified that the intention is to make sure the trail is safe and create a safe space for all.

Director Winterton stated that there are orange cones throughout the City, as there are a lot of projects taking place at the moment. There are 2,800 meters in the ground for the secondary system. Some leaks are currently being fixed. The system is approximately 95% filled, and by tomorrow, it will be 100% filled. This work will be done by the May 1 turn-on date for pressurized irrigation. Director Winterton reported that runoff is looking good, and monitoring is being done.

The City cleanup is underway and is going well so far. Director Winterton believed the notifications had been useful. He reported that open bids were done for the diversion project. It is a \$10 million project, and two bids were received, one for \$10 million and one for \$20 million. The irrigation companies will need to pay their portion. It will be brought forward once the financing has been finalized. Director Winterton stated that there is a lot of sidewalk replacement happening. There has never been this robust of a sidewalk or concrete replacement in the history of the City. A lot of calls have been received about the areas chosen, but he explained that roadway areas that were being rehabilitated were prioritized. The same will be done next year as well. He reported that a road plan will be produced and then some concrete work will be done in those areas.

Attorney Petersen stated that the property purchase on 600 West closed, and the deed was recorded.

Administrator Darrington reported that the Fire Department had a trench rescue a few weeks ago and likely saved the life of an individual. He thought it was important to recognize those involved. That will be arranged so others are aware of the wonderful service offered by the Fire Department. Administrator Darrington informed the Council that there is a ribbon-cutting ceremony on Friday at 11:00 a.m. for a mobile business. The ribbon cutting will take place in the Chamber Offices in

City Hall. He added that the Volunteer Dinner will take place on April 29, 2024, at Stonegate at 6:00 p.m. Council Members were asked to RSVP for the Volunteer Dinner.

There is a change to the June schedule. Normally, the City Council meets on the first and third Tuesday of the month. In June, the third Tuesday is Strawberry Days, so that meeting is generally moved to the fourth Tuesday. The first Tuesday in June will be the public hearing on the budget. The second meeting in June will be when the budget is adopted. However, the fourth Tuesday of the month is the primary election for State offices. The meeting needs to be moved to Monday, June 24, 2024, instead. Administrator Darrington will send out calendar reminders to the Council.

As for the next City Council Meeting, the Tentative Budget will be reviewed as well as some easements, and a Master Services Agreement. The Work Session will include a Fire Department presentation. There may be a few other items discussed during the Work Session as well.

13) MAYOR AND COUNCIL BUSINESS.

Council Member Andersen reported that she will be out of town for the next couple of weeks. She is disappointed that she will miss the Volunteer Dinner and the City Council Meeting.

Council Member Eric Jensen thanked those who attended the Utah County Business Summit. There were impressive speakers and panel discussions. He discussed a recent service project and expressed appreciation for the crew that helped out. It was also noted that there was a ribbon cutting recently. Council Member Jensen stated that he is excited about the employee appreciation lunch. He informed those present that the Chamber Golf Tournament is on May 17, 2024.

Council Member LeMone expressed her appreciation to the Chamber for their desire to support businesses. Her husband is now a business owner in Pleasant Grove and had a good experience with the City overall. She noted that there were some challenges with the County, but not the City.

Council Member Williams noted that feedback has been received from citizens about the Alpine School District split. He thought it was important for the City to get ahead of that as much as possible. There are a lot of proposals and there has been some discussion. He wanted the City Council to sit down and form a recommendation. From there, it will be possible to share that recommendation with others. It was noted that this can happen through Interlocal Agreements, or the matter can be put on the ballot. Other Council Members felt that more information was needed.

Council Member Williams wanted to understand what will happen if Orem, Lindon, Vineyard, Pleasant Grove, Lehi, Highland, and Alpine join in an Interlocal Agreement. For instance, how that will impact the revenue and the assets in those cities. Administrator Darrington noted that some information has been sent out and more information should be released shortly.

Administrator Darrington reported that the school district has hired a consultant to do an analysis and share different options. Each option has a financial impact. The City Council can have a robust discussion about this during a Work Session. Otherwise, he can meet with Council Members two at a time to review the consultant report so there is a basic understanding. The

school district sent out a survey to parents and stakeholders, so feedback is currently being received.

Cities have the power to create a school district and potentially have the power to come together and state what there is a desire to see in the district. If cities decide to take control of the process, that could undermine the process that the school district has underway. The first step is to educate Council Members on the current situation. There was support for a Work Session related to that.

Attorney Petersen reported that the school district has posted the presentation the consulting firm gave to the school district. The presentation reviews each of the options and there are also presentation slides available. The City Council can have a discussion, but according to the school district, the information has already been provided. Council Members expressed a desire to have Work Session discussions, so concerns can be shared, and a path forward can be contemplated.

Administrator Darrington thought it was best to educate Council Members on the report. However, he wants to be careful about an open discussion that mentions cities where there might be alignment. He does not want the City Council to be too far in front of this, as it is a process the City may or may not be able to fully control. The presentation materials mentioned earlier could be shared with Council Members. It was suggested that an education session take place at the next Work Session and some of the options be discussed. The next steps can be determined at that time.

Council Member Rogers noted that during the retreat, there were discussions about the downtown area. He wanted to meet with Administrator Darrington to see if there were any funds the City could allocate towards events specific to the downtown. Administrator Darrington reported that a certain amount was set aside for events, so there can be discussions with the Coalition.

Council Member Rogers went to some presentations about open and public meetings. Something that was talked about was free speech during public meetings. He learned more about the legal standards that Council Members need to uphold. He stressed the importance of leading with kindness, even when that kindness is not given to the Council. Another part of the presentation had to do with social media accounts. Any posts made on personal social media accounts can become discoverable through a GRAMA request if the account deals with City business.

Administrator Darrington offered to research further so there is clarity about what is and is not a record. Council Member Rogers noted that one of the speakers stated that if something is posted on a personal page that relates to City business, it opens up the personal messages on that account if those deal with City business. Administrator Darrington shared an example where a citizen was blocked from the social media page of a City Manager. The City Manager posted on their page about City business, and the citizen criticized the manager and was blocked. The citizen then sued.

There was discussion about the example scenario shared. Administrator Darrington explained that during the presentation he attended, it was stated that an individual Council Member is not authorized to speak for the City. As a result, there was not as much clarity about social media use for the Council. Council Member Rogers asked that additional research be done for clarity.

Council Member LeMone does not feel Council Members should have to deal with profanity or obscenities. She treats others with kindness, but it is not appropriate to ask the Council to tolerate profanity from residents. Council Member Rogers clarified that his earlier comment about that came from court language during the presentation. Mayor Fugal stated that residents have not been prevented from addressing the Council. Council Member Rogers reiterated that he simply chose to read the court rule for education purposes. It was not directed at anyone in particular.

14) SIGNING OF THE GORDON GROVE SUBDIVISION PLAT B.

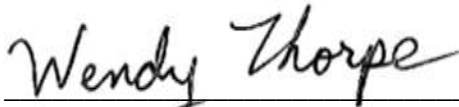
The Mayor and Council signed the Gordon Grove Subdivision Plat B.

15) REVIEW CALENDAR.

16) ADJOURN.

ACTION: At 7:40 p.m. Council Member Williams moved to ADJOURN. Council Member Jensen seconded the motion. The motion carried unanimously with Council Members Andersen, Jensen, Williams, LeMone, and Rogers voting “Yes”.

The City Council Minutes of April 23, 2024, were approved by the City Council on May 21, 2024.



Wendy Thorpe, CMC
City Recorder

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