

Pleasant Grove City Council Minutes
May 19, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Comm. Dev. Director

Deon Giles, Leis. Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Degen Lewis, City Engineer

Karen Bezzant, Treasurer

Libby Flegal, NAB Chair

Excused:

Richard Bradford, Economic Dev. Director

The City Council and staff met at the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah

1. CALL TO ORDER

Mayor Daniels called roll for the Council and noted that Council Members Atwood, Boyd, Call, Jensen and Wilson were present.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Seth Willardson.

3. OPENING REMARKS

Opening Remarks were given by Director Giles.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any questions on the meeting's agenda.

Council Member Jensen asked if any action was going to be taken on item "e", or was it just on for discussion and was it open to the public for comments. Mayor Daniels stated that it was not listed as a public hearing and asked the Council if they did want to take comments from the public. The general consensus of the Council was that they did favor hearing public comment on item "e."

Mayor Daniels noted the change and asked if there were any other changes to the agenda, there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Call moved to approve the agenda adding that public comment will be taken on item "e." Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting, "Aye."

5. CONSENT AGENDA (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

MINUTE REVIEW AND APPROVAL:

- a. City Council Minutes for May 5, 2009
- b. Work Session Minutes for April 28, 2009
- c. Joint City Council and Planning Commission Minutes for March 24, 2009
- d. To consider appointing Jeff Cardon as an alternate member of the Planning Commission
- e. To consider approval of Payment No. 21 and Change Orders 12 & 13 for the Pressurized Irrigation System – Schedule 6, HDX, LC a Dunn Company
- f. To consider approval of paid vouchers (May 7, 2009)

Mayor Daniels stated that they have interviewed Jeff Cardon at the recommendation of our Community Development Director as an alternate Planning Commission member and would like to make him part of that committee. Mayor Daniels asked if there were any questions.

Council Member Boyd inquired as to how many alternate members we have on the Planning Commission. Mayor Daniels stated if Mr. Cardon is approved, it will make two alternates.

Mayor Daniels asked if there were any other questions on the consent agenda items, there were none. The Mayor then asked for a motion to approve.

ACTION: Council Member Boyd moved to approve the consent agenda items. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

6. OPEN SESSION

Mayor Daniels explained to those present that if an item was not a public hearing or not on the agenda, they were welcome to come forward and address the Council.

Bob Ross, 550 E 1400 N came forward and stated that his intent is that he does not want his comment to appear negative in any way, but with the fact that City Administrator Frank Mills will be retiring soon and the Mayor being interested in the position, he feels that it is a conflict of interest for the City Mayor to be applying for the position of City Administrator.

Robert Williams, 140 W Center St. came forward and asked if the trenches for the pressurized irrigation sections would be filled back in. Director Walker stated “yes” they will.

Jenny Farris, 230 S Locust Ave. came forward next and stated that she is not in favor of a City employee running for election. She said that it should work both ways and it should not be allowed for a City Council Member to be a full time employee of City. She feels that this makes too many opportunities for conflict of interest.

Oren Peterson, 1250 W 2600 N came forward to discuss a part of his property that is right in back of where the City is putting a detention pond. He said that what was planned was to make a roadway that goes through to his property but the individual who owns the connecting property has gone into foreclosure. Mr. Peterson asked how he could maintain a right of way so his property does not get land-locked. Mayor Daniels clarified that what he wants is to apply for a right of way through that property to gain access to his. Mr. Peterson stated that he has a roadway that is half of what the City would require and the other property owner was going to develop the other half and comply with what the City wants so the property could be developed, but now that has fallen through. Mr. Peterson said that he just wants to make sure that he doesn't get land-locked. Mayor Daniels referred Mr. Peterson to Community Development Director Ken Young and stated that he is the person to meet with to begin the discussion on how to get that accomplished for his development.

Mayor Daniels asked if there was anyone else that wished to come forward, no one did. The Mayor then stated that he wanted to address Mr. Ross's comment. Mayor Daniels said that the Mayor has expressed interest in applying for the position of City Administrator, the Mayor has not applied, the position is not currently open. He stated that if in fact the Mayor does decide to apply for the position, he will resign his position as City Mayor before making application. The Mayor then closed the meeting to the public.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Chairperson Libby Flegal stated that there was nothing to report at this time.

8. BUSINESS:

A. ELISE LETCHENBERG, LEWIS, YOUNG, ROBERTSON & BURNINGHAM, INC. TO DISCUSS THE PROPOSED ROADWAY CAPITAL FACILITIES PLAN AND

IMPACT FEES FOR THE CITYWIDE SERVICE AREA IN PLEASANT GROVE CITY

Elise Letchenberg of Lewis, Young, Robertson & Burningham, Inc. stated that she was here to update the Council on the Citywide roadway impact fees. She said that in her last presentation a couple of months ago there were some concerns as to the percentage increase of the fees, so in working with Finance Director Clay they looked back at the original impact fee analysis and it calculated the impact fees for a long list of land use categories, what was done on this update was try to tailor those categories more to the 2000 West service area and that was why there was such a fluctuation of some of those fees. It was decided to leave things as they were before because of the fact that the 2000 West area is so unique in the land uses, access to the freeway; it is just not an “apples to apples” comparison. Ms. Letchenberg stated that they have gone back to the original list of land use categories. She stated that there is still the significant increase but these fees have not been updated since 2003.

Ms. Letchenberg then began an overview of the impact fees, stating that it is a one time payment of money that is paid by development activity; the purpose is to ensure that new development is paying its way into the City for City provided utilities and services. She stated that the fees being recommended are the maximum fee that the City is able to adopt, if a lower fee is adopted then the City will need to find another revenue source to make up the difference. Ms. Letchenberg stated that JUB Engineers is the firm that prepared both the Master Plan and the Capital Facilities Plan. She pointed out that the roadway impact fee will not be assessed in the 2000 West service area; there are two separate fees for the two different service areas. Ms. Letchenberg reviewed the Capital Improvement Plan stating that the total cost of the impact fees comes out to just over eight point eight hundred eighty million dollars. She then reviewed the calculations of the impact fees stating that the net impact fee cost per trip comes out to two hundred sixty five dollars and twelve cents. She pointed out that they adjusted a couple of categories, combining the Mixed Commercial and Shopping Center categories. The non-residential fees are assessed per thousand square feet of building floor space and the residential fees are assessed per dwelling unit. Mayor Daniels observed that the greatest impact appears to be on the residential.

Ms. Letchenberg reviewed data from comparative residential and commercial impact fees done in other Utah County cities. She mentioned that some of these cities have not updated their fees for many years and that why the fees being recommended for Pleasant Grove are much higher. Mayor Daniels asked which of these cities would be the best ‘apples to apples’ comparison to Pleasant Grove. Ms. Letchenberg said that Lehi and American Fork’s have been updated in the last year so they would be reasonable comparisons. Mayor Daniels then stated that in looking at the data for Lehi, their residential fee is at one thousand three hundred sixty two dollars and eighty seven cents (\$1,362.87) and our proposed is one thousand three hundred twenty five dollars and sixty cents (\$1325.60).

Mayor Daniels asked if the Council had any questions. There were none. The Mayor then stated that this is not an action item on tonight’s agenda. Attorney Petersen stated that this is on for discussion tonight and it will come back in another meeting for adoption. Ms. Lechtenberg stated that if Council was in agreement then she would work with City Recorder Kresser and Attorney Petersen to get the public hearing noticing done and get this on the agenda for the June 2nd City Council meeting.

B. A RESOLUTION (2009-012) TO AUTHORIZE THE PLEASANT GROVE CITY LEISURE SERVICES DEPARTMENT DIRECTOR TO SUBMIT AN APPLICATION FOR THE 2009 UTAH COUNTY MUNICIPAL RECREATION GRANT FOR IMPROVEMENTS TO BE MADE TO RECREATIONAL FACILITIES THROUGHOUT THE CITY

Director Giles explained that this year with this money from the Utah County Recreation Tax Grant they are taking a different approach; instead of using it for one big project they will be utilizing it for three or four significant smaller projects. The list of items include tables and chairs for the Community Center, trash receptacles for the new Manila Creek Park, a two-bay swing set at the Veteran's playground and regulatory signs for multiple parks.

Mayor Daniels asked if there were any questions, there were none. The Mayor then asked for a motion.

ACTION: Council Member Call moved to approve Resolution No. 2009-012, A Resolution to authorize the Pleasant Grove City Leisure Services Department Director to submit an application for the 2009 Utah County Municipal Recreation Grant for improvements to be made to recreational facilities throughout the City. Council Member Wilson seconded and the motion passed with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE (2009-10) AT THE REQUEST OF PLEASANT GROVE CITY STAFF TO AMEND TITLE 10, CHAPTER 15, SECTION 14/FLAG LOTS, FOR THE PURPOSE OF ALLOWING UP TO TWO (2) MORE LOTS TO A FLAG STEM, MODIFYING THE SETBACK REQUIREMENTS AND CORRECTING THE LANGUAGE REGARDING LOT WIDTH MEASUREMENTS AND THE TIME A VICINITY PLAN IS REQUIRED

Council Member Call recused himself (at 7:33 p.m.) from discussion of this item, stating that he has a relative who will soon be building on a flag lot and feels that it would be inappropriate for him to be involved with this.

Director Young stated that because of various issues in dealing with flag lots, the staff has determined that there is a need to amend the flag lot chapter in this Ordinance. Director Young explained that they are updating and amending the definitions and also submitting further clarification on the submittal process for flag lot review. He explained that what they are proposing on the stem development standards and requirements is to add two lots to the common stem in cases where the common stem abuts a collector arterial street. Also that there is no reason for having an additional setback requirement for a flag lot development, currently it requires a twenty five foot setback for any part of the flag lot that is adjacent to lots or parcels outside of the lot subdivision, where normally only ten feet is required. Staff does not see the need for this additional setback requirement because the nature of the adjacent uses are compatible and usually if a greater setback is needed, it is imposed on the use that creates the greater impact, such as any commercial or industrial uses.

Director Young then summarized the proposed changes, first to correct references on how a lot width is measured, to clarify definitions for private and common stems, to correct the point in

time in the subdivision process when a vicinity plan is required, allow the first two lots fronting a collector street to access the common stem and setbacks are to match the zone.

Mayor Daniels asked if there were any questions, there were none. The Mayor stated that this was a public hearing and then opened the meeting to the public.

Dean Davis, 319 N 400 E came forward and stated that presently he is building in a flag lot situation and is in favor of the proposed changes to this Ordinance. Mr. Davis stated that he is very much in support of the section that changes the setback requirement to only ten feet.

Robert Williams, 140 W Center St came forward and questioned why a local street couldn't have the same options. He stated that we get a lot of flag lots where the front yard backs into someone's backyard and it would look a lot nicer if they all faced the road. Director Young said that could be added in as an option but that the feeling is that it wasn't necessary to require it. City Engineer Lewis added that typically the flag lots are already existing homes.

Mayor Daniels asked if there was anyone else that wished to come forward, no one did. The Mayor closed the meeting to the public. Mayor Daniels then asked for a motion.

ACTION: Council Member Boyd moved to approve Ordinance 2009-10, amending text in Title 10/Chapter 15/Section 14, titled Flag Lots, increasing the number of lots permitted on a common stem for developments that abut a collector or arterial street, and making small corrections to clarify certain chapter definitions, vicinity plan requirements, off street parking, and setbacks, for the purpose of making the code consistent with these topics referenced elsewhere in the code. A public hearing was held. Council Member Jensen seconded and the motion passed with Council Members Atwood, Boyd, Jensen and Wilson voting "Aye."

Council Member Call rejoined the meeting. Council Member Boyd requested to move item "d" on the agenda, the presentation of the City's tentative budget until after the executive session, stating that there were some items still to discuss prior to the presentation. Mayor Daniels asked the Council Members if that was acceptable, they were all in agreement.

E. DISCUSSION ON ELECTED OFFICIALS IN REGARDS TO CHANGES TO THE POLICY AND PROCEDURE MANUAL

Mayor Daniels stated that based on the discussion from last Saturday's budget meeting, Attorney Petersen was instructed to prepare the phrasing for the changes to the Policy and Procedure manual regarding Elected Officials including the matter of "grandfathering."

Attorney Petersen stated that with regard to the selection of employees who work for the City; the current Policy and Procedure manual says that the elected officials may not apply for full time employment if currently serving in the capacity of elected official for the City of Pleasant Grove. Based on the discussion in Saturday's meeting, the Council had indicated their desire to make an amendment to that section of the manual, the instruction was to prepare some language to the effect that no employee could serve as an elected official simultaneously while holding an elected office also if you were an employee and you wanted to run for office, at what point you would have to resign your employment or if you were an elected official and wanted to apply for

a full time position with the City at what point would you have to resign from office. Attorney Petersen stated that there are two scenarios for grandfathering, one being if there are any elected officials currently serving as employees they would be grandfathered for the term of their current office, the other scenario would be that they be grandfathered and they would also be allowed to run for office again.

Attorney Petersen then read the proposed language; Elected Officials: No City employee shall serve as an elected official for Pleasant Grove City simultaneously with their term of employment. A City employee who is elected to a municipal office for Pleasant Grove City must resign employment with the City prior to taking office. An elected official who desires to apply for a position as an employee must resign their office prior to applying for the position. This policy shall be prospective in application. Any individual(s) currently serving as an elected official and as a City employee shall be allowed to complete their current term of office.

Attorney Petersen explained that the following language can replace the last two sentences of this proposed phrasing: *This policy shall be prospective in application. Any individual(s) serving as an elected official and as a City employee at the time of this policy adoption shall not be subject to this restriction. At the conclusion of the current term of office, said individual(s) may run for reelection without violating this policy.* Attorney Petersen added that in researching what other cities require, many request that the employee resign soon after being elected. For example; Brigham City's policy states "A career service employee who is elected to political office shall resign from career service no later than the day following the election."

Mayor Daniels asked if there were any questions.

Council Member Call stated that that example from Brigham City makes sense, that once you know you are going to be an elected official you do not want to unduly influence any discussions or decisions.

Council Member Jensen suggested that in the event that the Council decides not to restrict a City employee from running for elected office, then our discussion should be whether or not to accept the second part of the language proposed.

Mayor Daniels pointed out that what was not discussed in length was grandfathering and that is probably what Council needs to discuss; what does grandfathering mean. The Mayor explained that Attorney Petersen has prepared two different scenarios, one is after the current term the person cannot run again, and the second one seems to indicate that that happens indefinitely. The Mayor said that he views this as being similar to what we do with animal rights or land rights in the City, if a person continues to exercise their right to have animals on their land after that element has been removed they can continue that but once they choose not to do that, then they lose that right. Mayor Daniels further clarified this saying that if an individual were currently serving as an elected official and City employee and the Council allowed them to run again, then if they did not get elected that ends their ability to come back and run again.

Council Member Jensen stated that in the way this is written the person in the dual role as employee and elected official, that in perpetuity that individual can run for office time after time, because there is no limit.

Attorney Petersen said that the second part of the proposed language does say that and that is the decision that Council has to make, this language is based on the decision to grandfather but there was no discussion on how far the grandfathering went. She stated that the options if no employee shall serve as an elected official are; 1.) The minute the policy is adopted they have to resign, either by terminating their employment or elected office. 2.) If they complete their current term of office they cannot run again, or if they choose to run again they have to resign as employee. 3.) Anyone currently serving in a dual capacity is basically grandfathered in perpetuity unless they do not get re-elected, then the cycle is broken and cannot run again.

Mayor Daniels stated that these are just options because there was no discussion in Saturday's meeting to clarify what the intent of grandfathering was.

Council Member Boyd stated that her understanding was that an elected official would be able to remain throughout their term but to not give them the option to run again. Council Member Jensen stated that this was also his understanding from the prior discussions.

Council Member Call stated that he hadn't considered it; he was only looking at it from the fact of all grandfathering issues that we deal with meaning let's not put someone at a disadvantage just because we change the rules.

Council Member Atwood stated that he feels that grandfathering ought to be in the policy.

Council Member Wilson stated that his understanding was that the individual in the dual role should be allowed to complete their current term.

Mayor Daniels then opened the meeting to the public and stated that in the interest of time if someone has already said what you would like to say, then come up and state your name and address and just state that "I agree."

Robert Williams, 140 W Center St. came forward and stated that he thinks that it is also a conflict of interest to have an elected official accept employment immediately following his term of office. He stated that what Attorney Petersen wrote came from the direction of the Mayor and was pretty much what he asked her to write, he said that the Mayor has a lot of power. Mr. Williams said that he thinks there should be a year or some kind of a time frame where an individual cannot accept employment with the City right after being released from office. He stated that he is opposed to grandfathering saying that if it is not a good situation then why would we allow it to go on, he did say that he is not opposed to Council Member Atwood serving out his term. Mr. Williams stated that he thinks when an individual declares their candidacy that is the time that they should resign. He stated that staff recommendations also have a lot of power in the City. Mr. Williams asked for a clarification of what the word prospective means in terms of the proposed language. Attorney Petersen stated that it means going forward, not retroactive.

Ed Sanderson, 312 N 700 E came forward next and stated that his concern has nothing to do with ethics, he gave the example that as a teacher he would not be allowed to run for office on the school board the reason being how can a principle deal with an employee who is also his boss. Mr. Sanderson stated that that is the situation with Council seats, he said that it's been wrong and

it is wrong and we need to change it. Mr. Sanderson said that if we are going to make a change let's make it clean and break it at the election time.

Laurel Backman Riddle, 50 W Center St. came forward and stated that she feels that there is a conflict and it has been wrong, it has caused problems and that she is very grateful that the Council is dealing with this. She commented that she thought it was interesting in Saturday's meeting that the department heads said that they did not want to have an employee who was also on the Council. Ms. Riddle stated that she was glad to hear that because looking at this from the public's point of view an elected official is elected to represent us and to keep the City employees on track in serving the public and doesn't see how they could do this when they are wearing both hats. Ms. Riddle stated a specific example from the meeting when they were talking about sick leave as a retirement benefit and that the City couldn't afford that, the Council member who is also a City employee immediately objected. She questions whether he was really objecting this because he was representing the citizens, she said that he said that he doesn't just represent himself; he represents all of the employees. Ms. Riddle stated that that is the problem when they are both because as a Council member they don't represent the employees they represent the citizens. Ms. Riddle stated that she feels that it is next to impossible to keep those two roles separate and that we need to keep City government clean. She stated that she agrees that the currently elected officials should go to the end of the term and then choose between one or the other positions.

John Morris, 1003 N 1250 W came forward next stated that he agrees with not having the dual roles and it should end at the term and not be grandfathered past that.

Nancy Roberts, 34 W 100 N came forward and stated that she agrees with the previous public comments.

Brent & Jill Milne, 895 N Sage Dr. came forward and stated that they also agree with the previous public comments.

Tom Withers, 31 W 100 N came forward and stated that he agrees with the previous public comments.

Mayor Daniels asked if there was anyone else that wished to come forward, no one did. The Mayor then closed the meeting to the public and asked the Council members if they had any further discussion on this item.

Council Member Call commented that the item that was brought up by Mr. Williams with the idea of a waiting period after coming out of office before accepting employment should be considered.

Council Member Boyd stated that she was in favor of that idea as well, adding a one year waiting period.

Council Member Jensen stated that it adds another safeguard.

Council Member Atwood stated that he does not have a problem with that idea.

Council Member Wilson stated that he agrees with the point made about an employee resigning at the time they declare their candidacy; it does put pressure on the employee and the issue with the public trust.

Mayor Daniels asked if there was any further discussion, there was none.

9. STAFF BUSINESS

- City Engineer Lewis reported that the Transportation Master Plan Open House was well attended; they received many positive comments from the public and were able to answer a lot of their questions.
- Director Giles invited everyone to attend the Memorial Day program at the City Cemetery on the 25th at 9:00 a.m. Lieutenant Governor Gary Herbert will be the guest speaker.
- Director Walker said that the 100 West overlay should be completed this week.
- Fire Chief Sanderson reminded everyone about the Fireman's Breakfast from 6:00 a.m. – 11:00 a.m. on May 30th; tickets can be pre-purchased at the Fire Station.
- Police Chief Paul stated that they are currently training six volunteers in Police Services; they are about three quarters through the program and will soon be out on the road.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen reported that tomorrow, May 27th at 8:30 a.m. is the committee meeting for accessory apartments and Thursday, May 28th is the committee meeting at the golf course. Council Member Jensen also stated that he will be on vacation next week and therefore be missing the May 26th Work Session meeting.

Council Member Jensen wanted to clarify that the direction given to Attorney Petersen on the elected official portion that she presented was to include it in the Policy and Procedure manual. Attorney Petersen stated that that was what she understood as well and was also directed to add the one year moratorium for elected officials before they could apply for employment with the City.

Council Member Jensen expressed his appreciation to the public for attending the meeting and showing support to the Council and helping us gain insight on where the citizen's stand on different issues.

- Council Member Call mentioned that he will be out of town next week so he will not be attending the May 26th Work Session meeting.
- Council Member Wilson commented that the last item of discussion on the elected officials was nothing against Council Member Atwood. He stated that he appreciates him

as a City Council member and was in that same position and understands what he is going through, it can be hard at times.

Council Member Wilson also thanked the public for attending, stating that he appreciates their input.

11. SIGNING OF PLATS

No Plats were signed.

12. REVIEW CALENDAR

Mayor Daniels reviewed the items of the Memorial Day program at the cemetery on Monday, May 25th and the Fireman's Breakfast on Saturday, May 30th.

13. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders and in that there was no further discussion, the Mayor asked for a motion.

ACTION: Council Member Wilson moved to approve the purchase orders for May 19, 2009. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

14. EXECUTIVE SESSION TO HOLD A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY (UCA 52-4-205(1)(d) ALSO TO HOLD A STRATEGY SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-4-205(1)(a))

ACTION: At 8:18 p.m. The Mayor and Council Members went into an executive session to discuss the purchase, exchange or lease of real property (UCA 52-4-205(1)(d)).

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Colleen A. Mulvey, Deputy Recorder

ACTION: At 8:23 p.m. The Mayor and Council Members went into an executive session to discuss the character, professional competence, or physical or mental health of an individual (UCA 52-4-205(1)(a)).

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

ACTION: At 9:50 p.m. Council Member Call moved to close the executive session and return to regular session. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting “Aye.”

Mayor Daniels stated that the City Council is authorizing staff to proceed with negotiations with the owners for the property on Locust Avenue.

D. TO PRESENT AND CONSIDER THE ADOPTION OF THE CITY’S TENTATIVE OPERATING AND REDEVELOPMENT AGENCY (RDA) BUDGETS FOR FISCAL YEAR 2009/2010 AND SET A DATE FOR A PUBLIC HEARING TO CONSIDER ITS APPROVAL AND DATE FOR ITS FINAL ADOPTION

Finance Director Clay stated that from the discussions at Saturday’s budget meeting he was asked to do some minor changes on personnel and benefits, the total cost of that came to four thousand nine hundred dollars and he has made the changes in the appropriate areas. Director Clay then proceeded to review the Fiscal Year 2010 Annual Budget Report, stating that the General Fund Revenue total is sixteen million five hundred fifteen thousand three hundred seventeen dollars with taxes being one half, the biggest part of it. The General Fund Expenses totalled sixteen million four hundred eighty one thousand three hundred twenty eight dollars. On the Expense Categories, wages and benefits make up fifty five percent of the total.

Mayor Daniels stated that on the wages and benefits numbers that were looked at in Saturday’s meeting, they had asked for a different calculation. Director Clay stated that those have been added into these figures and the net dollar difference is the four thousand nine hundred dollars. The Mayor asked what was adjusted to come up with the net difference. Director Clay stated that the amount that was remaining on the revenue over expenses, the thirty nine thousand dollars is now down to thirty four thousand dollars. Mayor Daniels then clarified that the amount that was put in for merit was already in the expense side of this when we looked at it on Saturday and part of the amount for adjustments on competitive was already in, the part that was not in was the increase that was discussed. Director Clay stated that is right, the positions that were discussed, that is the only thing that has been added in and that is what totals the forty nine hundred dollars.

Director Clay went on to the next category in the budget report, the money from the other funds which include sewer, water, storm drains, capital projects, impact fees, RDA and other, the total

revenue is thirteen million sixty one thousand nine hundred sixty five dollars. The City Debt total is at sixty one million eight hundred ninety thousand dollars, with the two biggest areas on that being the water with the secondary system being put in and the Hammonds project.

Director Clay next reviewed the Major Budget Request Items which include a 2.5% merit increase for all employees as long as their job performance warrants it, the compensation market study or salary survey, the lease program for the Police vehicles, the lease on the ladder truck for the Fire Department, a new secondary storage tank, water rights, replacement of lead joint lines for the Water and Sewer Department. For the Streets Department, resurfacing of streets, chip sealing and sidewalk rehabilitation and replacements, the Recreation Department will have increased programming in the Community Center, and for Parks the work at Manila Creek and Shannon and Wils Field to be completed. Director Clay went over the list of the Major City Projects; completing 20th West, completing the secondary water system, continued economic development throughout the City, begin the development of Battlecreek Trail Head, completing of the railroad overpass on State Street, update the Storm Drain Master Plan, update the Street Master Plan, continued expansion of the Public Safety wireless system, continued involvement with the North Utah County Aquifer Recharge Program, begin the curb side recycling program and purchase of properties for Parks, Storm drains and other City uses.

Mayor Daniels stated that the Council has discussed the salary increases and there is no cost of living increase and a 2.5 % merit increase was built in and on all of the positions that were below the ranges on the salary study, the ranges would be adjusted according to what the study said and the pay increase for the employees that are in those ranges that were below what the competitive analysis showed. The recommendation was one if not two step increases in the pay range for those individuals that are below pay for the range. Mayor Daniels stated that from the discussion that Council has had in regards to the compensation and the study they have concluded that on the Director level, the step increase from the competitive study is one step increase rather than going either two or three and for all of the other employees it will be the one or two step increases that were originally presented and that they were in favor of just 2.5% on the merit increase. The Mayor then asked Director Clay what these decisions now do to the budget.

Director Clay stated that he would have to go through and re-work everything and that would mean that he could not have the budget out for review until then. Mayor Daniels asked if we would need to re-schedule meetings. Attorney Petersen stated that they are allowed to have a special meeting to work on the budget and it does not have to be a public hearing as long as it is the tentative budget. Mayor Daniels asked if we could adopt this tentative budget with the stipulation of these changes. Attorney Petersen stated that they could adopt the tentative budget with the direction to make these changes between now and the next public hearing on June 2, 2009.

ACTION: Council Member Jensen moved to approve to present and consider the adoption of the City's Tentative Operating and Redevelopment Agency (RDA) Budgets for Fiscal Year 2009/2010 with the adjustments of the one step increase in the pay range on the competitive study for the Director level and for all other employees either a one or two step increase, and to set a date (June 2, 2009) for a public hearing to consider its approval and a date for its final adoption. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

Mayor Daniels recused himself (at 10:11 p.m.) from the Council room for the next discussion. He turned the time over to Mayor Pro Tem Call to lead the discussion. Mayor Pro Tem Call explained that the Mayor recused himself due to a potential conflict of interest.

Mayor Pro Tem Call stated that Administrator Mills has been in touch with the Masters Public Administration (MPA) program at BYU and they are willing to provide a task force to screen candidates as well as advertise the City Administrator job opening so that we can properly publicize. This will provide an independent body to take in the applications, filter through them and provide us with candidates to interview.

Attorney Petersen stated that she has gathered several different City Administrator job descriptions from other Cities and wanted to know if the Council wanted to meet to discuss them. Mayor Pro Tem Call asked that she get these job descriptions to the Council members for review and then we will be able to use what we need from them to compile an appropriate job description.

Council Member Jensen stated that he would like to discuss how we are to handle the responses and resumes to the job openings, who would be the repository for these. Attorney Petersen stated that typically that process is handled by the City Recorder.

Mayor Pro Tem Call then stated that the other item that we need to talk about is the wording for the moratorium that was discussed earlier, that an elected official has to wait one year prior to applying for a job with the City. He said that there were several Council members who did not realize that that would have immediate effect once the Policy and Procedure manual is approved. Mayor Pro Tem Call asked the Council members to express their thoughts or concerns at this time.

Council Member Jensen stated that he is not in favor of adding this one year moratorium, he said that he thinks we may have acted in haste in what we thought would be a good idea without giving due consideration to it and that he is reversing his decision. Mayor Pro Tem Call then clarified that he is suggesting not having that one year moratorium clause in the policy. Council Member Jensen stated "yes."

Council Member Boyd stated that in trying not to make decisions based on individuals, she feels that the Mayor has been honest and up front with us with his intention on where he wants to go, that this moratorium is something that we can look at in the future after this year is over.

Mayor Pro Tem Call asked Council Member Atwood if he had a comment. Council Member Atwood said "no."

Council Member Wilson stated that he feels that as soon as the individual puts in the application, they should resign from elected office. Mayor Pro Tem Call asked if he was in favor of dropping the one year moratorium. Council Member Wilson stated "yes."

Mayor Pro Tem Call then stated that the direction from the Council is to drop the wording on the one year moratorium clause in the Policy and Procedure manual. Attorney Petersen stated that it will not be added in.

Mayor Pro Tem Call asked if there was anything else that needed to be discussed. Nothing else came up for discussion.

15. ADJOURN

ACTION: At 10:20 p.m. Council Member Boyd moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Jensen and Wilson voting "Aye."

This certifies that the City Council
Minutes of May 19, 2009 are a true,
Full and correct copy as approved by
The City Council on June 2, 2009

Colleen A. Mulvey, Deputy Recorder