

Pleasant Grove City Council Minutes
February 17, 2009
7:00 p.m.

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Mark K. Atwood

Cindy Boyd

Bruce Call

Lee Jensen

Jeffrey D. Wilson

Excused:

Ken Young, Comm. Dev. Director

Deon Giles, Leis. Services Director

Marc Sanderson, Fire Chief

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Tina Petersen, City Attorney

Richard Bradford, Economic Dev. Director

Lynn Walker, Public Works Director

Tom Paul, Police Chief

Sean Allen, City Planner

Degen Lewis, City Engineer

Libby Flegal, NAB Chair

Milt Fugal, Board of Adjustment, Vice Chair

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 Boyd, Atwood, Jensen, Wilson and Call were present.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Max Atwood.

3. OPENING REMARKS

Opening Remarks were given by Council Member Atwood.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels stated that there will be a short executive session to discuss imminent or pending litigation (UCA 54-4-205(1)(c)). The Mayor asked if there were any other corrections to the agenda. There were not.

ACTION: Council Member Wilson moved to approve the agenda. Council Member Call 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 February 3, 2009
- b. To consider approval of paid vouchers (February 10, 2009)

The Mayor asked for a motion on the consent agenda

ACTION: Council Member Jensen moved to approve the consent items. 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.

Landon Lindstrom, Library Board Representative introduced a new initiative that their Board is launching to increase the effectiveness of their communication and involvement with the community. The library currently uses several different means, their marquee, website, newsletter and word of mouth to communicate some of the events and activities that happen at the library. They are now introducing an "opt-in" email program where members of the community elect to receive emails from the library which would list activities, book reviews and different content that would facilitate more involvement of the community with the library. Library Representative Lindstrom then had samples of the first draft of the monthly E-Newsletter passed out. This newsletter will be in a format that can easily be linked to various online resources such as the City website. This link allows members to reserve books and browse the catalogs. Library Representative Lindstrom stated that the purpose is to target that audience which is already interested in the library to utilize their resources and to spread this information out. There is an email address set up through the City (library@pgcity.org) that would send and receive emails of those who subscribe. There is also a page on the library website that allows users to sign up to this new program. Library Representative Lindstrom encouraged everyone present to sign up stating that this program is their opportunity to keep community members up to date and more involved in the activities and events going on at the library.

Mayor Daniels made the comment that this was an excellent program; it shows really good initiative on the part of the library. Mayor Daniels also commented that his family does use the

library website to reserve books and is impressed with the fact that it is so accessible to them at their convenience.

Mayor Daniels stated that next week on February 24th, the City Council Work Session meeting will be moved to the location of Pleasant Grove Junior High School in anticipation of the higher number of attendees expected. Mayor Daniels asked Libby Flegal, NAB Chair to inform the neighborhood chair people of the location change.

7. BUSINESS:

A. PRESENT SERVICE AWARDS TO BOARD OF ADJUSTMENT MEMBERS: CORAL TWIGGS, RON NIELSON AND DAVID SCHOUTEN.

On presenting the service awards, Mayor Daniels acknowledged that there are people who step forward to serve the community often this service is unknown to the community and that the tasks they perform at times are legally binding so this type of work can be intimidating for the “lay” person to serve in this capacity. Mayor Daniels stated that we have been fortunate to have these three people from our Board of Adjustment and as they are retiring we would like to take this time to recognize them for the years of service they have provided.

Mayor Daniels asked that the audience reward them with a warm round of applause as he presented each with a plaque. The mayor then presented service award plaques to David Schouten, Coral Twiggs and Ron Nielson.

B. PUBLIC HEARING TO CONSIDER APPROVAL OF AN ORDINANCE AMENDING THE COMPENSATION SCHEDULE FOR THE ELECTED OFFICERS, STATUTORY OFFICERS AND APPOINTED MUNICIPAL OFFICERS OF THIS MUNICIPALITY.

Mayor Daniels explained that there are certain positions in a city that you have to set the salary ranges in a public meeting, by ordinance. The Mayor explained that in 2007 this was not done so this is why we are taking care of this item; it was done in the budget but was not adopted by ordinance. He then stated that this will have to be addressed again with the 2009 adjustment of salaries.

Attorney Petersen introduced the ordinance which is described by state statute § 10-3-818, that requires all elected and statutory officers of a municipality to have the compensation for their services set by ordinance; a specific compensation amount can be adopted or a compensation schedule. Attorney Petersen stated that such compensation schedules must be adopted by ordinance and it has to be adopted at a public hearing. We are required to give seven days notice of the public hearing, anyone here can comment on the proposed ordinance and the proposed compensation schedule. The salary range schedules that are presented in this ordinance are based on a salary survey which was done throughout the state in 2007 and the compensation ranges are set pursuant to that salary survey for the respective officers and appointed officers. Attorney Petersen pointed out that no one is receiving a salary increase with this ordinance, it is just establishing a salary range for these officers.

Mayor Daniels then clarified that this is public information, if anyone is interested in the salaries of the officers there is a state website that makes this information available.

Attorney Petersen then noted that in the previous ordinances the salary schedule was set but in the interest of full disclosure and in keeping with the strict requirements of the law there are two new subsections that are added in this ordinance; 1.) Subsection three clarifies the fact that the City intends to apply the longevity increases that are mentioned in the policy and procedure manual, 2.) Subsection four, the policy manual allows for the opportunity with the approval of the Council, for individuals to receive either travel allowances or vehicles used as part of a compensation package; this is different than the standard use of a City vehicle with a City logo on it for City business, that option is available it is something that the Mayor and City Council must approve. Attorney Petersen has added this as an option in this ordinance.

Mayor Daniels asked if there were any comments or questions.

Council Member Wilson pointed out that on the range of the Financial officers it lists the maximum salary at ninety five thousand dollars and asked if it could be corrected to ninety eight thousand five hundred dollars which is what the actual salary currently is.

Mayor Daniels stated that was because of the increases and that it could be changed with the agreement of the Council.

Attorney Petersen explained that the understanding is on the salary range from the 2007 salary schedule arranged for the Finance officers, it's a low of sixty four thousand five hundred eight seven dollars and the high was ninety three thousand five hundred forty three dollars, a cushion was built in rounding it up to ninety five thousand dollars. The current salary for that position is higher than ninety five thousand dollars, the reason being that the longevity is applied.

Council Member Jensen stated that he did not understand why the salary can be increased because of longevity, even with longevity it has to be within that range; therefore all of the ranges would need to be adjusted to make sure longevity falls within the salary range. Council Member Jensen then asked if we would be out of compliance if longevity takes the individual out of the salary range.

Mayor Daniels stated that there is a mechanism in place for the particular salaries that have to be set by ordinance, there is an overlap when there is a situation where an individual falls under the ordinance and the longevity clause.

Attorney Petersen then clarified the intent, stating that the statute requires that either the compensation or a compensation schedule is set which would give anyone the opportunity to see how much potentially the position could make. The salary ranges are set pursuant to a survey for each individual office. The longevity increase was added which shows exactly how much it is in order to disclose to the public that we intend to apply this longevity increase to these positions. The exact steps and percentages are found in the personnel policy manual which the ordinance refers to.

Mayor Daniels stated that what was done was that a clause was built in to cover the longevity, but to look at this as a short term clause because in the event, the overall compensation of the

position should be looked at to determine whether or not the competitive nature of the position has changed in the market. Mayor Daniels also stated that if you are to look at the longevity after so many years that individual should receive something. The Mayor pointed out that this is a 2007 schedule and that it is going to come back and be re-addressed in July.

Council Member Jensen asked how many people are there who have hit the longevity mark. Attorney Petersen stated that there was only one Director in longevity and that was the Finance officer.

Mayor Daniels stated that discussion of longevity in the budget meeting concerned three individuals reaching the maximum and there needed to be something in place to compensate them.

Director Clay stated that there were two individuals in the Police Department and one in Public Works.

Council Member Atwood stated that the salary step program helps individuals stay within their range.

Mayor Daniels stated that having the range shows that at that point in time this is what the market said. Mayor Daniels pointed out that we have not yet completed the 2009 salary survey and it will be addressed and completed when the new salary ranges are presented.

Council Member Boyd asked if Attorney Petersen had more information on a resolution that was going to address the approval of raises and transparency in salary and benefits that was discussed last week.

Attorney Petersen stated that it will be ready for the Work Session meeting on March 10th because the time in this next Work Session meeting on February 24th will be used for the discussion of the accessory apartments.

Mayor Daniels stated that the language in subsection four of this ordinance regarding the travel and vehicle use seems more restrictive than the rest of the items.

Attorney Petersen pointed out that that actually came out of the policy and procedures manual. Attorney Petersen then stated that the ordinance that sets the salary and the travel allowance and the vehicle as a part of your compensation package is over and above the salary.

Council Member Wilson asked for an explanation of which positions this does affect.

Attorney Petersen stated that for certain positions its common to either give them a travel allowance as part of their compensation package, they use their personal vehicle on city business or they are at an executive level and its part of what's customary and normal in the market place to provide a travel allowance, or the other option of being given a vehicle as part of their compensation package. If these options are offered they have to be approved through the Mayor and Council.

Council Member Jensen asked in regards to item six, the mileage portion, if the city was using the Federal Government guidelines to establish that.

Mayor Daniels and Attorney Petersen both replied yes.

Mayor Daniels stated that the point Attorney Petersen is trying to make is that the purpose of this ordinance is to disclose what all of these positions are receiving in terms of compensation. The difficulty faced is when you start getting into exact figures and how they are calculated this is not the right forum to do that, this document is not designed for that. It's designed to specify that there is that type of compensation.

The Mayor then asked Attorney Petersen about a section in the ordinance that was discussed regarding a Director having the leeway to give a person more than one step increase.

Attorney Petersen stated that that would not be in this ordinance because it does not apply to appointed officials and statutory officers. If a Director is given that discretion it should be in the policy manual. Attorney Petersen stated that she had checked in our current policy manual and it is not in there.

Mayor Daniels then said that would be another item to be looked at.

Mayor Daniels then opened up the meeting for public discussion. Nothing was brought up for discussion. The Mayor then closed the meeting to the public.

ACTION: Council Member Wilson moved to approve Resolution No. 2009-03, amending the compensation schedule for the elected officers, statutory officers and appointed municipal officers of this municipality, striking the typographical error in Section three. A public hearing was held. Council Member Jensen seconded and the motion passed with Council Members Atwood, Wilson, Jensen, Boyd and Call voting "Aye."

The Mayor then commented favorably on having more transparency and oversight when it comes to any unusual increases for the officers listed in this ordinance or any City employee that may receive an unusual increase in any one given year. That these items be brought to the Council so that they are aware of what the recommendations are. Mayor Daniels stated that he was in favor of this because it removes any doubt that it was done in the open and the entire City Council is able to review it.

8. STAFF BUSINESS

- Engineer Lewis stated that both road projects are going well.
- Director Bradford mentioned that the Economic Development Board will be meeting tomorrow to discuss zoning along Center Street.
- Director Walker stated that the Insituform contractor satisfactorily completed the project today.

- Administrator Mills mentioned that there will be a meeting next Monday, February 23rd at 5:30 p.m. of the Strawberry Days Committee and that two volunteers from the Council are needed.
- Mayor Daniels asked the Council for volunteers and Council Members Call and Jensen were assigned.

9. MAYOR AND COUNCIL BUSINESS

- Council Member Call stated that he will not be attending the Work Sessions meeting on February 24th.
- Council Member Wilson mentioned two things, first to thank the Directors for the hard work on the budget cuts and asked if it were possible to know where the cuts were made in the event that he were to be asked by a member of the community. Director Clay said that he did have that information and would make sure that he got it. Secondly, Council Member Wilson asked if there was something that could be done about Attorney Petersen's car in the next budget.
- Mayor Daniels stated that he had sent an email to distribute a file with the actual language for the American Recovery and Reinvestment Act of 2009; this act was approved by President Obama today. This act outlines all of the different areas that the Congress and the Senate have approved for the seven hundred and eighty seven billion dollars in stimulus money. Mayor Daniels explained that the reason this is important for the City is that there is an opportunity within this stimulus package to obtain the money needed for several of the projects lacking funding that have been in the works for several years. The Mayor stated that he has put a list together and went on to mention the need to get a building created to house the Fire Department's new ladder truck. The Mayor asked the Council Members to become familiar with this list and that they will be meeting to decide on the few projects that will be submitted. Mayor Daniels said that the staff is putting the language and the numbers together so that we know what we will be asking for and this needs to be presented within the next two weeks, this act went into effect today and it is basically on a first come first serve basis. Council Member Jensen asked if the roads would come under this act at all. Mayor Daniels stated that the roads come under a totally different budget. Mayor Daniels explained that he preferred to limit the number of Council Members to only two that will be in attendance with the Senators and Congressmen.

10. SIGNING OF PLATS

No plats were signed.

ACTION: At 7:54 p.m. Council Member Wilson moved to go into an executive session to discuss imminent or pending litigation (UCA 54-4-205(1)(c)). Council Member Jensen seconded and the motion passed unanimously by voice with Council Members Atwood, Boyd, Wilson, Jensen and Call voting, "Aye."

PRESENT:

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Lynn Walker, Public Works Director

Sean Allen, City Planner

Milt Fugal, Board of Adjustment, Vice Chair

ACTION: At 8:04 p.m. Council Member Wilson moved to close the executive session to discuss imminent or pending litigation (UCA 54-4-205(1)(c)). Council Member Atwood seconded and the motion passed unanimously by voice with Council Members Atwood, Boyd, Wilson, Jensen and Call voting, "Aye."

14. ADJOURN

ACTION: At 8:04 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 February 17, 2009 are a true, full and correct copy as approved by the City Council on March 17, 2009.

Colleen A. Mulvey, Deputy Recorder