

**Pleasant Grove City
City Council and Planning Commission
Joint Meeting Minutes
June 29, 2016
6:00 p.m.**

PRESENT:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Eric Jensen
Cyd LeMone (arrived at 6:07 p.m.)
Ben Stanley
Lynn Walker

Planning Commission: Jennifer Baptista
Matt Nydegger
Drew Armstrong
Scott Richards
Peter Steele
Levi Adams

Staff Present: Denise Roy, Finance Director
Mike Smith, Police Chief
Kathy Kresser, City Recorder
Scott Darrington, City Administrator
Marty Beaumont, Public Works Director
Sheri Britsch, Library and Arts Director
David Larson, Assistant to the City Administrator
Drew Engemann, Battalion Chief
Ken Young, Community Development Director

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

1) CALL TO ORDER

Mayor Daniels called the meeting to order and noted that all Council Members were present.

2) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Roger Green.

3) **OPENING REMARKS**

The opening remarks were given by Council Member Jensen.

4) **APPROVAL OF MEETING'S AGENDA**

City Administrator, Scott Darrington, stated that an Executive Session would be needed to discuss personnel and legal issues.

ACTION: Council Member Stanley moved to approve the agenda with the aforementioned changes. Council Member Jensen seconded the motion. The motion passed with the unanimous consent of the Council.

5) **PUBLIC HEARING ITEMS**

- A) PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED PLEASANT GROVE CITY FISCAL YEAR 2015/2016 BUDGET AMENDMENT. (CITY WIDE)
A Copy of the Proposed Budget Amendment is Available at the Records Office, 70 South 100 East; the Library, 30 East Center Street; and Community Development, 86 East 100 South.**

Finance Director, Denise Roy, presented the Fiscal Year 2015/2016 amendments and noted that the City has continued to receive grants and donations. The Community Center also has additional payroll expenses, which will be covered with additional revenue generated from increased participation. She stated that the Community Center brought in \$77,000 more than the original budgeted amount. Last, there have been small budgetary changes to Streets with regards to recycling money that was received.

Note: Council Member LeMone joined the meeting at 6:07 p.m.

Administrator Darrington reported that the 4000 North sewer will be a separate action item; however, it will be discussed during the same public hearing. He explained that the financial side of this item has been discussed for a long time, and stated that the total project budget is approximately \$365,000. There will be 14 connections with each individual connection costing \$26,071 per lot. Five of the 14 lots will be considered new development and 100% of the lateral connections will be paid for by the residents. The five lots comprise \$130,355 of the total project budget. The City will front the money to have those connections installed and will be reimbursed by the developers when development occurs. Currently there are nine developed lots. It was determined that the City would pay 83.7% of the costs associated with the connections and the residents will pay 16.3%. The total cost of the nine connections is \$234,645, of which the City will pay \$196,398. The residents will pay \$38,247. This amount equates to \$4,249 per lot, which will be paid for over time in monthly payments. Overall, the City will pay for 53.8% of the project. The remaining amount of 46.2% will be paid for by the residents.

Mayor Daniels asked Administrator Darrington to explain how the laterals will be handled. Administrator Darrington explained that staff communicated to the residents that the City will not front the money and/or finance laterals in any way. The residents will be financially responsible for

having them installed. In exchange, the residents will be able to hook on at their leisure. Mayor Daniels had Administrator Darrington confirm that this approach is consistent with State Law.

Administrator Darrington explained that when putting the budget together, \$10,000 was budgeted for the creation of the Special Assessment Area (SAA). Since they are no longer creating an SAA, the budget has been reduced. A budget amendment was also proposed in the amount of \$40,000 in engineering expenses that have already been spent. Potential motion language was discussed.

Mayor Daniels opened the public hearing. There were no public comments. The public hearing was closed.

6) ACTION ITEMS READY FOR VOTE

- A) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-028) ADOPTING THE AMENDED 2015/2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Roy.***

Staff clarified that the action item on the aforementioned budget amendments was presented by Director Roy. Action does not include the sewer budget as was reviewed by Administrator Darrington.

ACTION: Council Member Andersen moved to adopt Resolution (2016-028) adopting the amended 2015/2016 budget; and providing for an effective date. Council Member Walker seconded the motion. A voice vote was taken with Council Members Walker, LeMone, Jensen, Andersen and Stanley voting “Aye”. The motion carried.

- B) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-029) ADJUSTING AND AMENDING THE ACTUAL AND ANTICIPATED EXPENDITURES FOR THE FISCAL YEAR 2015/2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE. *Presenter: Director Roy.***

ACTION: Council Member Andersen moved to adopt Resolution (2016-029) adjusting and amending the actual and anticipated expenditures for the Fiscal Year 2015/2016 budget, with the change in the amount of the total 4000 North Sewer project to \$325,000; and providing for an effective date. Council Member Jensen seconded the motion. A voice vote was taken with Council Members Walker, LeMone, Jensen and Andersen voting “Aye”, and Council Member Stanley voting “Nay”. The motion passed 4-to-1.

- C) TO CONSIDER FOR ADOPTION A RESOLUTION (2016-030) AUTHORIZING THE MAYOR TO ENTER INTO REIMBURSEMENT AGREEMENTS FOR THE 4000 NORTH SEWER PROJECT. *Presenter: Administrator Darrington.***

Administrator Darrington described the process by which staff has contacted the residents regarding individual Reimbursement Agreements. He stated that there will be two separate contracts; one for existing homes and another for new developments.

City Attorney, Tina Petersen, explained that the contract will be attached to the plat of undeveloped lots, thereby notifying subsequent purchasers of the financial obligation pertaining to the sewer line. Furthermore, a lien will be placed on the property when the project is completed. Administrator Darrington stated that the residents are all aware of these circumstances and all but two have signed agreements. The Council needs to authorize the Mayor to sign the agreements that have already been signed by residents. The two residents who have not signed have been on vacation and verbally communicated a willingness to enter into agreement with the City. Mayor Daniels asked if anyone has disagreed with this arrangement. Administrator Darrington stated that there was one vacant lot owner who was hesitant initially, but staff has since negotiated with them.

ACTION: Council Member Jensen moved to adopt Resolution (2016-030) authorizing the Mayor to enter into Reimbursement Agreement for the 4000 North Sewer Project. Council Member Walker seconded the motion. A voice vote was taken with Council Members Jensen, Walker, Andersen and LeMone voting “Aye”, and Council Member Stanley voting “Nay”. The motion passed 4-to-1.

D) TO CONSIDER AWARDING SILVER SPUR CONSTRUCTION THE 4000 NORTH SEWER PROJECT IN THE AMOUNT OF \$281,690.00. *Presenter: Director Beaumont.*

Director Beaumont reported that the project was bid on December 17, 2015 with holding notes on prices set through July 1, 2016. Two contractors bid on the project with Silver Spur being the low bidder. They came in approximately 4% below the engineer’s projected cost. Director Beaumont stated that the road is quite narrow in the area and the road will be widened a few feet in an effort to mitigate the situation. Therefore, there will be additional costs assessed to the normal budget and not to the sewer budget. Road widening was to be paid for out of Class C Road Funds.

ACTION: Council Member LeMone moved to award Silver Spur Construction the 4000 North Sewer Project in the amount of \$281,690.00. Council Member Jensen seconded the motion. Council Members LeMone, Jensen, Walker and Andersen voted “Aye”, and Council Member Stanley voted “Nay”. The motion passed 4-to-1.

E) TO CONSIDER FOR APPROVAL AN EXTENSION FOR THE CREEKSIDE AT ASPEN GROVE PLAT C SUBDIVISION FINAL PLAT LOCATED AT 440 WEST 3300 NORTH IN THE RR (PD) RESIDENTIAL ZONE. *Presenter: Director Beaumont.*

Public Works Director, Marty Beaumont, stated that he met with the HOA at Creekside this week. They purchased property from the City that was added to the back of their property and the plat was subsequently amended. There were about 30 signatures on the plat that they needed because of all the affected property owners. Director Beaumont reported that they have acquired all but two signatures. There was a minor issue with an easement and the plat is set to expire. There are slight modifications to the easement needed pertaining to the alignments of lot lines and the HOA would like an extension in order to address the matter. Staff considered a 90-day extension to be reasonable.

ACTION: Council Member LeMone moved to approve an extension for the Creekside at Aspen Grove Plat C Subdivision final plat located at 440 West 3300 North in the RR (PD) Residential

Zone, for a 90-day extension. Council Member Stanley seconded the motion. The motion passed with the unanimous consent of the Council.

F) CONTINUED ITEM: TO CONSIDER AWARDING SINGLETRACK TRAILS THE BID FOR THE VALLEY VISTA TRAIL LOOP “A” MULTI-USE TRAIL PROJECT.

*Presenter: Attorney Petersen *Continued from the June 21, 2016 Meeting.*

Attorney Petersen reported that a bid came in for the aforementioned multi-use project and the original budget was set at \$50,000. When the initial bid came in over budget at \$61,000, the Council directed Parks and Recreation Director, Deon Giles, to negotiate with the bidder to try to reduce the cost. As a result, Singletrack Trails submitted a new bid of \$49,999. The lower price was accomplished by taking \$5,000 from the original bid for the water truck. Another reduction was made with regard to the length of the trail project. It was reported that the project was reduced by approximately 3,000 feet.

Administrator Darrington clarified that less trail will be done by the contractor and the remaining 3000 feet will need to be completed another way. The contractor will complete the difficult, more technical areas of the project. Attorney Petersen explained that the original bid was for 13,200 feet at \$4.25 per foot and the new bid is 10,588 feet for the same cost per foot. Council Member Stanley asked if leaving out 3,000 feet will result in a gap in the trail system. Administrator Darrington stated that while they are still unsure as to how they will finish the remaining section, staff will make sure that there is not a huge gap. Council Member LeMone suggested that one way to finish the remaining portion could be through volunteer service.

ACTION: Council Member LeMone moved to award Singletrack Trails the bid for the Valley Vista Trail Loop “A” Multi-Use Trail Project, in the amount of \$49,999.00. Council Member Jensen seconded the motion. Council Members LeMone, Jensen, Walker and Andersen voted “Aye”, and Council Member Stanley voted “Nay”. The motion passed 4-to-1.

Council Member Andersen noted that Cheryl Christensen has an open session item. Cheryl Christensen, a 50-year Pleasant Grove resident, inquired about the salaries of Pleasant Grove’s Public Safety personnel, particularly police officers. She commented that they have lost a lot of police officers to other cities over the years. One police officer had been with the Pleasant Grove Police Department for several years and received an offer elsewhere for \$7.00 more per hour. Ms. Christensen stated that Pleasant Grove is training rookie officers and once they are trained they go elsewhere. As a result, Pleasant Grove has fewer experienced officers than they could have if they offered better salaries. Ms. Christensen stated that the Pleasant Grove Police Department is underpaid and underappreciated. She concluded by stating that she plans to start a lemonade stand to fund better salaries for the City’s police officers.

In response to a question from Council Member Stanley, Attorney Petersen noted that impact fees cannot be used for salaries.

7) REVIEW AND DISCUSSION OF THE GENERAL PLAN, CHAPTERS 1-3

Presenter: Director Young.

Community Development Director, Ken Young, stated that he would like this be a work session item rather than a presentation. He also invited the Planning Commission to participate in the discussion. Director Young gave a history on the General Plan and stated that they did an overall comprehensive review and update in 2006. It was then completed and adopted in 2007. He distributed copies of Chapters 1 through 3 of the General Plan. Minor revisions were made to select chapters in 2013, 2014, and 2015 but there had not been an overall comprehensive review since it was initially adopted. The State recommended doing a comprehensive review of municipal General Plans every five years.

Chapter 1 includes a Vision Statement that the General Plan should include both short and long-range goals to guide the growth and development of the City. Chapter 1 focuses on goals pertaining to the improvement of the physical environment of the City as well as the quality of life for citizens. It is intended to be an effective working tool employed by the City in making community decisions and achieving planning goals. Director Young asked the Council and Planning Commission to consider how these statuses might be upgraded moving forward. He stated that the value of the General Plan is only as good as the support that it gets from City leadership.

Director Young asked what the role of the General Plan should be and how it can be utilized by the City. Council Member LeMone stated that it is a document of reference when making long term decisions for the community. Council Member Walker stated that it outlines certain guidelines that should be followed. Council Member Stanley stated that staff acts as the gatekeeper of the General Plan and refers to it when making recommendations to the Council. Director Young stated that some actions or statements are given to staff as directives from the Council and they may or may not be in line with the General Plan. To a certain extent, everyone tries to follow the General Plan guidelines and everyone needs to be aware of those objectives. If there is an objective that is not working, the City amends it so that everyone is on the same page.

Director Young asked how often the General Plan should be used as a reference. Council Member Stanley explained that it should be used as often as necessary. Director Young stated that the City is not actually referring to the General Plan as often as needed. He explained that everyone needs to be aware of the tool it can be to the City.

Planning Commissioner, Scott Richards, stated that when the Planning Commission reviews a plan they look at zoning and the General Plan, especially with relation to downtown. Furthermore, they look at directives that have been given from the Council and determine whether a development will fit with those directives. Commissioner Richards stated that sometimes it can be frustrating for the Planning Commission to review and recommend approval of an application that is in line with the zoning and General Plan and then have the Council turn it down because it does not fit their vision or objective for an area. He stated that better communication between the Council and Commission would be helpful.

Council Member Andersen asked how General Plan fits with the City's economic development plans. She stated that once a vision has been set the General Plan becomes the step-by-step plan to attain those goals.

Director Young asked the Council to consider whether staff and the Commission should discuss the goals and objectives as outlined in the General Plan more frequently, such as in staff reports and a

presentation. Furthermore, he suggested that the General Plan become a focal point during annual Council Retreats. Council Member Andersen stated that the General Plan could be referenced during specific agenda items. Council Member Stanley added that the Council wants to be consciously aware of whether their actions are deliberately in or out of line with the General Plan.

Mayor Daniels referred to Utah State Code 10-9A-405, which specifically addresses General Plans. According to State Code, the General Plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance. The exception is after a legislative body has adopted a general plan, no street, park, or other public way, ground place or space, no publicly owned building or structure, and no public utility either publicly or privately owned may be constructed or authorized until and unless it conforms to the current General Plan. Mayor Daniels pointed out that as per State Code, it appears that the General Plan is specific to land development or land use. Proposals the City approves need to conform to the plan, or the plan needs to be modified so that it accurately reflects the direction of the City.

Director Young stated that the Transportation and Parks and Trails Master Plans were added to the General Plan as appendices. Their purpose is to give guidance on those types of facilities. Director Young stated that the City lacks clarity of direction in Chapter 3, which addresses the downtown area. He noted that this chapter has not been amended since 2007. Council Member Jensen asked if the Downtown Advisory Board was part of the amendment process 10 years ago. Director Young answered in the affirmative.

Council Member Jensen asked about R/UDAT (Regional/Urban Design Assistance Team). Director Young stated that a R/UDAT study was conducted 10 years ago and it gave a lot of guidance specifically on the Civic Center.

Commissioner Richards remarked that last year there was a moratorium on multi-family developments and there wasn't clear communication between the two governing bodies. He explained that the recession had an effect on several planned projects, which was close to the time a comprehensive review was completed on the General Plan. With regard to how often the plan should be updated, Commissioner Richards stated that it depends on the section. He was of the opinion that the General Plan should be reviewed every few years.

Mayor Daniels asked if there are other areas of the General Plan that encompass a category and if there are specific instances where the Council made a decision that was substantially out of sync with the General Plan. Director Young stated that Chapter 3, which focuses on downtown, is substantially out of compliance. Furthermore, there are several smaller areas or particular goals mentioned in other chapters that are either obsolete, have been completed, or need to be modified.

Commissioner Richards mentioned that the Grove District is another area of confusion. Mayor Daniels stated that progress is being made in the Grove District, but was not sure if the General Plan had been modified to reflect those changes. Director Young directed everyone's attention to Chapter 2 which addresses commercial planning districts. The Chapter is divided into seven different planning areas, one of which is the Grove District. Director Young read what is currently in the General Plan, noting that the section pertaining to the Grove District leaves room for interpretation. The Council needs to consider whether or not to tighten up the language.

Planning Commission Chair, Levi Adams, stated that the General Plan outlines general objectives and in some cases is common sense. He explained that more specifics should be added to the Code rather than to the General Plan. Mayor Daniels stated that action was recently taken to include more specifics (i.e., land uses, descriptions, architectural examples, locations, etc.) in Codes and ordinances and leave General Plans as more of a guiding document. Director Young stated that that is important to hit the right balance between specifics and general guidelines.

Mayor Daniels relayed his experiences working on roads with past Councils as an example of specifics and guidelines that have been modified over time based on the needs and changes throughout the City. Staff and the Council further deliberated on items previously discussed.

Attorney Petersen explained that State Code requires the General Plan to be a long-range planning tool for cities to establish and implement their vision. Most of the time, the Council is not allowed to make a decision that is contrary to the General Plan without amending the General Plan first. The plan should always be discussed prior to determining whether individual applications fit a specific vision. Attorney Petersen explained that the reason why specifics should be included in the City Code is so that it is clear as to what the City wants and how it should be implemented. She stated that the first reference tool developers look at is the General Plan.

Director Young provided further direction on how he would like the rest of the discussion to proceed. He stated that in deciding on a vision, the Council needs to identify key issues and create goals around them.

Council Member LeMone stated that they need to update the plan to reflect what is currently relevant. For example, the Civic Center has been removed since the General Plan was last updated. Director Young suggested that certain verbiage be removed because it is too specific. Council Member Jensen agreed. Director Young stated that in the first few years after the current General Plan was adopted, staff met with department heads to evaluate its effectiveness.

Council Member Stanley stated that if the Council takes action tonight they need to have accountability in place, such as having a follow up discussion in a subsequent meeting. He asked how burdensome it would be to amend the General Plan. Director Young stated that it is a policy decision and suggested that staff and the Council review the General Plan every year at the Retreat. At that point, they can determine how in depth of a review they want. He stated that in order to do so effectively, they will need to spend more time reviewing goals and how they are being met.

Council Member Jensen agreed that goals, strategies, and actions should be to the point. Council Member Andersen stated that all action items need to have a revenue stream. Council Member LeMone was not sure if the Budget Retreat is the best time and place to review the General Plan because there are already many other issues to be addressed. Alternatively, she suggested they review the General Plan in small increments, especially whenever an ordinance amendment comes forward. Director Young stated that at one point they decided to conduct a Work Session on the General Plan each month. However, anytime the General Plan is placed on a Tuesday night agenda, so many other items are added to the agenda that the Council is unable to focus on the General Plan. He recommended that review of the General Plan not take place during a Regular Meeting.

Mayor Daniels asked if extensive planning is necessary. Director Young stated that State Code does not require so much detail. Per State Code, three areas are required to be addressed in the General Plan. These include transportation, land use, and moderate income housing. Mayor Daniels read additional statements from the State Code pertaining to what needs to be included and indicated that the General Plan can be simplified.

Planning Commissioner, Jennifer Baptista, stated that in a recent training she attended, it was mentioned that the main focus should be on the City's vision. A well-constructed vision statement guides ordinances, maps, and zoning plans. She reiterated that general plans are meant to include general guidance, whereas ordinances include specific actions.

Planning Commissioner, Drew Armstrong, stated that the Planning Commission references the General Plan more often than the Council. The Council has more flexibility whereas the Planning Commission does not. The Commission looks at the plan and makes a decision based on whether a proposal follows Code and General Plan guidelines. Commissioner Armstrong asked for input from the Council on the General Plan and wants to make a decision according to the plan the Council has helped design. He echoed Commissioner Baptista's remarks and indicated that he too recently returned from the APA Conference.

Council Member LeMone asked if the General Plan is supposed to be specific or general. Commissioner Armstrong stated that it is intended to be a general guiding document. Council Member LeMone asked if the General Plan specifies different visions for different sections of the City or if it outlines a blanket vision for the whole City.

Planning Commissioner, Peter Steele, stated that documents specifically pertaining to parks, recreation, and transportation are useful. It can, however, be debated as to whether they should be their own separate document or added as appendices to other documents. He commented that without a document there is no way to guarantee that the goals identified will be reached. Commissioner Steele explained that land use planning thrives on general principles and goals, whereas the other two types of plans need to have specifics, especially when projects are underway.

Commissioner Armstrong stated that if the Council plans to approve a church in an area that affects the Transportation Plan, the Council needs to come up with a plan to mitigate the potentially negative effects that decision will have on the Transportation Plan. Otherwise, a problem is created that is difficult to mitigate.

Council Member LeMone liked the idea of having a vision document and commented that there is a lot of good information in each of the chapters. She liked the summaries in each chapter and mentioned that there are some statistics that can be updated. She agreed with previous comments pertaining to the General Plan being too specific. There was further discussion on long-term planning and short-term goals and the importance of the Commission and Council being more in sync when making decisions on behalf of the City.

Mayor Daniels agreed that the General Plan needs to be more general. The City needs to make sure that they are covering the basics before assessing how much of the remaining material belongs in the General Plan.

Note: The group took a short recess.

Director Young gave an overview of Chapter 1 and explained that page 1 contains an introduction to the plan and page 2 contains updates on the amendment process that took place in 2007 and 2011. Page 3 reviews the R/UDAT process. Page 4 contains information on vision implementation and how the General Plan works with other documents such as ordinances, CIPs, and budgets. Director Young stated that if other documents are steered by the General Plan there is cohesiveness. Page 4 also addresses the amendment process. Page 5 reviews the City's identity, mission, and vision statements. It was noted that Pleasant Grove is identified as the City of Trees. The City's mission is to provide essential services and life-enriching amenities to every City resident. The municipal vision is to become the best-run city in Utah, where every employee runs the City. Director Young outlined three key strategies for reaching this objective as outlined in the General Plan. He asked the Council to consider whether the City needs a separate vision statement that focuses on growth and development of the community rather than who the City is as an organization. It was reported that page 6 defines the physical description and conditions for the Grove, Highway 89, and State Street, historic downtown, and northern/eastern residential areas. It also contains a demographic overview and history of the City. The remainder of the chapter outlines general goals, which were intended to be umbrella statements to guide the rest of the plan.

Council Member Andersen stated that the Municipal Vision is more related to human resources. After further discussion, staff and the Council agreed to use the Municipal Vision internally and create a new vision that focuses more on the needs of the community.

Council Member Jensen suggested organizing a General Advisory Committee made up of two or three Council Members and two or three Planning Commissioners. The group can work with staff to better redefine the General Plan and then come back to the Council as a whole with recommendations. Council Members Andersen and Stanley expressed interested in this idea, however, Council Member Stanley raised the question of whether the process will be short circuited if a committee is formed and not all five of the Council Members participate.

It was Commissioner Baptista's understanding that the main role of the Commission is to oversee the General Plan and make recommendations to the Council. She remarked that involving the Council would interfere with the Commission's role as the land use authority. There was further deliberation on the roles of the Council and Commission. Director Young stated that the land use authority is made up of the Council and Commission. Commissioner Armstrong stated that the Council needs to define a vision so that the Commission has direction in making land use recommendations. Director Young wanted the Commission to be involved in the process of creating the vision and thought that an Advisory Board or Committee could be an effective way to start the process. After further deliberation, staff, the elected officials, and Members of the Planning Commission agreed to discuss the item again at a later date.

8) OPEN AND PUBLIC MEETINGS ACT TRAINING *Presenter: Attorney Petersen.*

Attorney Petersen explained that the Utah Open and Public Meetings Act is found in Section 52-4-102 of the Utah State Code. All public bodies are required to take part in the training once a year. The City's Auditors are asking for attendance records and proof that the training has been conducted. Attorney Petersen advised anyone else who has taken the training to submit their Certificates of

Completion to City Recorder, Kathy Kresser. Otherwise, tonight's presentation would count as the City's Annual Training.

Attorney Petersen explained that the public policy of the statute is that the State, its agency, and political subdivisions exist to aid in the conduct of the people's business. Therefore, the State should take their actions and conduct their deliberations openly. No phone trees or email chains are to take place outside of the public eye to come to decisions about actions. The Commission and Council are both public bodies under the statute and are subject to the Open and Public Meetings Act. The purpose of the act is to increase transparency.

Attorney Petersen reviewed the rules regarding notice. She explained that the public should know when, where, and what time the public body is meeting. Furthermore, they should have an idea of what will be discussed. A minimum advance notice time of 24 hours is required for each meeting.

An agenda is required and if a topic arises that was not on the agenda, it may be discussed but no final action may be taken. The agenda must list the date, time, and place of the meeting. Public noticing is prescribed by the statute and public bodies that meet regularly must post an annual meeting schedule each January. While the schedule is subject to change throughout the year, it gives the public an idea of when they plan to meet. Notices should be posted at the principle office of the public body. If there isn't a principle office, it should be posted in the place where the actual meeting is to be held. Recent changes in the law require notices be posted on the Utah Public Notice website and notice must be provided to a newspaper of general circulation or a media correspondent. It is not required that media actually publish that information. It is only required that the City provide it to them. As a City practice, meetings in Pleasant Grove are also published on the City website as well as in three public locations including the Library, City Hall, and the Community Development Office.

Attorney Petersen explained that a meeting involves convening with a quorum present. A majority must be present for the purpose of discussing or receiving comments from the public, or to act on a matter within the body's powers. For the Pleasant Grove City Council, if three Council Members are present or communicating with one another they are at risk of being in a meeting. For the Planning Commission, a quorum is comprised of four members. A meeting is not a chance meeting or convening only for the discussion or implementation of administrative or operational matters where no formal action is required and where the matters would not come before the public body for discussion or action. Training conferences, social gatherings, and Strawberry Days are not considered meetings. Attorney Petersen presented various hypothetical situations where a gathering would or would not be considered a meeting. She explained that public bodies can call emergency meetings where they do not have to provide notice. Emergency meetings have to be of an urgent nature with as much notice as is practicable and the majority of the governing body must approve the emergency meeting.

Attorney Petersen explained that there are some instances where the Council is allowed to conduct the public's business in private, closed, or executive sections. Those exceptions are found in State Code 52-4-205. Generally, all parts of a meeting are required to be open to the public. The public is not always entitled to speak or participate but they are entitled to be present. Public bodies may close a meeting for the following reasons:

1. To discuss the character, professional competence, physical or mental health of an individual. All other personnel policy issues need to be discussed openly.
2. The City can hold a strategy session to discuss pending or reasonably imminent litigation.
3. The City can hold a strategy session to discuss purchase, exchange or lease of real property, or the sale of real property.
4. To discuss the deployment of security devices.
5. To discuss investigative proceedings regarding criminal conduct.

The Council inquired as to what is meant by discussing the deployment of security devices. Attorney Petersen explained that if the City planned to install hidden cameras in the City the Council could discuss the matter in a closed session. Mayor Daniels stated that the City had a similar closed meeting eight years ago when there were anthrax threats. Mayor Daniels asked how negotiations with groups such as the Hammons are classified. Attorney Petersen stated that these matters can fit into a few different categories depending on the specific issue. Sometimes the matters can be complicated because discussions take place in closed sessions, whereas decisions are made in open meetings. Attorney Petersen explained that no formal action, ordinances, resolutions, rules, regulations, contracts or appointments may be done in a closed meeting. They cannot interview a person applying to fill an elected position in a closed meeting. The Commission would almost never have a reason to have a closed meeting unless Attorney Petersen is present and it involves litigation.

Attorney Petersen explained that the statute requires all public meetings be recorded. There is no statutory requirement to have meetings streamed. Pleasant Grove has chosen to set up streaming service for the citizens. Minutes are also required and must include the date, time, and place of the meeting, members present, the substance of what was discussed, and a record of the votes taken. Minutes do not have to be word for word and can simply be a short synopsis of what was discussed. Minutes also must include the name of anyone who speaks at the podium.

Records of closed meetings are similar to those that are kept for open meetings. The City must keep minutes and have meetings recorded. The documents are classified as protected under the Government Records Access Management Act and are not open to the public. However, they still need to be maintained. If challenged, they can be released pursuant to a court order or a ruling by the State records committee. The only time a recording does not need to be kept is when they are discussing the deployment of security of devices or the physical or mental health of an individual. In those two instances, there is an affidavit that must be signed stating that those were the only issues discussed in the closed meeting.

Last, Attorney Petersen explained that violations of the Open and Public Meetings Act can be prosecuted as a Class B Misdemeanor. Examples of violations include disclosing information from closed sessions to others outside of the public body, holding a meeting with a quorum without proper notice, and not keeping the required audio or minutes are not taken (barring technical difficulties).

Council Member LeMone asked about the timeframe for posting the audio and minutes. Attorney Petersen responded that State Statute requires the City to define a policy in terms of a deadline for

posting minutes. Recorder Kresser noted that they have 30 days to approve and post minutes to the City's website. The audio needs to be posted online within 48 hours. Mayor Daniels asked what the purpose is for the written minutes. Attorney Petersen stated that written minutes are the official record of what occurred at the meeting. If someone challenges an action, the written minutes will be used before reviewing any audio or visual recordings. Attorney Petersen stated that the City's minutes are much more detailed than other municipalities.

Commissioner Adams asked if the State statute requires participants to state their address in addition to their name. Attorney Petersen answered in the negative. As a practice, speakers are asked to state their address so that they can know whether the comments are coming from a resident. Council Member Stanley also suggested that residents identify their relationship to the project is as well since it can help identify potential conflicts of interest. Attorney Petersen stated that the Chair can add questions of their choosing.

Mayor Daniels asked if the Mayor and two Council Members constitute a quorum. Attorney Petersen answered in the negative. Council Member LeMone asked about the Chamber Luncheon and it was reported that this is a social gathering and does not constitute a meeting. Attorney Petersen stated that Council Members can interact outside of meetings as long as they are not talking about City-related business. Mayor Daniels asked what the subpoena rule is when he uses his personal equipment to send City correspondence. Attorney Petersen stated that if Mayor Daniels is using personal equipment for City business, the equipment can be subpoenaed. There was then discussion on what types of emails should be saved.

Recorder Kresser noted that the minutes are a permanent record, whereas recordings only have to be kept for two years. After two years, the audio files are destroyed.

9) **REVIEW AND DISCUSSION ON THE JULY 5, 2016 CITY COUNCIL MEETING AGENDA**

The agenda for the aforementioned meeting was briefly reviewed and discussed. Mayor Daniels stated that there will be at least one Board appointment and that Council Members should have received biographies on those individuals. It was briefly noted that Items 9A and 9B pertain to Code amendments, and 9B specifically is related to Waivers of Protest regarding design standards. 10B is a contract for New Auditors. Director Roy noted that the State Auditor's Office suggested several years ago that cities put out an RFP every five to seven years for new auditors. This year was an appropriate time for Pleasant Grove to do so. After putting out an RFP, the City received responses from 10 firms. Administrator Darrington and Director Roy interviewed the top three and selected the firm they felt would be the best for the City.

10) **PLANNING COMMISSION BUSINESS**

There was no further Planning Commission business.

11) **NEIGHBORHOOD AND STAFF BUSINESS**

Library and Arts Director, Sheri Britsch, stated that in reviewing reports, on their highest traffic volume days the Library checks out 2,600 books. Mayor Daniels asked to be provided with data on how often they are turning over inventory.

12) MAYOR AND COUNCIL BUSINESS

Council Member Andersen expressed an interest in being involved in a Strawberry Days Review Meeting with several specific individuals. She also noted that she will be out of town for several days. Mayor Daniels agreed that it would be good to set up a time to discuss Strawberry Days. Staff and the elected officials discussed how to proceed in arranging this discussion.

Council Member Stanley invited all to attend a Rotary Club Luncheon at Chubby's the following day where David Larson will be speaking about City affairs.

Mayor Daniels stated that the Public Safety Building Committee is expecting a report from Scott Wilkinson of Think Architecture on Wednesday, July 6 at 7:00 p.m. It was noted that this will be one of three meetings that will take place relative to the process with Think Architecture. Think Architecture will be providing an estimate of each of the proposals with 90% accuracy on final costs. Input will be allowed from both the Council and the public.

13) SIGNING OF PLATS

There were no plats signed.

14) REVIEW CALENDAR

There were no further calendar items.

15) CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. (UCA 52-4-205 1 (c)) AND TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL (UCA 52-4-205 (1)(a))

Mayor Daniels called for a motion to go into a closed meeting to discuss pending or reasonably imminent litigation and the character, professional competence or physical or mental health of an individual.

ACTION: At 9:20 p.m. Council Member Stanley moved to adjourn to an Executive Session to discuss pending or reasonably imminent litigation and the character, fitness, mental health, and professional competence of an individual. Council Member Walker seconded the motion. The motion passed with the unanimous consent of the Council.

Present:

Mayor: Michael W. Daniels

Council Members: Dianna Andersen
Eric Jensen

Cyd LeMone
Ben Stanley
Lynn Walker

Staff:

Scott Darrington, City Administrator
Tina Petersen, City Attorney
Kathy Kresser, City Recorder

ACTION: At 10:25 p.m. Council Member LeMone moved to come out of the Closed Meeting and go back into regular City Council session. Council Member Walker seconded. The motion passed with the unanimous consent of the Council.

Mayor Daniels reported that there was no further action from the Council and called for a motion to adjourn.

16) ADJOURN

ACTION: Council Member Stanley moved to adjourn. Council Member Walker seconded. The motion passed with the unanimous consent of the Council.

The minutes of June 29, 2016 Joint City Council and Planning Commission meeting were approved by the City Council on August 2, 2016

The minute of the June 29, 2016 Joint City Council and Planning Commission meeting were approved by the Planning Commission on _____

Kathy T. Kresser, City Recorder

Levi Adams, Planning Commission Chair

Barbara Johnson, Planning Tech

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