

Pleasant Grove City Council Minutes
January 20, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Cindy Boyd

Bruce Call

Jeffrey D. Wilson

Lee Jensen

Mark K. Atwood

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Lynn Walker, Public Works Director

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

Libby Flegal, NAB Chair

Mary Burgin, Planning Technician

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

1. CALL TO ORDER

Mayor Daniels noted that himself as well as Council Members Boyd, Atwood, Jensen, Wilson and Call were in attendance.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Nathan Smith.

3. OPENING REMARKS

Opening Remarks were given by Council Member Call.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels noted that item "b" on the consent agenda would be postponed for approval at a later date. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve the agenda. Council Member Boyd seconded and the motion passed unanimously with Council Members Jensen, Atwood, Wilson, Boyd, and Call 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 January 6, 2009
- b. Work Session Minutes for January 13, 2009
- c. To consider appointment of Stephen Phelon as a new member to the Board of Adjustment.
- d. To consider approval of paid vouchers (January 10, 2009)

The Mayor asked for a motion on the consent agenda

ACTION: Council Member Atwood moved to approve the consent items, with item “b” (on the consent agenda) being postponed. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Jensen, Wilson, Boyd and Call 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 welcomed to come forward and address the Council for three minutes. No one came forward.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Mrs. Libby Flegal reported that the Historic Neighborhood names had been discussed at the NAB meeting just prior to the current Council meeting. After the board’s discussion, it was decided to table the discussion, and allow the P.G. Review to run articles regarding the various neighborhood’s histories. Mayor Daniels asked what the general consensus of the discussion was. Mrs. Flegal said some were interested, and others felt there wasn’t a need for change. She said that Director Young had approached the board about a possible change of the a couple of the neighborhood names.

8. BUSINESS:

A. TO CONSIDER A PROCLAMATION DECLARING FEBRUARY 2009 WHITE RIBBON AGAINST PORNOGRAPHY MONTH.

Mayor Daniels read this item. He asked if there was anyone representing the group that spearheaded this item. Mr. Shane Pierce came forward and said that he was the representative from the “Communities for Decency,” coalition. Mr. Pierce said they are working to support initiatives that would clean up some of the less than desirable messages on billboards, etc, that are offensive to children, in particular. He also noted that they work to make it safer for children by fighting pornography. His group also has produced a movie against pornography called, “The

Great Lie.” He said the movie has been shown in various venues, including churches. Currently, his group is sponsoring a contest for the best design on a large billboard on I-15. He said they have also worked to get the blinds in stores that go in front of questionable magazine covers.

The Mayor asked if there was any discussion. There was none. He then asked for a motion.

ACTION: Council Member Call moved to approve a Proclamation declaring February 2009 White Ribbon Against Pornography month. Council Member Jensen seconded and the motion passed with Council Members Atwood, Wilson, Jensen, Boyd and Call voting “Aye.”

B. TO CONSIDER A RESOLUTION AMENDING AND RESTATING THE TERMS OF THE EMPLOYEE CAFETERIA PLAN.

Director Clay explained that this item was one that, by law, came before the Council every six years; and was adopted by Resolution. He said there had been no changes in the past six years. He also said that the current plan would continue through 2015, when it would come before the Council again at that time.

Mayor Daniels asked if there were any comments or questions. There were none. He then asked for a motion.

ACTION: Council Member Jensen moved to approve Resolution No. 2009-02, amending and restating the terms of the Employee Cafeteria Plan. Council Member Wilson seconded, and the motion passed with Council Members Jensen, Wilson, Call, Boyd and Atwood voting, “Aye.”

C. PUBLIC HEARING TO CONSIDER THE REQUEST OF PG GATEWAY LLC, TO MODIFY THE EXISTING CONDITIONAL USE PERMIT, FOR PROPERTY LOCATED AT 233 SOUTH PG BLVD, TO ALLOW ARCHITECTURAL, ENGINEERING, PLANNING, AND LEGAL SERVICES TO OPERATE WITHIN THE BUILDING; IN THE GROVE MIXED USE ZONE. (SAM WHITE’S LANE NEIGHBORHOOD)

After Mayor Daniels read this item, Director Young explained that the applicant, PG Gateway LLC, was requesting that the Planning Commission grant an approval to modify the Conditional Use Permit to also allow engineering, architectural, planning and legal service in the office building. The request is to modify the existing conditional Use Permit. The zoning is The Grove Commercial Sales Subdistrict and is comprised of 1.64 acres.

The applicant has already completed construction for the building that is to house the proposed uses. On July 17, 2007, medical and dental practices were conditionally approved by the City Council to be allowed to operate in the building. In the Grove Commercial Sales zone, engineering, architectural, planning and legal services also require a Conditional Permit, which has led the applicant to request modifying the Conditional Use Permit (CUP) to also include these services.

The Planning Commission reviewed and approved this request at their January 8, 2009 meeting. Since this property is within the Grove Zone, a CUP approval is also required by the City Council.

The City's General Plan Land Use Map designates this property for commercial/office use; therefore the proposed uses comply with the General Plan.

Planning Staff does not have a concern with allowing the proposed uses, because of the building's close proximity to a residential development. Office uses are usually more favorable operations adjacent to or near residential living.

Mayor Daniels then opened the discussion to a public hearing. Mrs. Laurel Riddle came forward and said she was all for the proposed uses in the building.

The Mayor asked if there were anymore comments. There were none. He then closed the public hearing and brought the discussion up to the Council. There were no comments. He then asked for a motion.

ACTION: Council Member Jensen moved to approve the request of PG Gateway LLC, to modify the existing Conditional Use Permit, for property located at 233 South PG Blvd, to allow architectural, engineering, planning, and legal services to operate within the building; in the Grove Mixed Use Zone, based on the following findings: (1.) The building and Site Plan have already received approval with certain office uses: (2.) Office uses are more appropriate for the location of this property near a residential development. A public hearing was held. Council Member Call seconded, and the motion passed with Council Members Jensen, Wilson, Call, Boyd and Atwood voting, "Aye."

D. PUBLIC HEARING TO CONSIDER THE REQUEST OF ANDREW MILES AND DONALD MONSON TO CONSIDER AN ORDINANCE AMENDING ARTICLE E, DOWNTOWN VILLAGE (DV) ZONE, SECTION 10-11E-2 "PERMITTED, CONDITIONAL AND ACCESSORY USES FOR THE DOWNTOWN COMMERCIAL SUB-DISTRICT" TO ALLOW PET GROOMING SERVICES AS A CONDITIONAL USE WITH LAND USE CODE #5998, "PET SALES AND SUPPLIES", AND AMENDING SECTION 10-11E-10 "BUILDING HEIGHT" TO LIMIT A WAIVER TO HEIGHT REQUIREMENTS BASED ON SPECIAL ARCHITECTURAL AND MECHANICAL FEATURES. (OLD FORT NEIGHBORHOOD)

After Mayor Daniels read this item, Director Young indicated that this was a request by the applicants, Mr. Andrew Miles and Donald Monson, to allow pet grooming that would be associated with pet sales as a conditional use in the Downtown Village Zone.

The new Downtown Village Zone ordinance was adopted by the City Council on September 2, 2008. Not including pet grooming services with pet sales in the conditional uses listing for this zone seems to be an oversight, as it is a use commonly associated with pet stores.

This proposed amendment is in line with the discussions and planning that led up to the adoption of the Downtown Village Zone, and is consistent with the intent and objectives of the General Plan. The proposed amendment is consistent with the intent and objectives of the Downtown Village Zone. He said the part of the proposed ordinance concerning building height would be discussed at a future meeting.

Council Member Jensen asked if the pets would be spending the night, or would come in for grooming, then leave. Director Young said that as far as he knew, the facility would just be grooming the animal, and then they would leave.

Council Member Atwood asked if all of the things that needed to be updated in the space were done. Director Young said that he and staff were still looking to see what conditions needed to be attached to this item. He said those conditions would be put in place by the Planning Commission.

Mayor Daniels opened the discussion to a public hearing. Mrs. Riddle said she had faith in the City staff to determine which uses would suit the downtown area. She said she was hoping to see as much retail as possible come into that area. He then closed the public hearing and brought the discussion up to the Council. There were no comments. He then asked for a motion.

ACTION: Council Member Boyd moved to approve Ordinance No. 2009-01, approving the request of Andrew Miles and Donald Monson, amending Article E, Downtown Village (DV) Zone, Section 10-11E-2 “Permitted, Conditional and Accessory uses for the Downtown Commercial Sub-district” to allow pet grooming services as a conditional use with Land Use Code #5998, “Pet Sales and Supplies”, and amending Section 10-11E-10 “Building Height” to limit a waiver to height requirements based on special architectural and mechanical features, based on the following findings: (1.) The proposal follows the intent of the planning efforts and public hearings held with the adoption of the original Downtown Village Zone ordinance: (2.) The proposal follows the intent and objectives of the General Plan. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Atwood, Boyd, Wilson, Jensen and Call voting, “Aye.”

9. STAFF BUSINESS

- Mrs. Flegal said that the NAB Chairs will be handing out flyers into the neighborhoods inviting people to respond to the survey regarding the accessory apartments. Council Member Call said he would like to see that the information that is going out to the City be neutral. He then asked how the NAB board reacted to taking the flyers announcing the meeting regarding the accessory apartments out to their neighborhoods. She said they were fine with it. It was asked if this information had been sent to the City’s website. Mrs. Burgin said it had been sent to Stewart Goodwin to put on the website.
- Chief Sanderson announced that the fire department had just had a “Kick-Off Party.” He said that awards for the year 2008 were handed out. Mayor Daniels also announced that he had been made the vice president of the county fire chief’s association for 2009. He will serve as the president of the organization in 2010. He also indicated that several tours had gone through the fire house for the educated about fire stations.
- Director Clay told the Mayor and Council that he was expecting another request from the Fox Hollow Golf Course for additional funding sometime by the end of February, 2009. Council Member Jensen said that there was a financial report that had been handed out at a previous board meeting. There would be another one coming for their board meeting on January 22, 2009. Mayor Daniels then asked the Council how they felt about

continuing to give money to the course without proper documentation of the finances. The Council said they were in agreement with Mayor Daniels.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen said he would like to make a clarification on what he had said earlier regarding the Fox Hollow Golf Course. He said that a business plan that would cover 2009 to 2010 was to be handed out in a short time. He indicated that he had seen a preliminary version of the document, but it needed some additions and corrections.

Mayor Daniels said he would like to comment briefly on the item that Council Member Jensen had raised regarding the golf course. He started by saying that currently, the city of Pleasant Grove is in good financial condition. However, he said that the City doesn't have unlimited resources. He explained that the City really wasn't in a position to subsidize the course for anymore than what had been budgeted for. Also, the Mayor explained that he has been concerned that as yet, the financial reports that had been requested had not yet come into the City from the course staff.

Council Member Jensen said that there should have been a business plan turned into the cities, which had not happened. Mayor Daniels said the fact that the information had not come in was, "unacceptable."

11. SIGNING OF PLATS

No plats were signed.

12. REVIEW CALENDAR

Mayor Daniels reminded everyone that the local official's meeting would be the following Wednesday, January 28, 2009.

13. APPROVE PURCHASE ORDERS

Purchase orders for January 10, 2009 were brought forward for approval.

ACTION: Council Member Call moved to approve the purchase orders for December 25, 2008. Council Member Jensen seconded and the motion passed unanimously by voice with Council Members Atwood, Boyd, Wilson, Jensen and Call voting, "Aye."

Mayor Daniels recused himself (at 7:38 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 then said that the City Administrator, Frank Mills, was looking to retire in December of this year. He said his position in the City was very important. There was a need to get a running start on discussing with the Council some of the things that would go into the process of selecting a candidate to replace Administrator Mills.

Administrator Mills then explained to the Council that the City Administrator position was appointed with the advice and consent of the Council and the Mayor. He said he had been in conversations with other cities that had recently been through the process of replacing personnel in this same position. They emphasized that the qualifications were very important, as well as the Council and Mayor having a clear view of what they wanted to accomplish as a city.

Administrator Mills discussed timing that would be needed in choosing his replacement. He recommended that the new Mayor would need to be involved in the process. Ideally, he said that other cities that had been through the process said that there was a time for overlapping with the new administrator working side by side with the old administration. However, he said that due to the fact that in the fall of this year there will be elections, the timing will be shorter. Also, there will only be one Council meeting in December, which would also shorten the discussion process.

Mayor Pro Tem Call then asked Administrator Mills that if a new Mayor was involved in the selection process, they were probably looking at the first week in December before a new City Administrator could be hired. Administrator Mills said that if it was advertised the first part of November, that perhaps the names could be whittled down to four or five names. He also said that he is aware of four people that currently work for the City that might be interested in applying for the position.

Mayor Pro Tem Call next asked Director Clay regarding a possible overlap with wages if both Administrator Mills and the candidate were simultaneously working for the City. Director Clay said it would be part of the upcoming fiscal budget. He also said that Administrator Mills would have vacation available that the City would buy out.

In further discussion, Mayor Pro Tem Call questioned Attorney Petersen. He asked that since the Mayor had recused himself from the current discussion, what legal processes the Council was to now follow. He also asked if the Mayor recusing was the appropriate move, legally. Attorney Petersen explained that the Mayor properly recused himself, due to a potential conflict of interest. The Mayor's duties for the purposes of the part of the meeting now fell to the Mayor Pro-Tem. The City Administrator position was created by ordinance, under the powers given to all municipalities in the same class as Pleasant Grove, by State code. She then explained that the position is an appointed one; with the Mayor making the appointment with the advice and consent of the Council. One of the concerns that the Council needs to think about is that since it is a mayoral appointment, (and the City is going to have a new Mayor in January, 2010) it may effect who applies for the position if they think they might be "out of the door," in a few months with a new mayor and council members that would be coming in.

Mayor Pro Tem Call asked if the city policy is to advertise internally first. Administrator Mills said that the Policies and Procedure's manual does advise that positions that come open within the City be advertised internally first.

In further questioning Attorney Petersen, Mayor Pro Tem Call next asked her if typically, as a rule, if there is an opening such as this, if the Mayor sits in on the interviews. Or, he asked, if only two of the Council would sit in so there wouldn't be a quorum. Attorney Petersen explained that she felt it would work out better if the Council would use an executive session, then come back into regular session for further discussion. She said that she can see that there will be several points to work out in relation to the procedure for the Council and Mayor to

follow. Council Member Boyd said that the public would need to be involved and apprised as to what was going on with the process.

Administrator Mills noted that those that are interested in applying for his job should not be involved in the discussion regarding the hiring.

Council Member Jensen asked where he would find the city policy that refers to the process of hiring, as well as the job description for the City Administrator. Attorney Petersen said it would be in section 1-11-1 of the City Code. She said the job description, duties and qualifications for City Administrator were adopted by Resolution by the Council.

Council Member Jensen next inquired as to the procedure if the Mayor Pro Tem could make their recommendation to the Council regarding the appointment. Attorney Petersen said that it looked as though that if Mayor Daniels was still possibly interested in the position, the duty to recommend would fall to the Mayor Pro Tem. However, she said the decision would be by the Council. Administrator Mills said that after the first of the year, all reappointments take place. He said that despite the Council's choice, if the new Mayor and Council disagreed, a new person could be chosen.

In further discussion, Council Member Jensen said he wanted to make sure that the decision was, "transparent," in finding the right person for the job. He said he wants to make sure that the process was open to the public.

Council Member Boyd agreed. She remarked that there would be a learning curve period. She also said that she didn't want to see an additional burden on Administrator Mills. Another very important point was that she wanted to make sure that current City employees be given a chance to go through the process. Council Member Call agreed. He said that perhaps a point system could be implemented that would give additional points to city employees.

Council Member Atwood said he thought it would be good that some research be done as to what other cities require for the position. He said that it would help to know what worked in other communities because the position of City Administrator, "makes the clock," of the City tick. Also, he noted that if 10 people were interviewed, and none of them were what was actually wanted by the Council, they would have the right to not, "settle" for someone they felt didn't meet the criteria.

Council Member Wilson said that the questions he had about the process had been answered by Attorney Petersen and Administrator Mills.

Mayor Pro Tem Call said it was his plan to come back to the work session on January 27, 2009, and have a printed proposal of how the process would proceed. He said that he felt that the process would need to come down to the top five applicants.

Council Member Jensen then observed that Pleasant Grove was growing, and was, "not the city of our grandparents." He said they needed to look at the salary of the City Administrator, and make sure it was in the appropriate range. Mayor Pro Tem Call said that he would like to see Attorney Petersen look at the salary range for the City Administrator position, and see if it is comparable to other cities. Attorney Petersen indicated that the range had been set by

Ordinance, after a public hearing process. She said if the Council wanted to change the range, it would need to again go through the same process.

Director Clay cited a survey that had been done fairly recently that had salary comparatives with other communities. Mayor Pro Tem Call then observed that Director Clay would also be retiring at the end of the year. Director Clay said he would like to see the new Administrator in place, so they could be involved in the hiring process for his position. He also said that there were a lot of qualified people with financial backgrounds that could step right into his position. There would not need to be any overlap (or very little) of old and new with his position.

14. ADJOURN

ACTION: At 8:07 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Call, Wilson and Jensen voting “Aye.”

This certifies that the City Council minutes of January 20, 2009 are a true, full and correct copy as approved by the City Council on February 3, 2009.

Mary Burgin, Planning Tech